

Blurred Lines in the Age of Alcohol Innovation

2022 Annual Conference

Overland Park, Kansas



BUSINESS AGENDA



SUNDAY, JUNE 19, 2022

- 1:00 P.M. – 5:00 P.M. **Registration/Help Desk: Sheraton Overland Park, Lobby Pillar**
- 5:30 P.M. – 8:45 P.M. **Shuttle service from the lower level of the Sheraton OP Hotel begins at 5:30 and runs continually until 8:45 pm.**
- 6:00 P.M. – 8:00 P.M. **Welcome Reception at [Museum of Prairie Fire, 5801 W. 135th Street, Overland Park](#)**

1st DAY – MONDAY, JUNE 20, 2022 - General Session: Cottonwood Ballroom, Sheraton Overland Park, Kansas

- 7:30 A.M. – 8:30 A.M. ***BREAKFAST: Leatherwood Ballroom***
- 8:30 A.M. – 9:45 A.M. **WELCOME: President Thomas Philpot and Kansas ABC Director Debbi Beavers**
PRESENTATION OF FLAG: Overland Park Police Department Honor Guard
NATIONAL ANTHEM / PLEDGE OF ALLEGIANCE
ROLL CALL: Executive Director Pam Frantz
- 9:45 A.M. – 10:00 A.M. ***MORNING BREAK: Cottonwood Pre-function Area***
- 10:00 A.M. – 11:00 A.M. **PANEL #1: The Age of Conflation and the Collapse of Three Tier: Manufacturers Becoming Retailers; Retailers Becoming Manufacturers. Where Does It End?**

What has been a slow creep for decades seems to have accelerated in recent years. For decades manufacturers have successfully expanded their privileges from simply producing alcoholic beverages to encompass direct to consumer retail activities. Yet they often don't have to follow the same rules that retailers are required to comply with. It seems a logical extension when access to markets is determined by whether or not a manufacturer can convince a wholesaler to carry their brands. However, many manufacturers have come to rely on direct access to consumers and continue to push legislatures to expand their ability to do so. The wine industry has been very successful in this respect. The beer and distilled spirits industries are currently proposing significant changes in their privileges to more fully participate in the national DTC marketplace. And now with many states making cocktails to go a permanent privilege for bars and restaurants, it looks like retailers are starting to engage in activities previously reserved to manufacturers. Why is it that a manufacturer that produces a pre-mixed cocktail has to comply with the myriad state and federal formula and labeling requirements? But a retailer that produces its own "signature cocktail" and sells it "to go" does not? Where is the line now drawn between manufacturers and retailers? Is there any rational public policy justification for regulating them differently when they are authorized to engage in the same activities?

- Moderator:** CARRIE BONNINGTON, Partner, Pillsbury Winthrop Shaw Pittman LLP (CA)
- Panelists:** KELLY ROUTT, Policy, Rules, and Public Records Advisor, Oregon Liquor and Cannabis Commission
ROBERT PINSON, Partner, Adams and Reese LLP (TN)
TOM WARK, Executive Director, National Association of Wine Retailers

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Conference Host:
Kansas ABC Division

1st DAY (cont.) – MONDAY, JUNE 20, 2022 - General Session: Cottonwood Ballroom, Sheraton Overland Park, Kansas

11:00 A.M. – 12:00 P.M.

PANEL #2: Blurring of Product Lines – Are RTDs the New Industry Disruptor?

RTDs have led the recent innovation and growth in the marketplace, and retail outlets have lobbied to get more access to these products from a variety of new distribution channels. But do these channels break down important safeguards in the industry? Join the panel for a discussion exploring what regulators and industry professionals should be mindful of as the marketplace innovates to accommodate the consumer demand for these products. Also, industry and regulators discuss new products that are comprised of controversial ingredients such as caffeine, hemp or sugar substitutes in alcoholic beverages, and their views about broader use of ingredients associated with a specific commodity. Public health and safety is at the core of the state's regulatory obligations and the panel will debate the balance of these regulatory boundaries and product innovation.

Moderator:

SHAUNA BARNES, Partner, Kaleo Legal (VA)

Panelists:

MICHELLE STONE-PRINCIPATO, Director, Colorado Liquor Enforcement Division

MARGIE A.S. LEHRMAN, CEO, American Craft Spirits Association (ACSA)

JO MOAK, Executive VP and General Counsel, Wine & Spirits Wholesalers of America (WSWA)

ROBERT "R.J." O'HARA, President, Flaherty & O'Hara, P.C. (PA)

12:00 P.M. – 1:00 P.M.

