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|  | e - NEWS |
| *February 9, 2007* | |

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**[I. NATIONAL NEWS.](#I)**

**1. New Vintage of Wine Litigation Is Fermenting**

By Amanda Bronstad - *The National Law Journal*

February 2, 2007

A new crop of litigation is fermenting across the nation in a second round of challenges to state shipping laws that limit direct sales of wine to consumers.

New suits and amended complaints filed in the past year are attacking requirements that consumers must purchase wine in person, with the first court decisions recently issued in Maine and Kentucky. Wineries also are challenging legal shipping limits that are based on production volume.

In both types of cases, out-of-state wineries accuse the states of discriminating against them.

The recent litigation puts a new twist on the direct-shipping issues that prompted a recent U.S. Supreme Court ruling. In the ruling, the Supreme Court found that laws in New York and Michigan discriminated against out-of-state wineries by allowing only in-state wineries to ship directly to consumers. Granholm v. Heald, 544 U.S. 460 (2005). The ruling pitted the commerce clause against the 21st Amendment.

More rulings and cases are expected this year, with an anticipated circuit split on the two new issues surfacing in the laws, said Richard Van Duzer, a partner at San Francisco-based Farella Braun + Martel who specializes in wine litigation.

"Ultimately, this will be back before the Supreme Court, which will have to be more explicit about what it said and what it hasn't said," he said.

**'THE NEXT WAVE'**

At the time of the Supreme Court's ruling, 26 states allowed direct shipping of wine to consumers. Now, 34 states have opened their doors, but several states still face legislative hurdles or litigation, according to Steve Gross, director of state relations at the San Francisco-based Wine Institute.

About 30 lawsuits are pending over direct-shipping laws, said R. Corbin Houchins, a solo practitioner in Seattle who specializes in wine litigation. A handful of those suits involve shipping to retailers, but most have been filed in the past two years by wineries and consumers seeking to overturn direct-to-consumer laws considered discriminatory under the Supreme Court's definition.

Ironically, many of those suits are challenging recent revisions in state laws that were drafted in order to comply with the Supreme Court ruling.

"This is the next wave," said Kenneth Starr, of counsel to Chicago's Kirkland & Ellis, of the recent suits. He represented the wineries in the Granholm case. "This is the Granholm case all over again."

"It appears that the wholesalers are simply seeking legislatively to do indirectly what the Supreme Court said in Granholm they can't do directly," said Starr, now dean of Pepperdine University School of Law.

James Tanford, a professor at Indiana University School of Law who has brought 21 suits on behalf of wineries, said many of the states amended their laws "to give the appearance of an equal economic opportunity for out-of-state wineries but to impose so many regulatory burdens it wouldn't happen."

Among the most common complaints are those involving volume caps and in-person purchasing requirements.

Tanford said that in-person purchasing requirements discriminate against out-of-state wineries because "95 percent of the wine is grown on the West Coast, and if you have to go there to make a face-to-face appearance it won't happen. It puts a barrier on sales that will exclude most out-of-state wineries. There is no conceivable justification for that."

**ACTION IN MAINE**

In a case brought by an Oregon winery and a resident in Maine, a magistrate judge issued a recommended decision on July 27, 2006, to uphold the in-person requirement in Maine's law. Cherry Hill Vineyard v. John E. Baldacci, No. 1:05-cv-00153 (D. Maine).

The law, which was in place prior to Granholm, does not allow wineries to sell or ship directly to consumers but permits consumers to purchase wine in person at a retail location.

Assistant Attorney General Christopher Taub said the in-person requirement helps enforce age limits on alcohol.

U.S. Magistrate Judge Margaret Kravchuk upheld the law in part "because the on-premises or 'face-to-face' restriction applies equally to in-state and out-of-state farm wineries."

Both sides await a district court judge's opinion.

The Maine decision was cited in a separate case in Kentucky in which a district court judge recently issued the first ruling to address the constitutionality of an in-person requirement.

On Dec. 26, Western District of Kentucky Judge Charles R. Simpson ruled that the requirement, which is in a revised version of the state's direct-to-consumer law, discriminated against out-of-state wineries. Cherry Hill Vineyards v. Hudgins, No. 3:05-cv-00289 (W.D. Ky.).

In the ruling, he said the in-person requirement "makes it economically unfeasible and in some instances impossible for those wineries to utilize the benefit."

Douglas McSwain, a partner at Sturgill, Turner, Barker & Moloney in Lexington, Ky., who represents the defendant, the executive director of the Kentucky Office of Alcoholic Beverage Control, said the judge's order could create a split in the circuits if a district court judge affirms the Maine decision.

The Wine and Spirits Wholesalers of Kentucky, which intervened in the case, appealed that portion of the judge's order this month to the 6th U.S. Circuit Court of Appeals.

"The Granholm case in the Supreme Court didn't address in-person purchasing requirements," said Daniel Meyer, executive director and general counsel of the Wine and Spirits Wholesalers of Kentucky. "This is just an attempt by the plaintiffs in this case to push the envelope, to stretch the ruling in Granholm and take it to the next level."

In Indiana, two out-of-state wineries and five Indiana residents are challenging portions of the state's law that were revised last year, including a requirement that initial purchases of wine be made in person. Baude v. Heath, No. 1:05-cv-00735 (S.D. Ind.).

They said the new law "has exactly the same discriminatory effect as those condemned in Granholm," according to a motion for summary judgment filed on July 21.

In response, the state's defendants called the lawsuit "part of a national litigation campaign" against alcohol regulations in several states, according to cross-motions filed on Nov. 17.

Calls seeking comment to the Indiana Attorney General's Office were not returned.

Despite ruling against an in-person requirement, the Kentucky judge upheld the rest of that state's revised law, which became effective on Jan. 1.

Among the other issues was a provision stating that wineries could obtain licenses to sell to consumers if they produced 50,000 gallons or less annually.

In his ruling, the judge found "there is no facial discrimination against out-of-state wineries as the 50,000-gallon limit applies equally to in-state and out-of-state wineries."

**VOLUME CAPS CHALLENGED**

Yet similar volume caps are being challenged in several other states.

On Sept. 18, the Family Winemakers of California and two Massachusetts consumers filed suit over a revised law that became effective last year. Family Winemakers of California v. Jenkins, No. 1:06-cv-11682 (D. Mass.)

The revised law allows wineries to obtain a direct-shipping license if they make less than 30,000 gallons of wine each year.

"None of the wineries in Massachusetts produces over 30,000 gallons, so all of them can direct ship," said Tracy Genesen, a partner in the San Francisco office of Kirkland & Ellis who represents the plaintiffs in the case with Starr.

"This seems to be the new wholesaler approach to doing an end run around Granholm," Genesen said.

Calls seeking comment to the Massachusetts Attorney General's Office were not returned.

In Arizona, a revised law that became effective last year allows direct shipping from wineries that produce less than 20,000 gallons of wine annually.

In an amended complaint filed on Oct. 5, a Michigan winery and five Arizona consumers allege that the revised law discriminates against out-of-state wineries. Black Star Farms v. Morrison, No. 2:05-cv-2620 (D. Ariz.).

Calls seeking comment to the Arizona Attorney General's Office were not returned.

<http://www.law.com/jsp/article.jsp?id=1170324164373>



# 2. Behind Antismoking Policy, Influence of Drug Industry

By Kevin Helliker – *The Wall Street Journal*

February 7, 2007; Page A1

**Government Guidelines Don’t Push Cold Turkey; Advisers’ Company Ties**

Michael Fiore is in charge of revising federal guidelines on how to get smokers to quit. He also runs an academic research center funded in part by drug companies that make quit-smoking aids, and he personally has received tens of thousands of dollars in speaking and consulting fees from those companies.

Conflict of interest? No, says Dr. Fiore, who has consistently declared that doctors ought to use stop-smoking medicine. He says his opinion -- reflected in current federal guidelines -- is based on scientific evidence from hundreds of studies.

Now debate is growing about that evidence, and about who should be entrusted to interpret it. Some public-health officials say industry-funded doctors are ignoring other studies that suggest cold turkey is just as effective or even superior to nicotine patches and other pharmaceuticals over the long run, not to mention cheaper.

At stake is one of the most important issues in the nation's public-health policy. Cigarettes kill an estimated 440,000 Americans a year. Helping America's 45 million smokers kick the addiction could save untold numbers of people.

The Public Health Service, part of the Department of Health and Human Services, issued guidelines in 2000 calling for smokers to use nicotine patches, gums and other pharmaceutical aids to quit, with a few exceptions such as pregnant women. Dr. Fiore, a University of Wisconsin professor of medicine, headed the 18-member panel that created those guidelines. He and at least eight others on it had ties to the makers of stop-smoking products.

Those opposed to urging medication on most quitters note that cold turkey is the method used by the vast majority of former smokers. They fear the federal government's campaign could discourage potential quitters who don't want to spend money on quitting aids or don't like the idea of treating their nicotine addiction with more nicotine.

"To imply that medications are the only way is inappropriate," says Lois Biener, a senior research fellow at the University of Massachusetts at Boston who has surveyed former smokers in her state. "Most people don't want them. Most of the people who do quit successfully do so without them."

