



## UNDERSTANDING LOCAL ALCOHOL CONTROL IN WISCONSIN: Building a Database of Local Municipal Alcohol Policies

Felice F. Borisy-Rudin, Robert MacKenzie, Maureen Busalacchi, and  
Constance Kostelac


### Abstract:

In Wisconsin, many alcohol policies are regulated at the local level. To examine the relationship between local policies, alcohol use and health outcomes, our team developed a database to collect local alcohol policies. Initial results highlight differences in how policies are defined, enforced, and made available to the public.

### Introduction

Although alcohol beverages are legal to drink in most parts of the world and often considered socially acceptable, excessive alcohol consumption contributes substantially to morbidity and mortality worldwide. According to the World Health Organization (WHO), alcohol is a toxin and carcinogen, a psychoactive and addictive substance. Its consumption is connected to over 200 types of disease and injury, accounting for approximately 5.1% of the burden of disease and injury across the world, and over 3 million deaths per year.<sup>1</sup> In the U.S. alone, excessive alcohol use was estimated to cause over 178,000 deaths per year from 2020 to 2021.<sup>2</sup>

Wisconsin exceeds the U.S. national average for excessive alcohol consumption, particularly binge drinking.<sup>3</sup> The Centers for Disease Control and Prevention (CDC) defines binge drinking as consuming “5 or more drinks on an occasion for men or 4 or more drinks on an occasion for women.”<sup>4</sup> The Wisconsin Department of Health Services (DHS) estimates that 21.9% of adults living in Wisconsin binge drink at least once a month, compared to 15.3% nationwide as of 2021.<sup>5</sup> The frequency and intensity of alcohol use has created a significant public health problem in Wisconsin. For example, there were over 35,000 emergency room visits recorded for chronic alcohol conditions in Wisconsin in 2021.<sup>6</sup> In 2022, 3,331 people in the state died due to an alcohol-attributable cause.<sup>7</sup>



As part of the Comprehensive Injury Center (CIC) at the Medical College of Wisconsin (MCW), the Wisconsin Alcohol Policy Project (WisAPP) provides technical assistance to communities working on primary prevention efforts to reduce excessive alcohol use. Communities request WisAPP to provide model ordinances, information on which alcohol policies are most effective for prevention and which municipalities are using them. The work of WisAPP is also supported by the CIC's Division of Data Analytics and Informatics (DASI) through data collection and analysis.

This team initiated a multi-part legal epidemiology project to better understand how local alcohol policies in Wisconsin are related to alcohol use and its associated harms. The effort is focused on collecting local alcohol policies, which for this purpose include formal written laws and regulations (ordinances, resolutions and guidelines), in a searchable database to provide a resource for comparison of those policies. The intent is to create a tool for analyzing the relationship between local policies, alcohol use and health outcomes across the state, as well as to understand how the policies are put into practice. This paper describes the initial development of the Wisconsin Local Alcohol Policy Database (WLAPD) as a tool for collecting and analyzing alcohol policies in Wisconsin.

### Background of Wisconsin Alcohol Regulation

In the United States, alcohol sales are controlled through a system of federal, state, and local laws and regulations. At the federal level, the Alcohol and Tobacco Tax and Trade Bureau (TTB) is authorized to regulate many aspects of alcohol production and sales including federal excise taxes, labeling and formulation, advertising, importation, and exportation.<sup>8</sup> However, most of the regulation of alcohol sales to consumers occurs at the state or local level. The Twenty-First Amendment provides states with the ability to make laws taxing and controlling the sale and use of alcohol beverages within their borders.<sup>9</sup> Enforcement of state alcohol laws falls within the police power reserved by the Tenth Amendment.<sup>10</sup> Currently, thirty-three states including Wisconsin license private businesses or individuals to conduct all sales of alcohol beverages, both wholesale and retail, while the other seventeen states have some form of a state-run system.<sup>11</sup>

Wisconsin law supports use of a three-tier system for regulation of alcohol beverages, covering producers, wholesalers, and retailers, but with many exceptions.<sup>12</sup> In Wisconsin, alcohol beverage production and wholesale are regulated through a state-level permit system, while most alcohol beverage retailers (e.g., stores, restaurants, and bars) are licensed locally.<sup>13</sup> As a result, Wisconsin has a hybrid system for alcohol regulation that has not been sufficiently studied to understand how specific policies relate to alcohol-related outcomes.<sup>14</sup>

The Wisconsin Statutes provide municipalities (cities, villages, and towns) with authority for local control of alcohol retail licensing and sales, and grant municipalities and counties the ability to regulate public consumption and possession of alcohol.<sup>15</sup> Regulation of retail alcohol sales is “a matter of local concern” and an exercise of the municipality's police powers that may only be

limited by express statutory language.<sup>16</sup> Wisconsin has 1,851 municipalities, each of which may enact alcohol-related ordinances, thereby resulting in heterogeneity in alcohol regulation across the state.<sup>17</sup> Municipalities also differ in how those formal policies are implemented in terms of enforcement and local practices. In addition, they vary in how they make their policies available to the public, and alcohol policies can be found in a variety of sections of municipal code.