LUNCH: Leatherwood Ballroom

1:00 P.M. – 1:30 P.M.

PANEL #3: What's In a Label, and What Does Your Label Say About You? A bird's eye view of TTB and FDA labeling procedures and requirements.

The presenter will provide an overview of the basics of COLAs, SKUs, Labeling, and Brand Registration from federal to state requirements. She will discuss the rationale behind the requirements, the effects on industry, and share information about enforcement of brand registrations. This session provides important background for the next discussion on alcohol beverage labeling lawsuits so don't miss it!

Presenter:

ADENA SANTIAGO, Counsel, McDermott Will & Emery (DC)

1:30 P.M. – 2:30 P.M.

PANEL #4: Alcohol Beverage Labeling Lawsuits and the Balance between TTB and FDA Regulation

The panel will provide an overview of recent litigation against industry members involving marketing claims on labels and a summary of those beverages which are subject to FDA labeling requirements. The panelists will discuss the interplay between TTB and FDA regulation on labels, as well as some of the state level consumer protection laws involved in these cases. Finally, the panel will suggest some best practices to avoid problematic labels.

Moderator:

ELIZABETH DeCONTI, Shareholder, GrayRobinson, P.A. (FL)

Panelists:

CAROLINE ("CARRIE") MAY, Assistant Administrator, Field Operations, Alcohol and Tobacco Tax and Trade Bureau (TTB)

DOROTHY TAYLOR, State Supervisor, Missouri Division of Alcohol & Tobacco Control

ALVA MATHER, Partner, McDermott Will & Emery LLP (DC)

2:30 P.M. – 2:45 P.M.

AFTERNOON BREAK: Cottonwood Pre-function Area

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1st DAY (cont.) – MONDAY, JUNE 20, 2022 - General Session: Cottonwood Ballroom, Sheraton Overland Park, Kansas

2:45 P.M. – 3:45 P.M.

PANEL #5: Mystery Marketplace – The Variations of U.S. Alcohol Delivery Laws, Regulations, and Public Policy

Alcohol shipping has taken over the marketplace in nearly every state. Join our panel for a discussion on how e-commerce has created often unseen routes to market and to consumers. But who is shipping and delivering products and where? How well is your regulatory structure equipped to understand and effectively manage these often hidden transactions? They will also tackle subjects including impacted alcohol categories, on-premise and off-premise delivery, employee and independent contractor delivery, and common provisions located in a variety of state statutes and rules. Panelists will discuss the legal and public policy implications of restrictions relating to delivery radius, volume restrictions, record keeping requirements, scanning requirements, minimum training, age limitations for shoppers/delivery personnel, vehicle inspection, packaging/labeling, driver permit requirements, and compliance rates across license categories.

Moderator: ANNE JUNIA, Founding Partner, Powell Junia PC (IL)
Panelists: SUMMER CHILDERS, Licensing and Compliance Division Director, Alabama Alcoholic Beverage Control Board
MARBET LEWIS, Founding Partner, Spiritus Law (FL)
MARK SMITH, Director of State Government Affairs (South), Shipt, Inc.
WILLIAM TOMASZEWSKI, General Counsel, Wine.com LLC

3:45 P.M. – 4:45 P.M.

PANEL #6: Enforcement Strategies for Alcohol Home Delivery

As more states are allowing for home delivery of alcohol, how are alcohol compliance officers, police and regulatory agencies changing or adapting their enforcement strategies to ensure that deliveries are not made to restricted locations, to underage or intoxicated persons? How are retailers responding to the rapid expansion of this mode of doing business and the increased regulatory scrutiny? Join this esteemed panel as they discuss these issues and more, and offer suggestions on best practices.

Moderator: HOBERT RUPE, Executive Director, Nebraska Liquor Control Commission
Panelists: RODRIGO DIAZ, Chief Counsel, Pennsylvania Liquor Control Board
ERNEST LEGIER, Commissioner, Louisiana Office of Alcohol and Tobacco Control
JOHN YEOMANS, NLEA Past President and Delaware Director, Division of Alcohol & Tobacco Enforcement (DATE)
BEN HALPERT, Associate General Counsel-Regulated Products & Compliance, Gopuff
JAY LERDAL, Business Development Manager, National Restaurant Association

4:45 P.M. – 5:45 P.M.

TASTE OF KANSAS

6:00 P.M. – 10:00 P.M.