**Guidelines Revision**

The panel is now working on a revision of the guidelines, scheduled for completion early next year. Dr. Fiore, an internist, is again chairman. He says this time only seven of 26 members have industry ties. Karen Migdail, a spokeswoman for the revision effort, says it involves so many voices that "it's hard for one perspective to have an influence on the process." She says Dr. Fiore is "one of the leading experts" in smoking cessation and well-suited to the job.

Dr. Fiore says his panel will give a fair hearing to all points of view on smoking cessation. He says the process is sufficiently collaborative to prevent bias, his or anyone else's, from creeping into the final product. He notes that many of the studies questioning the effectiveness of stop-smoking medication arose after the publication of the 2000 guidelines. The panel will scrutinize them closely before reaching any conclusions, he says.

David Blumenthal, director of the Institute for Health Policy at Massachusetts General Hospital, questions the government's choice of Dr. Fiore. "The chairman of the committee should be unquestionably impartial," says Dr. Blumenthal, who has published extensively on conflicts of interest.

Pharmaceutical companies make several products to help smokers quit. Some give a nicotine fix without a cigarette, such as [GlaxoSmithKline](http://online.wsj.com/quotes/main.html?type=djn&symbol=gsk) PLC's Nicorette gum and nicotine-laced Commit lozenges. Nicotine, the addictive agent in cigarettes, is considered benign relative to the carcinogens in cigarettes. Bupropion, an antidepressant, and [Pfizer](http://online.wsj.com/quotes/main.html?type=djn&symbol=pfe) Inc.'s Chantix -- both pills available only by prescription -- aim to reduce cravings without using nicotine.

Many clinical trials have randomly assigned smokers to take one of these products or a placebo. Such randomized trials are considered the gold standard in many medical fields, and they have consistently shown that nicotine-replacement therapy or other medicine confers a benefit.

But these trials have limitations. They tend to compare quitters who wanted medication and got it with those who wanted medication and didn't get it -- which is a different group from quitters ready to try going cold turkey. Also, clinical trials tend to attract highly motivated quitters who may not represent the population as a whole. Even the placebo group in these trials often boasts double the success rate of the population of quitters generally.

Studies of quitters outside clinical trials have shown no consistent advantage for medicine over cold turkey, the pharmaceutical industry's primary competitor. An unpublished National Cancer Institute survey of 8,200 people who tried quitting found that at three months, users of the nicotine patch and users of bupropion remained abstinent at higher rates than did users of no medication. But at nine months, the no-medication group held an advantage over every category of stop-smoking medicine. The study was presented at a world tobacco conference last summer.

**Real-World Situations**

Similar so-called population studies -- which review results of people who already quit or tried to, rather than prospectively randomizing subjects into groups -- have also suggested that cold-turkey quitting can compete with medication in real-world situations. These studies, in California, Massachusetts and Australia, have their own limitations. One is that they depend on people to remember what they did rather than monitoring them in a controlled experiment.

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| [Chart] |
| The surgeon general's five-day program for smokers preparing to quit recommends nicotine patches or other medication. |

Kenneth Strahs, GlaxoSmithKline's vice president of smoking-control research and development, notes that his company's products won approval from regulators at the Food and Drug Administration who demand randomized clinical trials. "The FDA does not conclude either safety or efficacy based on retrospective population studies," says Dr. Strahs. Smoking-control products account for a small fraction of the company's revenue.

The researcher who raised the first serious questions about nicotine-replacement therapy says it may fall into a rarely discussed gap between efficacy in clinical trials and effectiveness in the real world. Greater use of medication is not "associated with any increase in successful quitting in the population," says John Pierce, a University of California, San Diego, professor of medicine who was lead author of a 2002 Journal of the American Medical Association article finding no superior benefit from over-the-counter nicotine substitutes in California.

"If we're going to be intellectually honest, we have to be willing to examine the issue of whether current users [of medication] are obtaining long-term rates of abstinence that are higher than anyone else," says Kenneth Warner, a tobacco researcher and dean of the University of Michigan School of Public Health. "That's going to be very hard for people to do in the smoking-cessation community," because belief in the value of medication runs so deep, he adds.

All sides in the debate agree that intervention by doctors and other health-care providers to confront smokers can be effective in encouraging quitting. Dr. Fiore says the primary goal of the guidelines is to spur such intervention, and he says they have been successful in sharply raising the proportion of doctors who discuss smoking with their patients. Also undisputed is that behavioral support, whether from professional therapists or quit-line counselors, can be valuable.

As the federal government weighs the data in making new recommendations, many of its advisers are receiving money from companies with a stake in the outcome. Dr. Fiore holds a chair at Wisconsin that is funded by GlaxoSmithKline. He directs a tobacco research center that received nearly $1 million in funding from makers of quit-smoking medicine in 2004 and $400,000 in 2005. Between 1999 and 2004, Dr. Fiore personally pocketed $10,000 to $40,000 a year from the quitting-aid industry for honorariums and consulting work. He says he stopped such work in 2005.

In the U.S. government's 2005 civil case against the tobacco industry, it chose Dr. Fiore as an expert witness. He was asked to estimate the damages owed to federal taxpayers as a result of smoking and to devise a plan for spending those damages. Dr. Fiore came up with an estimate of $130 billion, and a plan to spend about $5.2 billion a year of that mostly on counseling and medication -- a measure that could have doubled the size of the stop-smoking medicine market. (Later, the government reduced its request for damages to $10 billion.)

The American Cancer Society has allowed its logo to be placed on stop-smoking products in exchange for money. A Cancer Society spokesman defends that decision, crediting the pharmaceutical industry for bringing invaluable marketing muscle to the society's Great American Smokeout every November.

Those who advocate medication sometimes fail to disclose that they have financial ties to companies. In an article on Voice of America's Web site last year, Jack Henningfield, identified only as a smoking-cessation expert, urged smokers to "go to the consumer-friendly Web site that I like, which is www.quit.com."

Dr. Henningfield is a principal of Pinney Associates, a consulting firm whose largest client is GlaxoSmithKline, operator of the quit.com site. Other articles citing Dr. Henningfield's views on smoking have identified him as a professor at Johns Hopkins School of Medicine without mentioning the GlaxoSmithKline connection. Dr. Henningfield, who holds a doctorate in psychology, is an adjunct professor at Johns Hopkins. He says only 10% of his income comes from Hopkins.

Dr. Henningfield says he always tells journalists about his financial ties to industry. But in an interview with The Wall Street Journal last summer, Dr. Henningfield promoted the use of stop-smoking medicine without volunteering any information about those ties. He says he thought GlaxoSmithKline's public-relations firm had already provided the information.

In at least two medical-journal articles that Dr. Fiore wrote or co-wrote promoting the use of stop-smoking medicine, no mention was made of his financial ties to the makers of those treatments. Dr. Fiore says the editors of those journals may have ignored his disclosure or he may have failed to provide it. If the latter, "I am sorry about that," he says, adding that those are two of more than 150 medical-journal articles he has published.

Dr. Fiore and other members of the Society for Research on Nicotine and Tobacco refuse to accept any funds from the tobacco industry, even unrestricted research grants. Smoking-control activists say there's a big difference between tobacco companies, which they say engaged in scientific deceit for a half-century, and drug makers that are trying to help smokers quit. Reflecting the view of many in the antitobacco camp, Harry Lando, a University of Minnesota nicotine researcher, says, "I view the pharmaceutical industry as our ally."

After the federal panel with industry-funded scientists came out with its guidelines in 2000, a campaign against cold turkey took root. The Web site of the highest-ranking physician in America -- the surgeon general -- calls it a "myth" that cold turkey is the best way to quit. In November 2006, during the week of the Great American Smokeout, doctors around the country participated in a campaign called "Don't Go Cold Turkey." The creator of the campaign was GlaxoSmithKline.

**Advocate Rejected**

The how-to-quit Web site of the federal Centers for Disease Control and Prevention rejected a request from John Polito, an ex-smoker in Mount Pleasant, S.C., to include a link to his Web site, WhyQuit.com, which advocates cold-turkey quitting. In a 2002 letter explaining the rejection, the agency told Mr. Polito that drug therapy has been shown to double quit rates.

In an interview, CDC epidemiologist Corinne Husten said the real reason for the rejection is that the CDC doesn't recommend private Web sites. However, the CDC site long included a link to GlaxoSmithKline's quit.com site. Asked about that, Dr. Husten said, "Some things have gotten on the [CDC] Web site that shouldn't be there." (After the interview, the CDC removed the quit.com link.)

Pressure may be growing for doctors to follow the federal guidelines. An article in the December issue of the journal Tobacco Control argued that failure to follow the guidelines could be deemed medical malpractice.

Some health officials don't go along with the federal government's tilt against cold turkey. The state of California's help-line for smokers presents cold turkey as an equally viable option to medication. "The effectiveness of pharmaceutical aids has been proven short-term; long-term, it's still in debate," says Hao Tang, a research scientist with the state department of health services. California has succeeded in reducing its smoking rate to 14%, six percentage points below the national average.

After three decades of smoking, Linda Holstein quit nearly three years ago using a nicotine patch as well as nicotine gum, which on occasion she still pops into her mouth. Elated at being free from cigarettes, Ms. Holstein, a Minneapolis attorney, says, "The gum helped very much."

