

TENTATIVE PROGRAM & SESSION DESCRIPTIONS

(Sessions and speakers are subject to change.
All times are in Eastern Standard Time.)

MONDAY, MARCH 15

10:45 AM

WELCOMING REMARKS

James M. Squeo, NABCA President & CEO

11:00 AM – 12:00 PM

TRADE WARS, TARIFFS, AND TIED-HOUSE

In the global economy, few things are more disruptive than economic protectionism. While the ongoing trade wars highlight the impact of tariffs on supply chains, the purported extraterritoriality of some state, tied-house laws may have a similar, albeit smaller, chilling effect. This is especially true in the areas of prohibited ownership interests and vertical integration. Understanding the interplay between domestic and foreign markets is more important now than ever. In this session, experts will discuss the policies, procedures, and global politics regarding international trade compliance.

12:30 PM – 01:30 PM

THE STATE OF FEDERAL REVIEW

For the first time in over a decade, the Supreme Court heard a 21st Amendment case. However, the case seems to have opened more questions than it answered—as evidenced by the stream of complaints which have been filed in various federal circuits. What is the new standard of review? How much evidence must the State submit? Is tailoring required in all circumstances? In this session, a panel of litigators will attempt to answer these questions in light of the cases pending in the other federal circuits and will discuss the potential ramifications of this case on both the three-tier system and the control model.

01:30 PM – 02:00 PM

BREAK

02:00 PM – 03:00 PM

CONCURRENT AFTERNOON SESSIONS:

ATTORNEYS AND ADDICTION (ETHICS)

Tragically, attorneys suffer from a significantly high rate of addiction. Understandably worried that this disease may affect their professional licensure, many attorneys also feel that suffering in silence is their only choice. In light of this, many state bars have developed mentorships, dedicated counseling lines, and a wide variety of rehabilitation programs for attorneys willing to seek help. In this session, ethics experts will discuss the warning signs of addiction, confidential programs available to assist struggling attorneys, and how to traverse this process in case you or someone you know needs help.

TRADE PRACTICE IN THE 21ST CENTURY

While the Federal Alcohol Administration Act of 1935 was ground-breaking when passed, those that drafted it could not have anticipated the market dynamics ushered in by the Internet Age. The emergence of new business models such as third-party marketing companies, ghost kitchens, and online marketplaces pose legal questions which may not be contemplated by the express language of the statute. Despite the TTB's herculean efforts in providing regulatory guidance, non-delegation principles and shifting canons of construction often require legislative action to address novel and modern questions of law. In this session, regulatory experts will discuss emerging legal questions and areas of law where legislative clarifications may assist in stemming the seemingly endless line of litigation.

03:00 PM – 03:30 PM

BREAK

03:30 PM – 04:30 PM

CONCURRENT AFTERNOON SESSIONS:

COVID - A MULTI-TIER LEGAL PERSPECTIVE

2020 has proven that "extraordinary times call for extraordinary measures" and especially in the alcohol marketplace. Suppliers pivoted production to hand sanitizer. Wholesalers shifted logistical infrastructures to provide further support for grocery channels. Retailers were granted broader delivery privileges to facilitate social distancing. But all these extraordinary actions required a variety of emergency measures by regulators and elected officials. In this session, industry members will discuss the contours of these measures and how they see the market evolving in response to both near-term COVID dynamics and long-term consumer expectations.

E-COMMERCE

Most major suppliers indicate they have fast-tracked their e-commerce investment between 3-5 years. Regulators and legislators now face the challenge of developing years of statutory and regulatory guidance in one or two legislative cycles. In doing so, drafters will need to play close attention to the legal and contractual distinctions between structures such as "white label" websites and digital marketplaces. Statutes and regulations will need to address the specific timing and transfer of funds to insure everyone from third-party delivery companies to family restaurants fully understand their compliance responsibilities. And companies across the spectrum will need significant notice and training to ensure internal systems comport with state and federal law. In this session, digital experts will discuss the legal contours implicated by these differing structures while identifying areas of law where greater clarity may be required.

04:30 PM – 04:45 PM

FIRST DAY CLOSING REMARKS AND ANNOUNCEMENTS

05:00 PM

ADJOURNMENT

TENTATIVE PROGRAM & SESSION DESCRIPTIONS

TUESDAY, MARCH 16

10:45 AM – 11:00 AM **SECOND DAY OPENING REMARKS**

11:00 AM – 12:00 PM **UN-MASKING THE “NEW NORMAL” OF ALCOHOL REGULATION**

While COVID has facilitated significant change, emergency measures are necessarily limited in their duration. With the introduction of vaccines, state legislators and regulators are now tasked with the difficult issue of identifying which measures should be made permanent. This difficulty is compounded by the practical problems inherent to balancing the varied interests in alcohol regulation. However, the primary interest of ensuring a safe and fair marketplace demands these changes be predicated upon due diligence; include objective standards; and be effectuated in a uniform fashion without regard to any impermissible criterion. In this session, regulators will discuss legal, regulatory, and operational lessons they have learned during the pandemic—and the changes in enforcement priorities or drafting which have proven most effective.

12:30 PM – 01:30 PM **CANNABIS CONFUSION**

The 2018 Farm Bill's legalization of hemp set off a firestorm of CBD products despite the lack of guidance or approval from the FDA. While cannabis remains a Schedule 1 controlled substance, many companies continue to develop CBD products—which, by definition, must contain less than .3% THC. Some states have implemented higher limits, or different infusion rules, presenting pre-emption questions on a wide array of issues. These legal questions are further compounded by the 11 recreational, adult use cannabis markets and 34 medical cannabis markets. In this session, a panel of regulatory attorneys will discuss the interplay between current state and federal law; the contours of the federal agencies' authorities (FDA, TTB, ATF, etc); and the emerging issues states should address as they debate this policy issue.

01:30 PM – 01:45 PM **CLOSING REMARKS AND ADJOURNMENT**