FREE EVENING TO DINE & EXPLORE

Continuous shuttle service to the [COUNTRY CLUB PLAZA](#), [LEGENDS OUTLETS SHOPPING AND DINING](#) or the [HOLLYWOOD CASINO AT KANSAS SPEEDWAY](#) are available from the lower level of the Sheraton OP Hotel from 6:00 until 10:00 pm.

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2nd Day – TUESDAY, JUNE 21, 2022 - General Session: Cottonwood Ballroom, Sheraton Overland Park, Kansas

7:30 A.M. – 8:30 A.M.

BREAKFAST: Leatherwood Ballroom

8:30 A.M. – 9:30 A.M.

PANEL #7: Hot Topics

We are reserving one panel for the hottest topics and breaking news of the day. Tuesday morning kicks off with a fast-paced exploration of the latest developments and what it means for the alcohol industry! The topics to be covered are:

- Current trends on the radar of TTB;
- Cross-over between the alcoholic and non-alcoholic categories;
- The Treasury Report's areas of significance and what they mean for state alcohol regulators and the industry; and
- NFTs – what they are, and the importance for regulators to be aware of what they represent and whether they are, or should be, regulated in some way.

Moderator: ANDREW VALLEJOS, Director, New Mexico Alcohol & Gaming Division

Presenters: MICKI HACKENBERGER, Executive Director, Wine & Spirit Wholesalers of Colorado

ERIN KELLEHER, Partner, Hinman & Carmichael LLP (CA)

CHRISTOPHER THIEMANN, Distilled Spirits Program Manager, Alcohol and Tobacco Tax and Trade Bureau (TTB)

JAMES WEBSTER, Founding Partner, Webster Law Partners, P.C. (IL)

9:30 A.M. – 10:30 A.M.

PANEL #8: Alcohol Marketing Regulations in a Digital World

Tied house laws were enacted well before the digitalized world we live in today. We cannot escape that technology and data play key roles in efficiently operating any business, no matter what size, and that a significant amount of advertising activity takes place in the digital space. How do we navigate these tied house laws which were passed and crafted from a landscape decades ago? Panel to review and discuss: background (laws/regulations, case law), Texas ABC Draft Advisory Opinion, e-commerce sites (B2C & B2B), and concerns (what keeps people up at night?).

Moderator: BAHANEH HOBEL, Partner and Head of Alcohol Beverage Law and Compliance, Dickenson, Peatman & Fogarty (CA)

Panelists: MATTHEW CHERRY, Marketing Practices Attorney, Texas Alcoholic Beverage Commission

AMY CAMPBELL, Executive Director, Kansas Association of Beverage Retailers (KABR)

MARIA JACKSON, Senior Director & Associate General Counsel, Regulatory, Instacart

COURTNEY SWIM, Associate Counsel, Legal and Regulatory, DISCUS

10:30 A.M. – 10:45 A.M.

MORNING BREAK: Cottonwood Pre-function Area

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2nd Day (cont.) – TUESDAY, JUNE 21, 2022 - General Session: Cottonwood Ballroom, Sheraton Overland Park, Kansas

10:45 A.M. – 11:45 A.M.

PANEL #9: Intersection of Alcohol Beverage and Cannabis

Panelists will look at the various ways that the alcohol beverage and cannabis industries intersect both from the perspective of how laws and regulations for the two industries compare as well as how regulators, particularly those with dual responsibilities, address the complex issues raised by these two products. The panel will provide a basic introduction to cannabis laws and regulation, both existing and proposed, and consider federal and state permitting and licensing regulations in states where both the sale and distribution are currently lawful. The panel will include both industry participants and former and current state regulators.

Moderator: CHRISTOPHER RIANO, Of Counsel (former New York SLA GC), Holland & Knight (NY)
Panelists: RICK GARZA, Director, Washington State Liquor and Cannabis Board
KELLY DIGGINS, Vice President, Deputy General Counsel, Constellation Brands
KELLY FAIR, US General Counsel, Canopy Growth Corporation (CA)
EMILY GANT, Principal, Foster Garvey PC (WA)

11:45 A.M. – 1:00 P.M.

LUNCH for Everyone: Leatherwood Ballroom

LUNCH & NCSLA REGIONAL STATE MEETING BREAKOUTS: Maple Room

1:00 P.M. – 2:00 P.M.