Others say ingesting medicinal nicotine prolonged withdrawal, leading them ultimately back to cigarettes. During the 20 years that Tanya Blakey, a Georgia teacher, smoked two packs a day, she tried to quit countless times using nicotine-replacement therapy. "Every time I stopped using the NRT, I was smoking again within two or three days," says Ms. Blakey. This week she is celebrating two years without a cigarette, this time having used no medication.

<http://online.wsj.com/services/article/SB117088041013301313-search.html?KEYWORDS=smoking&COLLECTION=wsjie/6month>



**3. Italian Wine Exports to US Up 7%**

**Source: *Michele Shah***

**February 6, 2007**

Italian wine exports to the US jumped 7% last year, according to industry figures.

Lucio Caputo, president of the Italian Wine & Food Institute in USA, has unveiled figures showing that exports reached 2.1m hl during 2006, an increase of 6.9%.

In value terms, Caputo said shipments to the US reached over US$1bn - a jump of 7.8%.

Caputo said that Italian export revenues to the US are now twice that of sales from France, four times that of Chilean wines and seven times that of Spanish wines.



**4. Miller Beer Woos Hispanics (Excerpt)**

By Emily Fredrix - *Associated Press*

February 6, 2007

MILWAUKEE - Se habla Miller? Miller Brewing Co. is hoping Hispanics speak its name next month when the company introduces a beer flavored with lime and salt.

Miller Chill, modeled after a popular style of Mexican beer called a "chelada," will be test-marketed throughout Florida, Texas, Arizona, New Mexico and San Diego, said Pete Marino, a spokesman for the Milwaukee-based brewer. The company hopes to eventually expand the line nationwide, he said.

"We call it a modern American take on a Mexican classic," he said Monday.

The low-calorie beer will compete with mainstream light beers, such as top selling Bud Light and competitor Coors Light, Marino said. It will be priced slightly higher than Miller Lite to compete with premium beers such as Anheuser-Busch's Budweiser, he said.

"It's a different beer," Marino said. "It's a different take on light beer than what consumers are used to."

The lime green bottles feature green and silver modular designs reminiscent of Aztec art, with the word "Chill" in bold black letters across the front and "Chelada style" below. A television advertising campaign with the slogan "Se habla Chill" will air in the test markets, Marino said.

Miller, the nation's second-largest brewer, has been stepping up its efforts to woo Hispanic drinkers. In January, Miller began importing Colombia's leading lager, Aguila, which is brewed by parent company SABMiller Inc. The company is also importing two SABMiller beers from Peru - top local beer Cristal and premium brew Cusquena. Distribution is focused on communities with large South American populations in places such as Florida and New York.



**5. Constellation Brands to Purchase Premium SVEDKA(R) Vodka**

*PRNewswire-FirstCall*

February 6, 2007

**SVEDKA is the fastest growing major premium imported vodka in the U.S., passing the 1.1 million case mark in 2006. (PRNewsFoto/Constellation Brands, Inc.)**

FAIRPORT, NY -- Constellation Brands, Inc. (NYSE: STZ, ASX: CBR), a leading international supplier and marketer of beverage alcohol, today announced it has reached agreement with Guillaume Cuvelier and Belgian-based Alcofinance S.A., the owners of SVEDKA Vodka, to acquire the brand and related business for $384 million. The transaction, which includes the acquisition of Spirits Marque One LLC, the SVEDKA brand owner, is expected to close approximately March 1, 2007.

SVEDKA, an 80 proof premium vodka produced in Sweden, was launched in 1998 and it is now the fastest growing major imported premium vodka in the

United States. Approximately 1.1 million cases of SVEDKA were sold during calendar 2006, predominantly in the U.S., a 60 percent increase over 2005 sales volume.

"SVEDKA's phenomenal success is largely due to the eye-catching and effective marketing and advertising campaigns that reach a key segment of the young adult market," commented Richard Sands, Constellation Brands chairman and chief executive officer. "SVEDKA complements and enhances our

premium spirits offerings by providing a popular and rapidly growing vodka brand in the largest U.S. spirits category. It has strong brand equity and

positive momentum, which we can build upon through increased U.S. distribution, as well as international expansion. We believe SVEDKA is a perfect fit, providing us with a platform for expansion of our premium spirits portfolio. With continued marketing investment we will look to

maximize the brand's long-term growth potential and value," concluded Sands.

Spirits Marque One founder, and SVEDKA creator, Guillaume Cuvelier will lead the New York-based brand management team with the same independent

spirit that has successfully differentiated SVEDKA from the competition. The brand marketing and sales team will retain their autonomy with the

SVEDKA\_Grl(TM) campaign continuing to promote the brand.

"Constellation recognizes SVEDKA's unique culture and capabilities,"stated Cuvelier. "Its management realizes SVEDKA's future is extremely

bright and they will fully support us as we continue to build upon the brand's current phenomenal growth rate and marketplace momentum. Our entrepreneurial culture fits perfectly with Constellation's, which differentiates our companies from others in the business."

SVEDKA is the fastest growing major premium vodka imported to the U.S., and fifth largest imported vodka with eight percent market share in the

imported vodka category according to Information Resources, Inc. (IRI) data. SVEDKA is 40 percent alcohol by volume (80 proof) and is also available in four, 70 proof (35 percent alcohol by volume) flavor variations: Citron, Clementine, Raspberry and Vanilla.

Constellation estimates that this acquisition will be dilutive to diluted earnings per share by approximately $0.05 - $0.06 for fiscal 2008. It is also expected to be dilutive the following two fiscal years, before becoming accretive. The transaction will be financed with debt under Constellation's senior credit facility. The transaction is also subject to customary regulatory approvals and other closing conditions.

Belgium's Alcofinance S.A. is a worldwide leader in the production and distribution of ethanol.

Michel Dyens & Co. acted as exclusive financial advisor to SVEDKA and Spirits Marque One.



**6. Overall Wine Sales Up 7 Percent in December**

By Mary-Colleen Tinney - *Daily News Links*

February 7, 2007

As the holiday sales period hit full swing, wine sales continued to rise in the ACNielsen-tracked supermarket channel. In the 13 weeks ending December 16, 2006, overall wine sales rose by 7 percent, and case volume sales again gained 3 percent. While these numbers are good, they are almost universally down by 1 percent from November.

Year-on-year, sales have risen 8 percent in the 52 weeks ending December 16, while case volume has grown by 3 percent. Dollar sales are continuing to outpace case sales, currently by almost a three-to-one margin, meaning consumers are buying more wine at higher prices than in 2005.

As always, the "big three" varietals still dominate the retail arena. Chardonnay sales rose 5 percent in the 13 weeks ending December 16. By case volume, Chardonnay was up 3 percent in the December data. Chardonnay is the top-selling varietal in the ACNielsen-tracked marketplace, claiming 22 percent of the market in terms of dollars and 20 percent in terms of case sales.

As the weather turns colder, consumers are turning to red wines. Cabernet Sauvignon increased sales by 13 percent in the 13 weeks ending in mid-December. By case volume, Cabernet Sauvignon gained 13 percent in the 13 weeks ending December 16, 2006 over the same period in 2005. Market share remained steady as Cabernet Sauvignon claimed a 14 percent share in dollar sales and an 11 percent share in case volume.

Merlot sales are also continuing to rise, which is welcome news after months of media speculation about the fall in popularity of the varietal. Merlot sales rose again, by 4 percent, in the 13 weeks ending December 16, 2006. In terms of case volume, the varietal also grew 5 percent in the December data. Both figures are identical to the growth seen last month, welcome news for Merlot sellers. Merlot is the second-largest selling varietal, with 12 percent of market share in both dollars and case sales.

The fourth-largest selling varietal, White Zinfandel, continues to drop. The varietal dropped 3 percent in dollar and case sales for the 13 weeks ending in mid-December. White Zinfandel still holds a market share of 5 percent in dollar sales and 8 percent in case volume.

Domestic wine sales gained 8 percent in the 13 weeks ending December 16, 2006 over the same period in 2005, while imports rose 7 percent in the same time period. In terms of case volume, domestic wines grew 3 percent, while imports rose by 5 percent.

Australian wine sales grew by 3 percent in the 13 weeks ending December 16, 2006. By case volume, sales rose by 5 percent. It appears Australian wine prices are not keeping pace with volume increases. Australian wines account for 10 percent of all sales and 9 percent of case volume.

Sales of Italian wines, the second-largest imported wine sold in the U.S., grew 6 percent in the 13 weeks ending in mid-December, while case volume increased by 5 percent. Italy accounts for 10 percent of the overall wine market in sales, 8 percent in case volume.

Australian and Italian wines make up almost all imported wine sales in the U.S., as no other country approaches even 5 percent of the overall wine market. France is the third-largest imported wine category with a 4 percent market share in sales and 2 percent market share of volume.



**7. Study: Wine Sales to Grow 5% by 2010**

By William Spain, *MarketWatch*

February 7, 2007

CHICAGO (MarketWatch) -- The global thirst for wine shows no signs of slowing down, with consumption expected to rise about 5% by 2010 as new markets open up and the U.S. becomes the world's largest market, according to a new report.