### Development and Framework for the Wisconsin Local Alcohol Policy Database

Prior to developing the WLAPD, we examined the Alcohol Policy Information System (APIS) created by the National Institute on Alcohol Abuse and Alcoholism which addresses alcohol policies across states.<sup>18</sup> While APIS compares alcohol policy topics at the state level, it does not delve into local policies. The WLAPD is intended to understand variations in local alcohol policy in Wisconsin.

Table 1

#### Local Policies Reviewed for Wisconsin Local Alcohol Policy Database

##### **A. ADOPTION OF WIS. ALCOHOL LAW**

1. Wis. Stats. Chapter 125 adopted
2. Amendments to Ch. 125 adopted

##### **B. PREVENTION OF UNDERAGE DRINKING**

3. Social host law adopted
4. Social host law conforms to statutes
5. Prohibits underage possession/drinking
6. Underage possession/drinking conforms to statutes
7. Prohibits fake ID
8. Fake ID law conforms to statutes
9. Prohibits providing/selling alcohol to underage person
10. Providing/selling law conforms to statutes
11. Prohibits internal possession of alcohol by an underage person

##### **C. LOCAL LICENSING PROCESS**

12. Prohibits any classes of alcohol retail license
13. Criteria for granting new alcohol licenses
14. Requires detailed description of premises
15. Requires site map for license application
16. Considers density or concentration of alcohol outlets or licenses
17. Has quotas or concentration limits on alcohol licenses other than those imposed by state law
18. Defines alcohol outlet density
19. Restricts alcohol outlet density
20. Requires municipal departments to provide information for the license review
21. Assesses application fees (in addition to license fees)
22. Process for notifying public of applications
23. Attaches conditions to new regular licenses
24. Written policy for reviewing proposed expansions to licensed premises
25. Imposes by ordinance stricter closing hours on licensees than those required by statute

##### **D. TEMPORARY LICENSES & FESTIVALS**

26. Attaches conditions to temporary licenses
27. Regulates wine walks
28. Regulates beer walks

##### **E. LOCAL REGULATION OF LICENSEES**

29. Guidelines/criteria for disciplining licensees
30. Requires servers to be sober
31. Requires servers to be of legal drinking age
32. Requires managers' licenses
33. Requires responsible beverage server training for managers
34. Requires use of ID scanners
35. Prohibits consumption-based drink specials
36. Prohibits beer bongs
37. Prohibits drinking competitions
38. Defines growlers
39. Requires kegs registration
40. Prohibits pharmacies from selling alcohol beverages
41. Prohibits gas stations/charging stations from selling alcohol beverages
42. Bans single-serving containers or single-use containers at gas stations/charging stations
43. Regulates/prohibits alcohol tastings in stores
44. Regulates/prohibits curbside alcohol pick-up
45. Regulates or prohibits remote alcohol beverage delivery

##### **F. REGULATION OF PUBLIC USE**


46. Regulates commercial quadricycles
47. Regulates or prohibits alcohol consumption on public sidewalks or streets
48. Bans or limits open intoxicants
49. Prohibits or limits alcohol beverages in public parks or recreational areas

##### **G. REGULATION OF ADVERTISING**

50. Regulates signs on municipal property
51. Prohibits placement of alcohol advertising on mass transit vehicles and property
52. Regulates low-height advertising by stores
53. Regulates billboard size, location or media
54. Limits amount of signage covering windows
55. Requires clear line-of-sight from window to cash register/check-out area

##### **H. ETHICS**

56. Has an ethics code for municipal officials



In selecting policies for data collection, we drew on several reports that reviewed policies and created recommendations for reducing excessive alcohol use, including Thomas Babor's Alcohol: No Ordinary Commodity<sup>19</sup>; the State Performance & Best Practices for the Prevention and Reduction of Underage Drinking Report<sup>20</sup>; and the State Council on Alcohol and Other Drug Abuse (SCAODA) report Moving Forward: Policies and Strategies to Prevent and Reduce Excessive Alcohol Use in Wisconsin.<sup>21</sup> We also used a WisAPP tool for conducting inventories of municipal alcohol policies.<sup>22</sup>