PANEL #10: Legal Update

The Annual Legal Update is regularly considered by most conference attendees to be a "must do" session . . . and rightly so. Nationally-recognized alcohol lawyer Richard Blau returns to the podium to analyze 2021-22 federal and state court cases, as well as new statutes and a slew of executive orders. Here's a small sampling: blurring of traditional boundaries between tiers and segments of the industry; adapting of enforcement practices; and predictions of the path forward in light of changing technologies, intra-tier consolidations, and a rapidly evolving marketplace. Richard's thoughtful analysis and depth of research is a treasure trove of information for regulators, attorneys, and industry professionals alike. Don't miss this informative session and a highlight of the conference!

Presenter: RICHARD BLAU, Chair, Alcohol Beverage and Food Department, GrayRobinson (FL)

2:00 P.M. – 3:00 P.M.

PANEL #11: Transitioning from Regulator to the Private Sector

As individuals transition from State Liquor Administrators to the private sector, they need to change their mindset, often employ different terminology, and adapt to the unique challenges presented when trying to understand a new workplace culture. Many states also have strict guidelines and revolving door processes that must be adhered to before making the transition. This session will explore the ethical considerations that may govern this transition and cover the application of ABA rules 1.9 and 1.11 to these situations.

Moderator: PAM PAZIOTOPOULOS, Director of Compliance, Reyes Beer Division
Panelists: JACQUELINE FLUG, General Counsel and Senior Vice President, Drizly, Inc.
WILLIAM A. KELLEY, JR., President, Beer Distributors of Massachusetts, Inc.
JESSICA STARNES-DEBETAZ, Partner, Jessica Starnes Attorney at Law, LLC (LA)
ALAN STEEN, Vice President Government Affairs, Southern Glazer's Wine and Spirits

3:00 P.M. – 3:15 P.M.

AFTERNOON BREAK: Cottonwood Pre-function Area

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2nd Day (cont.) – TUESDAY, JUNE 21, 2022 - General Session: Cottonwood Ballroom, Sheraton Overland Park, Kansas

3:15 P.M. – 4:15 P.M.

PANEL #12: State of the Industry – Advantageous and Disadvantageous Trade Practice Rules

How do trade practices and innovation in the beverage alcohol industry intersect? This panel will provide insight from the perspective of each of the three tiers of the industry and debate the impact of trade practices on current trends. Topics such as coupons, tied house restrictions, slotting fees, private labels and more will provide regulators and industry members insight into the intertwining of business, market and regulatory issues in the alcohol industry.

Moderator: DIMITRI CHRISTOPOULOS, Principal, Christopoulos Law Group (IL)

Panelists: STEPHEN AMATO, Outside Counsel, Kentucky Distillers Association
PAUL PISANO, SVP Industry Affairs & General Counsel, National Beer Wholesalers Association (NBWA)
SCOTT SCHNEIDER, Attorney, Schneider Law Firm LLC (KS)

5:30 P.M. – 9:45 P.M.

Continuous Transportation to/from Fiorella's Jack Stack Barbecue, 9520 Metcalf Ave., Overland Park

5:45 P.M. – 7:15 P.M.

NCSLA RECEPTION and ENTERTAINMENT by Mark Valentine & The Ticklers Jazz Band

7:15 P.M. – 9:00 P.M.

PRESIDENT'S BANQUET at Fiorella's Jack Stack Barbecue, Overland Park

3rd Day – WEDNESDAY, JUNE 22, 2022 - General Session: Cottonwood Ballroom, Sheraton Overland Park, Kansas

8:00 A.M. – 9:00 A.M.

BREAKFAST: Leatherwood Ballroom

9:00 A.M. – 10:00 A.M.

PANEL #13: Licensing Process Best Practices

Join this panel of experienced licensing officials for a discussion of various topics and sharing of ideas and best practices. Some of the topics to be covered include: licensing department structure (staff numbers and responsibilities); consistency (staff training, case discussion groups, and procedural reviews); information and documentation requirements; depth of review, verification, and investigation; ownership and financial investigations; online applications, and others. Don't miss this informative session that concludes with an audience Q&A session!

Moderator: PERRY MATHIS, Alcohol Beverage Licensing Administrator, South Carolina Department of Revenue

Panelists: TRAVIS HILL, Chief Executive Officer, Virginia Alcoholic Beverage Control Authority
AUDRA SHUGHART, Licensing Manager, Kansas Alcoholic Beverage Control Division
RUSSELL THOMAS, Executive Director, Tennessee Alcoholic Beverage Commission

10:00 A.M. – 11:30 A.M.

NCSLA ANNUAL BUSINESS MEETING (ALL State and Associate members welcome!)

11:30 A.M. – 12:00 P.M.

BOXED LUNCH TO GO: Cottonwood Pre-function Area

Thanks for attending and we'll see you next year in Oklahoma City!