The projections by trade group VinExpo/IWSR, released in New York on Tuesday, envision world wine volume -- currently about 30 billion bottles a year -- will grow by 267 million bottles annually over the next four years to command a retail value of $117 billion.

"Every year, the world is drinking about 1% more volume," said Robert Beynat, chief executive of VinExpo. "And the value is rising twice as fast as the volume."

Indeed, people are not only drinking more, they are drinking higher-end products: Sales of wine priced between $5 and $10 a bottle look to rise 9% between now and 2010 while that priced at $5 or below -- currently three-quarters of the total by volume -- will increase just 2.4%, the study projected.

In the U.S. alone, the value of wine consumed will grow about 18% by 2010 to $23 billion, Beynat said, and it will become the world's biggest market by volume, surpassing current leaders France and Italy.

Russia and China will also be key to growth, Beynat said. He estimated that only between 50 million and 100 million people currently drink wine at all in China but it will enter the top 10 markets by 2010, particularly as the local industry gets off the ground.

"The more the Chinese produce wine, the more they will drink and the more they will import,' he said. "It is like the story of America 50 years ago," when Americans drank very little wine until the "inspiration of Mr. Gallo."

As to the harder stuff, VinExpo predicts that spirits consumption worldwide will jump to 2.31 billion nine-liter cases by 2010, a 6% aggregate growth rate -- and it will rise even faster in Asia, already the largest consuming region.

Global spirits sales hit $170 billion in 2005 and should add $10 billion more in the next four years. At 504 million cases, vodka is -- and will remain -- the most popular spirit. However, its phenomenal growth -- 18% between 2001 and 2005 -- is expected to slow to 4.4%, a rate that will be handily outpaced by scotch, rum and tequila.



**8. Bush Budget Proposal Lifts TTB 4.3%, NIAAA 0.2%, Rewards MADD, While Slashing SAMHSA Prevention and Treatment Funds**

*Beverage News Daily*

February 6, 2007

Alcohol & Tobacco Tax & Trade Bureau’s budget for fiscal 2008, which begins Oct. 1, would increase 4.3% from the current fiscal year to $94 million under the budget President Bush sent to Congress yesterday.

TTB was rewarded for what the budget called “the most effective and efficient system for collection of all revenue that is rightfully due” and providing “high quality service while imposing the least regulatory burden.”  TTB’s personnel levels will remain unchanged, under Bush’s proposal.

National Institute on Alcohol Abuse & Alcoholism will get a $1 million increase from its current spending levels.  That’s a miniscule 0.2% increase, which means – after adjusting for inflation – Bush proposes the government will do less in researching alcoholism and related disorders than this year.

Still NIAAA is luckier than the Substance Abuse & Mental Health Services Administration whose budget would be cut 4.9% from current levels.

Indeed, the President budget appears to have a policy bias best summarized as “an ounce of prevention isn’t worth a pound of cure.”   The President’s budget cuts both prevention and treatment funding, while giving Mothers Against Drunk Driving-promoted sobriety checkpoints a double-digit increase in funding.

The Substance Abuse part of SAMHSA’s budget takes a 3.6% hit, while the Mental Health part is slashed 9.5%.  The President’s proposal said these cuts will come where “grant periods are ending, activities can be supported through other funding streams or efficiencies can be realized.”

SAMHSA’s budget cuts funds to support both treatment and prevention, with prevention being cut  23% and treatment being trimmed 11.6%, although the budget acknowledges that “23 million Americans struggle with a serious substance abuse problem for which treatment is needed, Bush slashed SAMHSA’s prevention programs 23% and cuts treatment 11.6%.  The Bush budget explains that “substance abuse leads to lost productivity, domestic violence, child abuse, criminal involvement and preventable deaths.”

National Highway Traffic Safety Administration gets a 5% increase in alcohol incentive grants, and a 12% jump in funds for sobriety checkpoints and similar programs, as well as advertising to publicize them and money for law enforcement to buy equipment and to target impaired drivers under 34.  According to NHTSA statistics, there was a 1.7% increase in “alcohol-related traffic fatalities” in 2005.



**[II. IOWA NEWS.](#II)**

**9. When D.M. Pub's Air Clears, Nonsmokers Might Appear**

Marc Hansen, Columnist – *Des Moines Register*

February 3, 2007

The sign went up Wednesday on the front door. Starting the day after the Super Bowl, smoking is out at Cooney's bar in Beaverdale.

Most of the regulars are smokers who've been stopping by forever, so there won't be a parade.

Brian Cooney, the owner, knows he'll lose some of them. He also knows he'll gain some nonsmokers.

Either way, it was time. Cooney had been mulling it over since a doctor looked at his chest X-ray a few years ago and said, "You've been a smoker for 20 years."

Not true, Cooney said. He'd never been a smoker, but he did tend bar for a living.

BILL NEIBERGALL/THE REGISTER

Larry Olsasky, left, of Des Moines and Bill Bialas of

Windsor Heights smoke cigarettes in between dart

games at Cooney’s bar, located at 3708

Beaver Ave., Friday afternoon. Cooney’s is becoming

a smoke free establishment after the Super Bowl, on

Monday. The two men said they support the ban

because it will help owner Brian Cooney avoid

secondhand smoke.

Same thing, the doctor said. You've been secondhand smoking for 20 years.

Since Wednesday, Cooney's bar has been filled with secondhand smoke and resignation.

Everyone knew this was inevitable. If Cooney didn't do it, the government eventually would do it for him.

Most of the customers were taking it in stride when I stopped in, but not all. A guy who moved away a few years ago sent the following tongue-half-in-cheek message from New Jersey:  
  
"Tell Cooney he can (deleted). I'll never darken the door of that stinking (deleted)'s (deleted) smoke-free (deleted) again."

The day the sign went up, a young woman told Cooney smoking is the reason she patronizes his place.

"One of the last bastions," is the way 72-year-old Bill Heller put it.

Smokers can't light up at home anymore. The spouse or the kids or the dog won't allow it.

They can't smoke at the workplace. Sometimes - at the I-Cubs game, for instance - they can't even smoke outdoors.

Mike Miller, the bartender, said he wasn't happy about the decision, but his mother was. He'd just have to live with it.

Roni Swift wasn't thrilled, but she wasn't jumping ship. Cooney's is family.

Three women met their husbands there and were married within a week of one another.

Brian Cooney, Swift said, is the beloved father figure. He can do as he pleases.

Then she couldn't help herself. First Al Gore is nominated for a Nobel Peace Prize, she said, and now this. "Yet another sign the apocalypse is upon us."

Mostly, though, the reaction was positive.

"Smoking isn't the addiction here," said Julie Bliss. "This place is the addiction."

Go to Ireland. You can't smoke in a real Irish pub.

A few of the customers were trying to stop and this couldn't hurt.

"I quit for eight years," Bob Larson said, "smoked for three, quit for five, smoked for four. The first of the year I quit again. So Brian's timing is excellent. Even the smokers know the time has come."  
  
Bill Ryan stopped smoking two years ago as a Valentine's Day present to his new bride. She still won't set foot in the place. On Monday, that changes.

Bliss called that chest X-ray "divine intervention ... an act of God."

Until then, Cooney was one of those guys who didn't want the government telling him what to do.

Now here he was earlier in the week, telling the government what to do, showing up at the Statehouse, pushing for a new bill that would ban smoking in bars and restaurants and other public venues across the state.

But why wait? When Cooney came to work Tuesday, one of his employees was waiting for him. She was pregnant. The smoky environment was too dangerous. She was quitting.

"Well," Cooney replied, "you just made my decision really easy."

The numbers make it even easier. Only 17 percent of the people surveyed in a recent Iowa Poll said they were smokers.

Five hundred restaurants in central Iowa are smoke-free, and some of the bars are starting to tag along. Last month, the Raccoon River Brewing Co. went smokeless. On Monday, the B & B on Beaver Avenue and Centro downtown get religion, too.

While the trend is Cooney's friend, you'd never call his place trendy. It isn't a slick brew pub. It's an old neighborhood joint, dark and, yeah, a bit dingy.

"Once you're here," said Bliss, "you don't notice the smoke. When you leave, your clothes reek."

One of the other regulars talked about the time he went home and his wife said, "You smell like Cooney's."

The husband reported back to the owner.

"Yeah," the owner growled, "you smell like life."

Starting Monday, life in Beaverdale smells a little better.



**10. Bill Aims to Keep Bottle Program Alive**

By Jennifer Jacobs, Staff Writer – *Des Moines Register*

February 6, 2007

**Iowa lawmakers will consider increasing the fee that distributors must pay redemption centers.**

Charging a nickel deposit on bottles and cans sold in Iowa has encouraged recycling and curbed litter for 28 years, but redemption centers say the program could be in trouble because they're losing money on the service.

To help keep the recycling program successful, the Iowa Legislature is considering doubling the handling fee redemption centers get for each container they collect.

Currently, distributors pay redemption centers such as the Can Shed in Cedar Rapids or Hy-Vee grocery stores in Des Moines a penny for every empty container consumers turn in.

Under a new bill, distributors would have pay the retailers 2 cents.

Distributors and some grocers don't like that idea. Because no state adjacent to Iowa has a deposit law, those businesses argue that if they charge more for products to offset the extra cost, they'll lose sales across the border.

