







# Other Jurisdictions

- Based on National Alcoholic Beverage Control Association (NABCA) research, 9 of 18 control jurisdictions (including VA) have a ratio and 12 of 20 open states who reported information have a ratio of some sort.
- Ratio implementation varies greatly
  - UT: Must have food sales equal to 70% of total combined sales
  - NH: Required to do 50% in food sales, unless they sell \$75,000 in food during the licensing year
  - PA: No provision specific to food vs. alcohol sale ratio, however, the Liquor Code defines a "restaurant" as a reputable place which is principally used for the purpose of providing food for the public
  - NC: Food sales must be 30% of total sales



# Current MBAR Schedule of Penalties

- For a ratio of 44% or higher (up to 45%): Written Warning
- For a ratio of greater than 30%, but less than 44%
  - 1<sup>st</sup> offense: 30 day suspension lifted at the end of 15 days upon payment of \$1,000
  - 2<sup>nd</sup> offense: 60 day suspension lifted at the end of 30 days upon payment of \$2,000
  - 3<sup>rd</sup> offense: Revocation of license
- For a ratio of 30% or less: Revocation of license
- Fraudulent MBAR reports: Revocation of license

# Operational Stats

- Of the roughly 4,500 – 4,900 mixed beverage licensees, approximately 1% have fallen below the required ratio each of the last four fiscal years.

Fiscal Year	Food Ratio < 45%
FY 2012	61
FY 2013	66
FY 2014	61
FY 2015	52
Total	235

# Operational Stats

- At least 90% of mixed beverage licensees average monthly food sales above \$10,000.

Licenses Subject to Ratio	# of Active Licenses	% of Total Licenses
Mixed Beverage Restaurant (Seating Capacity: 1-100 seats)	1,797	9%
Mixed Beverage Restaurant (Seating Capacity: 101-150 seats)	952	5%
Mixed Beverage Restaurant (Seating Capacity: 151+ seats)	2,109	10%
Mixed Beverage Caterer	176	1%
Mixed Beverage Caterer Limited	81	0%
<b>Total</b>	<b>5,115</b>	<b>25%</b>

*\*Licensee count as of 3/4/2016*

# Operational Stats

- 46 licenses have been revoked over the past 4 fiscal years as a result of MBAR infractions
- A little over one-third of cases heard are related to MBARs
- Late MBARs are the #2 most filed annual charge
  - The only charge filed more often is underage buyer (UAB)
- Annual time spent on MBAR issues in the Hearings and Enforcement divisions is equivalent to 12,480 man hours

# Food Research

Much research has been done on the metabolism, absorption and distribution of alcohol in the body and what factors impact these processes. Gender, age, race, food, biological rhythms, exercise, body type, expectations, fatigue and drugs/medication all impact the body's processing of alcohol. The research below explain the impact of food consumption on Blood Alcohol Concentration (BAC).

- Meals high in fat, protein and carbohydrates impact BAC and elimination of alcohol from the blood was shortened by 1 to 2 hours when food was consumed.
- Strength of Drink
  - Highest absorption rate occurs when alcohol content is between 10% and 30%
  - Alcohol content less than 10% and the slower the body processes the alcohol and the slower absorption rate