In total, we identified 56 policies related to local alcohol regulation, in eight categories: (1) adoption of Wisconsin alcohol law; (2) prevention of underage drinking; (3) local licensing process; (4) temporary licenses and festivals; (5) local regulation of licensees; (6) regulation of public alcohol use; (7) regulation of advertising; and (8) adoption of an ethics code (Table 1). Some of the policies selected are broad, with room for a wide level of policymaking, while others are highly specific. In addition, we have a section for determining the extent to which various policies are being used or enforced in practice.


A database was developed in REDCap to track local policies.<sup>23</sup> Data collection includes whether the municipality has the policy in place, and if so, collects a citation to the code, ordinance, resolution, or other guidance, and website link, if available. Several dates are also collected depending on availability: policy enactment, most recent revision, and date of entry or modification into the database.

### Using the WLAPD

After constructing the framework, we collected policies for Wisconsin's largest cities (Milwaukee, Madison, and Green Bay) and for communities where WisAPP was already providing technical assistance. Noting that many rural communities had elevated levels of alcohol harms but little engagement with WisAPP, we designed a pilot project to focus on rural northern Wisconsin to test the functionality of the WLAPD database. We selected six counties based on the following factors: northern third of Wisconsin, not adjacent to another state, and maximum variation of population density. The counties varied in binge drinking rates from 18.8% to 22.7% and alcohol attributable death rates from 58.0 to 94.7 per 100,000 persons between 2018 and 2022. Separately, we collaborated with another county on an inventory of its policies and provided access to the WLAPD. In total, to date, we have entered policies for 63 municipalities and counties into the WLAPD, with plans to expand.

**Initial results indicate that alcohol law is handled differently based on municipality class. In Wisconsin, many towns and some villages rely on their county for adopting and enforcing alcohol-related laws, while cities often adopt their own policies.**

While towns have the right to grant alcohol licenses, many of them do this without ensuring compliance with state and local law. In addition, by relying on the county for enforcement of underage drinking laws, they leave the enforcement to sheriff's departments that have wide responsibilities for enforcement across the county.



Municipalities also vary greatly in how they share information with the public about their policies. In rural areas of Wisconsin, there are locations where the internet is not yet fully adopted for sharing governmental information. Many rural municipalities do not have policies posted online and some do not have websites. For municipalities that post policies online, there is not one consistent way policies are made publicly available. Methods include static documents, searchable local websites, or links to one of several commercial databases. Finally, even for those municipalities that post their code online, the alcohol policies can be found in multiple locations within that code, including chapters on liquor, fermented malt beverages, public safety, parks, zoning, buildings, and ethics. Lack of consistent information creates challenges for enforcement and compliance. These challenges reinforce the value of centralizing alcohol policy information through WLAPD.

### Lessons Learned: Goals and Future Directions for the WLAPD

Going forward, the intent is to substantially increase the number of jurisdictions and policies included in the WLAPD to conduct a variety of alcohol-related legal epidemiological research studies and support local prevention efforts. Our hypothesis is that certain alcohol policies and practices will be more strongly associated with lower levels of excessive alcohol use and other alcohol-related outcomes in Wisconsin. Our goal is to analyze local policies and practices in relation to enforcement, alcohol use, and health outcome data to help us better advise communities seeking to implement policies to reduce excessive alcohol use and implement prevention measures to reduce negative alcohol-related health outcomes.

### Notes

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Felice Borisy-Rudin, J.D., Ph.D. is an Assistant Professor in the Department of Pharmacology and Toxicology and Policy Analyst for the Wisconsin Alcohol Policy Project at the Comprehensive Injury Center of the Medical College of Wisconsin, Milwaukee, Wisconsin, and Municipal Judge for the Village of Shorewood Hills. Robert MacKenzie, M.A., is a Research Analyst for the Comprehensive Injury Center, Division of Data Analytics and Informatics with the Medical College of Wisconsin. Maureen Busalacchi is the Director of the Wisconsin Alcohol Policy Project at the Comprehensive Injury Center of the Medical College of Wisconsin and President-elect of the Wisconsin Public Health Association. Constance Kostelac, Ph.D., M.S. is an Assistant Professor in the Institute for Health and Equity, Division of Epidemiology and Social Sciences and Director of the Division of Data Analytics and Informatics, Comprehensive Injury Center with the Medical College of Wisconsin.



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