Jerry Fleagle of the Iowa Grocery Industry Association suggested changing the law so that Iowans are refunded 4 cents on each redeemable container instead of 5 cents.

That idea is very unpopular with consumers, said Jeff Geerts, a program planner for the Department of Natural Resources. Some redemption centers, in violation of state law, have already tried that, he said.

"What we've heard from consumers that call us is when they pay 5 cents, they want 5 cents back. That's why it's called a deposit," Geerts said.

For the past several years, any proposals to change the container deposit law have been bottled up, mainly because of a lack of consensus on what can be done.

This year, some lawmakers are holding out hope for action.

"My gut feeling is something will happen. I don't know what, though," said Rep. Dave Deyoe, a Republican from Nevada.

Of the 11 states with container deposit laws, Iowa has the lowest handling fee, according to Container Recycling Institute in Washington, D.C.

Between 20 and 25 redemption centers in Iowa have gone out of business in the last two years, Geerts said.

That leaves about 150 centers whose primary business is redemption.

If more close, Iowans would have fewer places to redeem the 1.65 billion reusable aluminum cans, plastic soda bottles, and wine, beer and liquor containers they now return each year.

This would spell trouble for the whole program, said Sarah Rasmussen of Metro Waste Authority, which supports the handling fee increase.

"If nothing's done to support it or update it, it is going to slowly die out," she said.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070206/NEWS10/702060377/1001/NEWS>



**11. Faculty Group Backs Total Smoking Ban**

Ashton Shurson - *The Daily Iowan*

February 7, 2007

The smoking-ban saga continued Tuesday when the UI Faculty Senate endorsed a campuswide boycott on smoking Tuesday in the Old Capitol Senate Chambers.

The most recent proposal, recommended by the Smoking Policy Review Committee, would not allow smoking around the perimeter of UI buildings, an addition to the current prohibition against smoking within 25 feet of building entrances.

If the new policy is accepted, the UI will be the first university in the nation to have a complete ban on smoking.

"This will be a big deal on campus, but it will be done in a humane way to accommodate people addicted," said UI Faculty Senate President Sheldon Kurtz.

The project will take two years to implement, starting in July 2007. The two years would give smokers time and resources to quit smoking if they choose to quit, according to the committee's final report.

The committee recommended three main proposals: Increase the no-smoking space to encompass the entire perimeter of the building, make University Apartments smoke-free by July 2009, and ban smoking in theater performances. The latter of the three will also be reviewed by College of Liberal Arts and Sciences faculty prior to July 2007.

Although faculty senators asked during the meeting about the use of smokeless tobacco products, Susan Johnson, a committee co-head and the associate provost for Faculty, said the policies primarily deal with reducing second-hand smoke exposure and would not affect such use.

Other senators said a campuswide ban would aid the smoking ban around the UI Hospitals and Clinics. Senator Bryce Plapp, a professor of biochemistry in the UI Carver College of Medicine, said that when people can't smoke around the entrances to the health-science colleges, they move to other areas and create a "gauntlet," worsening the alleged problem of secondhand smoke.

"The only way to solve the problem is to ban it overall," he said.

Now that the senate has approved of the smoking policy, it will go to UI interim President Gary Fethke for further review.

Faculty senators also discussed the Council on Teaching's amendments to the UI Operations Manual for faculty requirements pertaining to e-mail. If implemented, professors will have to explain on their syllabi their policies regarding e-mail.

The committee's head, Mark Young said during Tuesday's meeting that the new policies will eliminate misunderstandings and different expectations students might have about the e-mail accessibility of their instructors.

Kurtz said he doesn't believe this will be an issue with the faculty because "it's just giving information to students."

<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/02/07/Metro/Faculty.Group.Backs.Total.Smoking.Ban-2702176.shtml?sourcedomain=www.dailyiowan.com&MIIHost=media.collegepublisher.com&mkey=433542>



**12. Senate Panel Approves $1 Cigarette Tax Bump**

By Jonathan Roos, Staff Writer – *Des Moines Register*

February 7, 2007

The Iowa Legislature took a first step Tuesday toward increasing taxes for smokers.

The Senate's tax policy committee endorsed legislation that would raise the cigarette tax from 36 cents a pack to $1.36 cents, as Gov. Chet Culver has recommended.

Senate Study Bill 1055 was approved, 14-3, by the panel in a jammed committee room, as anti-smoking advocates from the American Cancer Society looked on.

"It's a great start," said Sandra Quilty, a representative of the group. "It's been a long time since we've had this opportunity before us." Iowa's cigarette tax was last raised in 1991.

Critics of the bill included Sen. Larry McKibben of Marshalltown, one of three Republican senators who voted against the measure.

Raising the cigarette tax by a dollar a pack "is going to be a major concern for our communities up and down the rivers" because it could put businesses in border communities at a disadvantage, McKibben said.

The committee vote was preceded by a pitch for the tobacco tax increase from Attorney General Tom Miller. Raising the cigarette tax is the single most effective tool at the disposal of state leaders for discouraging smoking and cutting down on the number of Iowans who die from tobacco-related diseases, Miller said.

Iowa's current tax of 36 cents a pack ranks 42nd in the nation and is barely higher than the taxes assessed by tobacco-growing states, he said.

Anti-smoking advocates were joined at the Statehouse by Dr. Frank Chaloupka, a national expert on tobacco taxes and economics. Chaloupka, director of the University of Illinois-Chicago's Health Policy Center, said a dollar increase in the cigarette tax would prevent about 13,000 more Iowa youths from smoking than would a smaller increase of 65 cents a pack.

The bill calls for setting aside additional annual revenue from a dollar-a-pack tax increase in a trust fund dedicated to health care programs.

The tax increase is expected to raise about $135 million annually, said Sen. Joe Bolkcom, an Iowa City Democrat and chairman of the Senate Ways and Means Committee.

"We'll be working to make sure all the revenue is dedicated to health care," said Senate Minority Leader Mary Lundby, a Marion Republican who voted for the measure.

The bill goes to the entire Senate for more debate.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070207/NEWS10/702070370/1001/NEWS>



**13. Legislature Must Seize Chance to Raise Cigarette Tax**

Editorial Board – *Daily Iowan*

**February 8, 2007**

During his gubernatorial campaign, Chet Culver pledged he would raise the cigarette tax if elected. We are happy to see he plans to fulfill this campaign promise. In his budget proposal released Jan. 30, he outlined plans to raise the cigarette tax to $1.36 - a $1 increase to the current tax. The Iowa Senate Tax Policy Committee on Tuesday approved the increase by a 14-3 vote. We welcome this development and hope the measure reaches fruition - though an eventual compromise may be needed.

This Editorial Board is certainly not overly supportive of "smoker's rights" - we've favored a statewide smoking ban in restaurants, and only opposed smoking restrictions around UI buildings after correctly recognizing the ban would not and could not be enforced. But we are strong advocates of raising the cigarette tax - and the higher the better.

The current political climate is advantageous for Culver's moves. Democrats control both houses of the Iowa Legislature, and they support a tax increase. His commanding victory over Jim Nussle in November has granted him a strong mandate - and his stance is backed by a substantial majority of Iowans.

Nonetheless, some Republicans may favor a more moderate tax increase of 64 cents in order to bring the total tax to $1. It certainly would be better than nothing. The state is continually looking for sources to fill its coffers. It would be folly to reject a compromise - but there is no sense in compromising if it is not required. We encourage lawmakers to act in a bipartisan manner, but when it comes to this issue, leaders in the House and Senate need to get their fellow Democrats to follow the party line.

A smoking ban in restaurants is also long overdue, and we included it in the editorial "Our 2007 legislative wish list" (Dec. 14, 2006). There is no reason to expose workers to secondary smoke simply to appease smokers. A statewide ban is required to force all restaurants to comply.

It is both absurd and appalling that smokers believe they're unfairly treated. The decision to smoke drives up health-care costs at the taxpayers' expense - and secondhand smoke can greatly contribute to lung cancer. The higher cigarette tax is a small price for them to pay - and its cost pales in comparison with the damage their smoke does to a nonsmoker's lungs.  
  
We don't pretend to imagine a higher cigarette tax will cause some smokers to quit or deter future smokers. It can make a difference, but basing any antismoking campaigns on a tax is foolish. It may seem "unfair" to stuff the government's piggy banks with revenue derived from addicts' habits, but better a vice tax than an increase in property or sales taxes. Culver is off to a good start. We are happy with his proposal to raise the cigarette tax - and we hope the Legislature will boost it the full amount Culver requested.

<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/02/08/Opinions/Legislature.Must.Seize.Chance.To.Raise.Cigarette.Tax-2705235.shtml?sourcedomain=www.dailyiowan.com&MIIHost=media.collegepublisher.com&mkey=433542>



# 14. United Effort Under Way to Stop Underage Drinking

*Charles City Press*

February 7, 2007

Floyd County FOCUS, Dr. Tony Slinger and several North Central Iowa groups have banded together to increase awareness about the risks of underage drinking.

The “Got A Minute?” campaign began in December and will continue through prom and graduation in the spring. This united effort is intended to be a call to action for all parents and community adults to stop underage drinking and its long-lasting consequences.

