



NCSLA 2020 ANNUAL VIRTUAL CONFERENCE

2020: *Regulatory and Industry Innovation through Crisis*

June 16-17, 2020

BUSINESS AGENDA (All times are *Pacific*.)

DAY 1: June 16, 2020 – Members Only

11:00 am – 11:10 am: Welcome – NCSLA President Anna Hirai

11:10 am – 12:10 pm: **LEGAL UPDATE**

The Legal Update will survey key federal and state judicial decisions issued in 2019 and 2020 relevant to regulation of the alcohol industry. Handout materials will include a compendium of cited cases, decision summaries and commentaries. The virtual broadcast presentation will focus on alcohol law-related court cases including the following:

- **Tennessee Wine & Spirits Retailers Association v. Thomas** – Whether the 21st Amendment empowers states, consistent with the dormant commerce clause, to regulate liquor sales by granting retail or wholesale licenses only to individuals or entities that have resided in-state for a specified time? (Decided by SCOTUS)
- **Lebamoff Enterprises, Inc. v. Whitmer et al.** – Whether Michigan may permit its retailers to offer at-home deliveries within the State while denying the same option to an Indiana retailer who does not have a Michigan retail license? (Decided by US Ct. App for 7th Circuit)
- **Missouri Broadcasters Association v. Schmitt** - Whether several Missouri alcohol beverage advertising restrictions violate the plaintiffs' commercial speech rights protected by the First Amendment to the US Constitution? (Decided by US Ct. App for 8th Circuit)
- **Connecticut Fine Wine & Spirits, LLC v. Seagull** –Whether SCOTUS would grant certiorari to a retailer challenging the *en banc* decision of the US Court of Appeals for the Second Circuit rejecting the retailer's challenge to three aspects of the Connecticut Liquor Control Act – (i) a "post and hold" requirement, under which every wholesaler must publish its case and bottle prices monthly and then maintain those prices for a full month; (ii) a minimum bottle retail price requirement, in which wholesalers through their posted-and-held bottle prices, set minimum retail prices; and (iii) a prohibition against quantity discounts -- arguing that taken together these state alcohol laws authorize and mandate industrywide horizontal and vertical price fixing among Connecticut wholesalers and retailers, in violation of Section 1 of the Sherman Act? (Decided by SCOTUS)
- **Orion Wine Imports, LLC. v. Appelsmith** – whether out-of-state businesses, such as Orion Wine Imports, should be permitted to bypass California's preferred method of regulating alcoholic beverages and sell directly to California retailers. The plaintiffs said that the system improperly burdens out of state businesses and favors in state businesses? (U.S. Dist. Ct. for Eastern Dist. Of California)

Presenter – RICHARD M. BLAU, Esq.

Chair, Alcohol Beverage and Food Department, GrayRobinson, P.A., Tampa, FL



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DAY 1 (cont.): June 16, 2020 – Members Only

12:10 pm – 12:20 pm: **Break**

12:20 pm – 1:20 pm: **ANNUAL BUSINESS MEETING**

ALL MEMBERS (state and associate) are encouraged to stay online following the Legal Update for NCSLA's first virtual annual business meeting. We will take advantage of video conferencing technology to closely approximate the dynamics of the in-person meeting as participation at the annual business meeting is an important part of the NCSLA conference tradition. You will be updated on the organization's current financial status, membership, and important corporate governance changes. On a lighter note, find out about upcoming annual conference plans and this year's inductees into the NCSLA Hall of Fame.

1:20 pm – 1:30 pm: Closing Remarks – NCSLA President Anna Hirai

DAY 2: June 17, 2020 – Members and Non-Members

11:00 am – 11:10 am: Welcome – NCSLA President Anna Hirai

11:10 am – 12:00 pm: **PANEL #1 TEMPORARY REGULATORY RELIEF IN CRISIS**

The COVID-19 crisis has severely impacted the alcohol beverage industry. State and federal regulators have taken unprecedented actions in response. TTB and most states have generously issued temporary regulatory relief designed to support the industry, while maintaining their commitment to protect their communities through regulation. Join us for an in-depth look at how industry regulators are responding to the crisis and the process they had to follow to provide the much needed relief.

Moderator – CARRIE BONNINGTON, Partner, Pillsbury Winthrop Shaw Pittman LLP, Sacramento, CA

Panelists

- JACOB APPELSMITH, Director, California Alcoholic Beverage Control
- DEBBI BEAVERS, Director, Kansas Alcoholic Beverage Control Division
- TRAVIS HILL, CEO, Virginia Alcoholic Beverage Control Authority
- THOMAS PHILPOT, Chief of Staff, Florida Division of Alcoholic Beverages and Tobacco
- CHRISTOPHER THIEMANN, Distilled Spirits Program Manager, Alcohol and Tobacco Tax and Trade Bureau (TTB)

12:00 pm – 12:10 pm: **Break**



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DAY 2 (cont.): June 17, 2020 – Members and Non-Members

12:10 pm – 12:55 pm: **PANEL #2 INDUSTRY RESPONSE TO THE CRISIS**

While regulators have been hard at work crafting regulatory relief during the COVID-19 crises, industry has been equally challenged to adjust operations. Industry members have advocated for their interests, petitioning regulators and state executive officers, and communicating and collaborating on regulatory relief. Additionally, industry has made changes independent of regulatory relief to conserve resources and retain customers in these difficult times. While the pandemic has negatively affected many aspects of industry operations, this panel will demonstrate that crisis requires and inspires innovations that can help the industry survive, and hopefully even to emerge more adaptable, creative, and stronger.

Moderator – JENNA GIGUERE, Deputy Chief of Legal Services, Rhode Island Department of Business Regulation

Panelists

- JERRY DINALLO, Vice President of Legal, Regulatory and Trade Affairs, Diageo North America
- MICHAEL HALFACRE, Executive Director, Beer Wholesalers Association of New Jersey
- JAY LERDAL, Product Manager, National Restaurant Association
- BART WATSON, Chief Economist, Brewers Association

12:55 pm – 1:05 pm: **Break**

1:05 pm – 1:55 pm: **PANEL #3 HOT TOPICS**

The impact COVID-19 has had on the alcoholic beverage industry has been in the spotlight recently, but the industry continues to change, and notable developments continue to occur, independently of the ongoing pandemic. For example, courts have decided legal cases impacting and defining the parameters of the 21st amendment; and both the TTB and states continue to modernize and update laws and regulations to better reflect today's alcoholic beverage market. Join this panel for an update on some of this year's hot topics: the Sixth Circuit Lebamoff case, Kentucky's new DTC law, virtual tastings, and the new TTB labeling rules.

Moderator – CAROLINE O'CONNELL, Senior Counsel, Husch Blackwell LLP, Washington, DC

Panelists

- KIMBERLY FROST, Shareholder, Martin, Frost & Hill, P.C., Austin, TX
- STEVE HUMPHRESS, Attorney, Kentucky Department of Alcoholic Beverage Control
- JO MOAK, Sr. Vice President and General Counsel, Wine & Spirits Wholesalers of America
- TYLER RUDD, Central States Counsel, Wine Institute



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DAY 2 (cont.): June 17, 2020 – Members and Non-Members

1:55 pm – 2:10 pm: ***2020 REGIONAL CONFERENCES***

- Central/Western Regional Conference, Omaha, NE
- Northern/Southern Regional Conference, Richmond, VA

Presenter – ANNA HIRAI, NCSLA President

2:10 pm – 2:15 pm: Closing Remarks – NCSLA President Anna Hirai