

## **Senate Gives Brown Jug Bill Final Approval**

Assembly Bill 61 was introduced in the State Assembly on March 7th. The Assembly State Affairs unanimously passed the bill out of committee to the full Assembly where it passed without objection on a voice vote. The bill then went to the State Senate where it passed out of the Senate Tourism Committee 8-1 and passed the State Senate on a voice vote. As of this writing the bill is awaiting action by Governor Walker who is expected to sign it. Thanks to the Jefferson County League for bringing this issue up and working to get it passed!

### **What the new law means:**

The new law will allow Class A or Class B retailers to bring a private right of action against an underage person who commits an underage violation on the retailer's licensed premise. If the underage person is less than 18 years of age, the licensee may bring the civil action against the underage person's parent instead of the underage person. If the action is successful, the licensee shall be awarded \$1,000 by the court plus court costs.

### **How the bill will work:**

At or near the time the offense occurs or is discovered, a licensed retailer is required to report the illegal conduct to law enforcement. The retailer may then proceed, regardless if the underage person is cited by law enforcement. The next step is for a licensee to provide a notice to the underage person, or the underage person's parent if applicable, of his or her intent to bring the civil action. The notice must be mailed to the underage person's last known address at least 15 days prior to the action being filed with the court, and shall include a demand for the relief provided by the law. Once 15 days have elapsed, a licensee may then file the action with the court. Because they are bringing the action, the burden of proof is on the retailer, showing by a preponderance of the evidence, that the underage person violated the law.

The bill would not apply to an underage person working for or assisting a law enforcement agency carrying out enforcement activities to determine compliance. In addition, it would also not apply if a retailer is cited for a violation related to the same event.

As of this writing, Assembly Bill 61 is before Governor Walker awaiting his signature. Once the Governor signs the bill, the law will be published the following day and take effect the day after that.

**Posting of a Sign:**

Once the law takes effect licensed retailers will be able to post a sign outside their establishment warning underage persons they could be sued for \$1000 if they attempt to illegally enter a licensed premise. As was the case in Alaska we are hopeful this bill will serve as a deterrent to underage persons from attempting to enter a licensed establishment. That is the main focus of the bill – to serve as a deterrent to underage drinkers with fake IDs from attempting to illegally entering a licensed establishment. The TLW will have signs available online and available for local leagues to distribute to their members.

The “Brown Jug” bill is a proactive response from responsible retailers to combat illegal underage drinking and the increased use of fake IDs. The TLW is proud to have worked to pass this bill and view it as one more tool to fight fake IDs and underage drinking.