Underage drinking is a leading public health problem in the United States. Underage drinking has killed more youth than all other illegal drugs combined.

“Recent media attention to this issue provided information to the public that most North Iowan’s weren’t aware of. The ‘Got A Minute?’ campaign is designed to continue this educational effort using a variety of formats,” said Scott Jensen, chairperson for FOCUS. “With support from a United Way Venture grant and Dr. Slinger, FOCUS was able to bring this message to Floyd County,” added Jensen.

The group’s efforts are based on results from several studies that show parents’ disapproval of underage drinking is the number one reason youth choose not to drink.

“The messages provide concrete actions adults can take with their teen to help address this issue,” said Jill Orthel, FOCUS development specialist.

FOCUS will be using the “Got A Minute?” campaign as a springboard to mount concentrated efforts to reduce underage drinking in their communities.

“The campaign provides continued momentum for our underage drinking reduction activities in Floyd County,” said Rachel Connerley, FOCUS coalition member.

The media campaign will involve local television and radio stations, billboards, news ads, as well as provide newsletter articles to organizations, a speaker’s bureau to share information with groups and clubs, and quick tips through printed table tents distributed throughout the county.

## <http://www.charlescitypress.com/articles/2007/02/07/news/news06.txt>



[**III. OTHER STATE NEWS.**](#III)

**15. Two Airlines Ordered to Stop Selling Liquor on NM Flights (New Mexico)**

*WKBT*

February 3, 2007

SANTA FE Northwest Airlines and Frontier Airlines say they've stopped selling liquor in New Mexico.

Northwest and Frontier are the latest carriers to be ordered by the New Mexico Regulation and Licensing Department to stop selling liquor on flights to and from New Mexico.

The state says Frontier and Northwest don't have the required licenses.

On Monday, New Mexico ordered U-S Airways to stop liquor sales after discovering that the airline didn't have a New Mexico liquor license.

The state has since received an application for a license from U-S Airways.



**16. Bill Combats Birthday Binge Drinking (New Mexico)**

By Beth Stizler – *The Round Up*

February 5, 2007

A new senate bill has been introduced by Sen. Mary Jane Garcia to combat binge drinking as a person's 21st birthday celebration.

The Cinderella Bill, named after a fairy tale, moves the legal drinking age from midnight on a 21st birthday to 7 a.m. the following morning and 12 noon on Sundays.

"The point is to combat binge drinking when people turn 21," said Pip Lustgarten, Garcia's spokeswoman.

Some students reportedly go to the bar and consume excess amounts of alcohol on their 21st birthday. This is also referred to as "power hour:" 21 shots between midnight and 1 a.m.

This case of binge drinking could result in death, as it did for Steven Judd, a NMSU student, in 2004. Beginning at midnight on his 21st birthday, he was allegedly served 18 drinks in 90 minutes in a Las Cruces bar. He died with a blood alcohol level of 0.427 percent.

With help from Judd's parents, Garcia became involved with introducing the Cinderella Bill into legislation this session.

"Hearing about what happened to Steven Judd, this handsome young man, something had to be done," Garcia said.

Garcia, who is a partner of Victorias, a family-owned night club, said she does not condone drunk driving, binge drinking or serving alcohol to minors.

While the goal of the Cinderella Bill is to restrict midnight celebration and relieve the pressure of having to go out and binge drink on a student's 21st birthday, some students do not believe it will.  
  
"It won't stop binge drinking," said Amanda Mager, a junior majoring in HRTM. "It's a good effort, but if they really wanted to stop it, they need to have an alcohol 101 course."

"It's just prolonging the inevitable," said Lillie Vosa, a junior majoring in Psychology. "I'll be turning 21 in a few months, and it will just change what night I go out and have fun."

Garcia said she realizes people might go out the next night and drink, but hopes the Cinderella Bill sends the message not to drink excessively.

"It's more of a statement saying 'young kids don't go out there and binge drink,'" Garcia said.

Still, Lustgarten said the bill will have a positive affect on NMSU students and others in New Mexico and hopes no more tragic incidents will occur.

The punishment for serving an alcoholic beverage to someone before 7 a.m. on their 21st birthday will be a fourth degree felony, the same punishment as serving a minor.

"This bill is to change the definition of a minor from midnight to 7 a.m.," said Lustgarten. "It's not to make a new punishment."

The bill is currently in its very early stages. Garcia said she wants to promote the bill as soon as possible. Lustgarten said if the bill becomes a law, it might go into effect by July 1, 2007.

<http://media.www.roundupnews.com/media/storage/paper474/news/2007/02/05/News/Bill-Combats.Birthday.Binge.Drinking-2695674.shtml?sourcedomain=www.roundupnews.com&MIIHost=media.collegepublisher.com>



**17. Bill Would Allow Direct Shipment of Wine (Georgia)**

By James Salzer -*The Atlanta Journal-Constitution*

February 2, 2007

Georgians who fall in love with a nice cabernet sauvignon on a trip to Napa Valley generally have two choices when they return home and decide to stock up on their new favorite California red: Hope their local stores sell it, or buy a plane ticket, because they'll have to return to Napa for more.

That may change this legislative session. Lawmakers in both chambers are backing legislation to allow Georgians to buy wine directly from wineries in other states.

The bills have been filed in the past week by House Judiciary Chairman Wendell Willard (R-Atlanta) and Senate Ethics Chairman Renee Unterman (R-Buford). Unterman's bills are co-sponsored by Senate Rules Chairman Don Balfour (R-Snellville) and Sen. Seth Harp (R-Midland), who also sponsored a bill that would allow local communities to vote on whether to let stores sell beer and wine on Sundays.

Willard said he's had Atlanta constituents complain about not being able to get wine directly from wineries after they've visited them.

Under current law, a Georgian who visits a winery can ship up to five cases of wine home. But he can't order it from the comfort of his own home. Nor can the person who wants to order a bottle from a small winery he might have read about.

Similarly, Georgia wineries can't ship wine to customers unless they show up at the winery to buy it.

Supporters say direct shipments to customers from the country's more than 4,000 wineries are legal in 32 states. Backers say it's not a radical proposition, since direct shipping has been going on for years.

"If 32 states can do this, all the arguments against this are bogus," said Dennis Cakebread, who is in charge of sales and marketing at Cakebread Cellars, a Napa Valley winery.

However, any wine bill faces a tough fight in the General Assembly, where the liquor wholesalers and distributors have traditionally had the political muscle to get what they want. They don't want the extra competition. And they say direct sales could make it easier for teens to illegally buy wine and tougher for the state to collect taxes on sales.

Under Willard's measure, which is similar to Unterman's in the Senate, wineries licensed in Georgia or other states could obtain a "direct shippers license." They could ship up to 24 cases of wine annually directly to a resident of Georgia who is at least 21 years old. The packages being shipped would contain labels that say, in large letters, "Contains Alcohol: Signature of person age 21 or older required for delivery."

George Doane, a wine lover and a senior financial analyst from Norcross, said he's run up against Georgia law several times when he's wanted to buy the products of out-of-state wineries.

"You want to get the No. 1 wine in Wine Spectator, you can't get it here," he said. "You might as well give up your subscription."

Georgia wholesalers may not distribute the products of small wineries, leaving Georgians no way to get the wines without going to those wineries.

"I think it's a consumer choice issue, and I don't think the industry should dominate what you can and can't buy," Unterman said.

Even with the shipping ban, Georgia ranked 14th in the country in the consumption of wine in 2003, the last year for which statistics were available. Doug Paul, owner of Three Sisters Vineyards & Winery in Dahlonega, said Georgia's growing farm winery business would get a shot in the arm from a change in the law.

"It would be huge," Paul said.

The number of Georgia wineries grew from nine in 1995 to 21 by last year, according WineAmerica, an industry organization. The number of wineries nationally has doubled over that period.

"Up to 38 percent of all small-farm wine sales come from wine clubs and shipping. The majority of those wine clubs are contacting wineries by telephone or e-mail. In Georgia, we are severely handicapped right now."

Passing the bills won't be easy.

They will have to go through the Senate Regulated Industries Committee chaired by Sen. David Shafer (R-Duluth). Shafer is cool to the Sunday sales bill because he says it puts liquor stores - which are not open on Sundays - at a disadvantage. Gov. Sonny Perdue, a religious conservative who doesn't drink, has signaled his opposition to Sunday sales as well. He vetoed two wine-related bills last year.

Fred Kitchens, executive director of the Wine & Spirits Wholesalers of Georgia, said he didn't want to comment on the specific bills, but said, "We do have general concerns about wide-open direct shipping."

The industry has cited the possibility that minors could get wine through direct shipping, and that the state could lose tax revenue from Internet sales.

"While consumer access is important, the problem is you can do it to the point where you're losing some security and revenue," he said.

Kitchens said a viable alternative might be to allow small wineries to sell wine directly to consumers after the customer has visited the site. That would allow the winery to verify the customer is at least 21.

Winery owners say safeguards are already in place to prevent teens from buying their products.

"The biggest concern they [opponents] raise is that 16-year-olds are going to be ordering $50 bottles of wine from the Internet, which is an absurdity," Paul said.

Matt Towery, CEO of InsiderAdvantage, an Atlanta-based Internet political firm, said there may be more of a push to pass alcohol sales bills this year because there is no election. That allows lawmakers to debate controversial legislation without having to worry about it immediately being used against them in campaigns.

"What has happened is they have taken a life of their own. The Sunday sales has become sort of the cause célèbre," he said. "I think consequently, people feel a little more comfortable filing these other bills."



**18. Liquor Stores Shaken,Stirred, by Distributors' Plan (Texas)**

By Mark Lisheron – *American-Statesman*

February 05, 2007

**Distributors want direct sales, but savings aren't a sure thing**

The patron nursing a highball on a stool at the local tavern might wonder why Texas' wholesale liquor distributors are spending big money to push package stores out of selling spirits to bars and restaurants.

Distributors, who gave a total of $1.38 million to state officials late last year, want to change the law that requires bars and restaurants to buy their liquor from package stores instead of distributors. Cutting out the middleman, they argue, tends to lower the price of drinks. The package stores, stung by the businesses that supply them, say handing the liquor business over to a few wholesale distributors will reduce competition and, ultimately, raise the price of a drink.

Both sides are probably right. But because businesses are not required to disclose their markups, it's anybody's guess what it might mean for the cost of a cocktail in Texas if the Legislature gives distributors what they want.

One thing is certain: It will be a knock-down, drag-out fight.

The package stores will fight hard for their livelihood, and the liquor wholesalers are likely to keep coming back to the Legislature until they succeed.

"Our view is that this is a silly law that creates additional costs in the system," said Alan Gray, spokesman for the liquor distributors' lobbying efforts.

Countered Greg Wonsmos, president of the Texas Package Stores Association: "Under the wholesaler plan, all competition is eliminated by law. That would be an outrage."

The fight comes at a time when traditional methods of getting products of all kinds to market are being challenged in the nation's statehouses and in the courts. The challenge has come from the Internet, which brings customers and manufacturers together directly, and large retailers such as Wal-Mart and Costco, which are a combination of wholesale distributor and package store. The bottom line for these new retailers is selling at the lowest price.

These new business forces are, in some instances, sidestepping politics altogether, taking on decades-old laws and monopolistic practices in court.

"Most of the laws passed by states to regulate businesses are simply attempts to limit competition in the marketplace," said Lino Graglia, an antitrust and constitutional law expert at the University of Texas School of Law. "Courts are recognizing that there is more value in free markets."

**Package law unusual**

Under Texas law, liquor manufacturers sell to liquor distributors, who in turn sell to about 2,300 retail package stores, which sell to consumers. About 600 of those stores have special permits to sell to the more than 9,000 bars and restaurants holding mixed-beverage permits.

Texas is one of three states - Kansas and South Carolina are the others - that have this additional link in the chain of commerce for liquor. In all states, most beer and wine is sold by their manufacturers to distributors who, in turn, sell them to retail stores, including restaurants and bars.

The Legislature passed the package store law in 1971 as a companion to a law allowing restaurants and bars to sell liquor by the drink. Worried that this new market would cost them business, package stores successfully lobbied to require that businesses selling drinks buy their liquor from them. Since then, the state's restaurants and bars, which sold about $3.6 billion in mixed drinks and paid more than $500 million in mixed beverage taxes in 2006, have absorbed or passed along any markups from both the wholesale distributor and the package store to their customers.

"I can't think of any reason why this law makes sense," Graglia said. "All you have done is add an unnecessary market impediment."

Gray said wholesalers have long agreed with that assessment but have been reluctant to antagonize businesses that, in many cases, have been their longtime customers.

Gray insists that no single event caused the wholesale distributors to change their minds but says a change was overdue.

"We know that not only can we take costs out of the system but at a much higher level of service to our customers," Gray said.

**Making a statement**

The proposed change appears to have taken on a new urgency in November, when the wholesalers began making campaign contributions to most of Texas' 150 state lawmakers, as well as $100,000 to Gov. Rick Perry. A total of $1.38 million in donations by BG Distribution Partners, a political action committee representing the two largest distributors in the state, was reported in January. The money was given after the elections but before the Legislature convened Jan. 9.

Craig McDonald, director of Texans for Public Justice, which tracks the influence of money in politics, said the money is among the largest sums spent by a single PAC in a decade. BG Distribution Partners represents Glazer's in Dallas and Republic Beverage Co. in San Antonio.

"It was a dramatic gesture that was designed to get noticed," he said. "We live in a pay-to-play state, and this told each legislator who got a donation that they are ready to play."

Executives with Glazer's and Republic revealed their plan at a meeting with package store representatives in November, said Wonsmos, who is CEO of Centennial Fine Wines and Spirits in Dallas. The wholesalers, he said, showed little concern for the impact it would have on the specially licensed liquor stores.

The Package Stores Association estimates that 500 of the 600 package stores licensed to sell to restaurants and bars would go out of business and thousands of their employees would be out of jobs. The other roughly 1,800 package stores that are licensed to sell to the general public would not be affected.

Most of the big package liquor stores in Austin, such as Twin Liquors, Spec's and Austin Wine Merchants, sell to bars and restaurants. Phone calls to managers and owners at those businesses were not returned.

But Wonsmos said the proposed legislation "means dire consequences for Texas businesses. A wholesaler monopoly would eliminate choice in who bars and restaurants do business with; it would increase costs for thousands of businesses and cost thousands of local employees their jobs."

Competition within wholesale distribution itself has been sharply curbed over the years. When the package store law passed in 1971, there were hundreds of distributors in Texas, about 20 of them major players. When Gray began lobbying for the industry in 1992, there were eight major companies.

Today, there are two: Glazer's and Republic control nearly all of the major liquor brands and most of the business.

The consolidation of the wholesale sector also reflects the consolidations of some of the larger liquor manufacturers.

**Guaranteed savings?**

Choosing between the package stores and the wholesale distributors isn't as easy as a simple cost saving, said Richie Jackson, president of the Texas Restaurant Association.

Big-volume chain restaurants that buy their liquor in bulk believe they can save considerably by not having to pay the markups of both the wholesaler that sells to the package store and the package store that sells to them, Jackson said.

There is, however, no guarantee that wholesale distributors will pass along the savings they say the change in the law will create, and small independent restaurants have expressed concerns that they might lose the individualized service they get from their favorite package store.

Ron Weiss, a managing partner in Jeffrey's, a well-known independent Austin restaurant, said he was initially all for the wholesale distributors' plan. He has since become less certain.

"It's not a clear-cut issue," Weiss said. "Unless there is a true cost savings, there is no reason to want the law changed. You can't attach a value to the service element of doing business with package stores."

**Liquor laws in Texas**

1933: Prohibition ends. Sale of liquor is prohibited unless counties, cities or justice of the peace precincts hold a referendum in which voters approve liquor sales.

1971: Legislature approves the sale of liquor by the drink. At the same time, it establishes a three-tiered system of sales: manufacturers, distributors and package stores, and bars and restaurants.

1979: Federal law allows people to brew up to 200 gallons of beer at home, paving the way for the microbrewing boom.

1993: Legislature passes bill allowing brew pubs, the 42nd state to do so.

2003: Voters approve a constitutional amendment that authorizes all Texas wineries to operate, sell wine for on-premises and off-premises consumption, and conduct wine tasting. In contrast with other entities, wineries are exempt from the 'wet' or 'dry' status of the political subdivisions in which they are located.

2005: Legislature overwhelmingly approves a law allowing state wineries to ship directly to consumers. Texas consumers are allowed to buy directly from out-of-state wineries.



**19. Morrisette, Dingfelder Target Beer Lobby (Oregon)**

*The Oregonian*

February 5, 2007

Democratic Sen. Bill Morrisette and Rep. Jackie Dingfelder are going after the powerful beer and wine distributors lobby with two bills that would increase Oregon's beer tax and wipe out protections for the middlemen.

House Bill 2535 would increase the tax by about 10 cents per drink for large beer manufacturers. Right now, the tax is one of the lowest in the country, penciling out to less than 1 cent per drink. The proposal would exempt smaller home-grown breweries.

The two legislators say it would raise about $60 million a year for drug and alcohol treatment. They've tried raising the beer tax in past sessions, but were unable to get traction in chambers controlled by Republicans.

And even with Democrats leading both chambers, it needs a three-fifths majority --18 votes in the Senate and 36 votes in the House -- to pass.

Senate 502 would eliminate Oregon's beer distributor trade laws, which the legislators call "sweetheart" protections for the middle men. It would also allow grocers to use credit to pay for their beer deliveries -- a provision they've wanted for years from Salem. Rob Bovett, president of the Oregon Alliance for Drug Endangered Children, said he wants lawmakers to combine the two bills as a way to get retailers on board with a beer tax increase.

Paul Romain, lobbyist for the Oregon Beer and Wine Distributors Association, said they're still against a hike in the beer tax. As for the other proposal, he said, "I laughed when I saw it."

"Bills like this," he said, "they'll stand or fall on their own."



**20. Wineries Feel Squeezed (Oklahoma)**

By John Dobberstein, Staff Writer - *World*

February 4, 2007

Vineyard operations are growing in Oklahoma, but many producers say state laws need pruning

Twenty years ago, a doctor told Pete Jones his blood pressure was too high. A petroleum engineer by trade, Jones had to find a new job.

He turned to an old friend -- wine making, a skill he learned as a child from his grandfather.

Nuyaka Creek Winery, near Bristow, is thriving after Jones opened it in 2000.

Spanning 60 acres, Nuyaka was among the first wineries to be licensed in Oklahoma. But even Jones is surprised by the growing popularity of wineries and local wine.

"You couldn't give it away for 40 years," Jones said. "I had a lot of people here on (a January) weekend, even with the ice. I couldn't believe it."

Oklahoma has 41 licensed wineries -- up from just three in 1999, according to the Oklahoma Grape Growers and Wine Makers Association.

Gary Butler, the association's president, believes there are many reasons for the increasing popularity: new information about the health benefits of wine, more consumer interest, and changing trends in lifestyles and careers.

"A lot of people are looking for something that

gets them back to the land," said Butler, who with his wife, Marsha, co-owns Summerside Vineyards in Vinita. "It's not easy work, but it's definitely different than sitting at a desk -- like I did for 30 years -- in corporate America."

**Access an issue**

Oklahoma wineries still face roadblocks to prosperity. Production is not high, the weather is fickle and winemakers are hampered by the state's conservative liquor laws.

Oklahomans voted last year to allow direct shipments from local wine makers to retail package stores and restaurants, bypassing wholesalers and distributors. But the amendment was ruled unconstitutional by a federal judge who is presiding over an earlier lawsuit filed by three liquor wholesalers.

That lawsuit was filed after the U.S. Supreme Court ruled in 2005 that laws that favor in-state wineries over out-of-state operations are discriminatory.

The federal judge has asked state lawmakers to address the wine-selling situation this year.

Butler expects lawmakers to propose two joint resolutions that could benefit winemakers.

The first would amend the Oklahoma Constitution to allow both local and out-of-state wineries to sell directly to liquor stores and restaurants, or require both types of wineries to go through wholesalers, with no direct sales allowed.

A second resolution would allow any winery, local or out-of-state, to sell and ship wine directly to Oklahoma consumers -- a practice that is currently illegal here.

Separately, a group called Oklahomans for Modern Laws is planning a petition campaign to allow the sale of wine and "strong" beer in every Oklahoma grocery and convenience store that is licensed to sell "weak" beer.

The group will try to collect the signatures of about 220,000 registered voters -- the amount needed to place the constitutional amendment on the 2008 general election ballot.

While wineries have boosted tourism in Oklahoma, wholesalers and liquor distributors have fought changes to the current system for economic, regulatory and tax reasons. Others have criticized the idea of mail-order wine over fears that it would put alcoholic beverages in the hands of minors.

Butler feels winemakers deserve some help until the state's wine industry increases production and can attract business from wholesalers.

"You've got every state with its own laws that are very confusing and totally different," he said. "And from a consumer standpoint, they can't figure out what they can do and what they can't do."

Grape production is another problem holding back wine makers, the association has said.

Most Oklahoma wineries don't produce enough volume to attract wholesalers, Butler said. With some financial backing, a handful of Oklahoma wineries are trying to ramp up production and tap the wholesale market.

"We're working very hard to find people interested in doing crop diversification," Butler said. "My hope is for us to grow big enough where you need a wholesaler to distribute statewide. It's kind of a volume game."

**Vineyards growing**

There's no doubt the wine industry is booming across the United States.

A new report by MKC Research of St. Helena, Calif., found that the U.S. wine and grape products industry is worth $162 billion a year, and it affects the economy in all 50 states.

There are now 4,929 wineries across the country -- up from 2,904 in 2000 -- and those wineries produced $11.4 billion in sales in 2005, the study said.

California leads the nation with 2,275 bonded, or licensed, wineries, followed by Washington state, Oregon and New York.

MKF's report said that wine, grapes and grape products, such as juice, create the equivalent of 1.1 million full-time jobs with a $3 billion payroll. The industry paid $17.1 billion in federal, state and local taxes, according to the report.

Wine sales in shops and restaurants totaled $9.8 billion in 2005 and produced $2.7 billion in sales for distributors, the report said.

Wine tourism is also growing. The national study pegged the total number of wine-related visits at 27.3 million in 2005.

Oklahoma State University attempted to conduct a study of the state's wine industry recently, but much of the financial information wasn't filled out by those responding, said Eric Stafne, an assistant professor at OSU and expert on fruit and nut crops.

The grape acreage reported in Oklahoma was 220, but Stafne believes it's twice that amount. The most common grape varieties grown here are cabernet sauvignon, merlot, shiraz, riesling and muscat blanc, Stafne said.

A majority of the grapes grown here are red, instead of white.

At Nuyaka, Jones makes 30 kinds of wine, including merlot, cabernet sauvignon and chardonnay. He also offers wine tasting and tours.

Jones said he gets a decent number of tourists, but most visitors are local customers -- and they keep his doors open.

"People like to go see it," he said. "They like to see the process in action."

Butler's association and OSU are attempting to boost Oklahoma's wine industry further. A new wine research and enology lab is expected to open this spring at OSU's Food and Agricultural Products Research and Technology Center. And the university plans to start a viticulture certificate program this year.

The state's wine association is stepping up recruitment of growers and continuing to press for legal reforms.

"It's a challenge to grow, and grow big enough and fast enough where you can take each step and not make mistakes," Butler said.



**21. New Law on Underage Drinking Needs Some Work (Oklahoma)**

*Enid News*

February 6, 2007

To say there has been some confusion about just exactly how the new Prevention of Youth Access to Alcohol Law is going to work in Oklahoma is an understatement.

The new law that went into effect Nov. 1 is supposed to give harsher penalties on both those who sell alcohol to underage children, and it’s also supposed to instill tougher penalties on underage drinkers.

The bill everyone thought Gov. Brad Henry signed into law was supposed to provide for higher fines, community service and revocation of a driver’s license for minors consuming or in possession of alcohol.

So, when more than a dozen Enid area teens were arrested over the holidays on minor in possession complaints, we were interested to see just how the law would be applied locally.

Unfortunately, a lot of people who fought for this law and who endorsed this law are disappointed. It’s fair to say the only ones not disappointed in how the law is playing out are the teens who were cited.

First, there was confusion about whether municipalities could enforce the new penalties or if the charges had to go through district court to be enforced. In fact, most of 18 year olds who were cited simply paid $144 in fines, and that was it.

After that was cleared up, however, it became apparent there is a big loophole in the law that benefits kids 18-20, but not kids under 18. Under the law as it stands now, an MIP is not one of the offenses for which a minor 18-20 can lose his or her driver’s license.

We don’t know whether that was an oversight or an intentional change in the new law, but it makes a big difference in just how accountable underage drinkers are going to be in Oklahoma.

Local lawmakers are aware of the discrepancy in the law, and it’s up to them and their colleagues to see the intent of the law is carried out in this next session. Whether lawmakers do make the change will tell a lot about how strongly our state believes in curbing underage drinking.

<http://www.enidnews.com/opinion/local_story_037002603.html?keyword=topstory>



**22. D.C. Might Tighten Law On Youths In Clubs (Washington, D.C.)**

By Keith L. Alexander and Nikita Stewart, Staff Writers – *Washington Post*

February 6, 2007; Page B01

**Additional License, Security Proposed**

Any District club, bar or restaurant with entertainment that serves alcohol after 11 p.m. would be required to have a special license to admit anyone younger than 21, under a D.C. Council proposal.

Council member Jim Graham (D-Ward 1) said he would introduce a bill today requiring that establishments present a detailed, written security plan before obtaining the annual license, which would cost $375 and be in addition to the regular alcohol license.

The nightspots would have to assure the city that they have a certain level of security and maintain logs of violent incidents. They would have to train employees to handle unruly crowds and specify procedures for checking identification and searching customers. And if the measures weren't enough to maintain order and prevent underage drinking in the city's entertainment spots, the proposal would reserve the right of the Alcoholic Beverage Regulation Administration to tighten the measures.

Graham, who has advocated the closing of several nightclubs where violence has erupted, said he wants to force clubs to tighten their security and the monitoring of underage drinking.

When adults and underage youths are mixed with alcohol, "you have a potentially troubling and potentially dangerous environment," Graham said.

His colleagues had not seen his proposal yesterday, so it was difficult to asses the bill's chances for approval. But D.C. Council Chairman Vincent C. Gray (D) said he was worried that the bill could make it "onerous" for businesses to operate.

"We don't want to interfere with parents going out with their children. We want to encourage parents to have that experience with their children," Gray said.

Graham said the bill could be "toughened or weakened" as it goes through the legislative process. A spokesperson for Mayor Adrian M. Fenty (D) said his office had just received Graham's proposal and had no immediate comment.

Restaurant executives worry that the bill could reduce revenue and burden restaurants with more paperwork. Andrew J. Kline, general counsel for the Restaurant Association of Metropolitan Washington, called the plan "overly broad" and added that an 11 p.m. curfew at restaurants could inconvenience businesses and patrons.

"I would hate to walk into a restaurant after the theater and be told that I cannot dine there [with my children] because they don't have a permit," he said.

Parents often take their children for late-night dinners or a show at a club such as Blues Alley, Kline said. "I am troubled that there is no exemption for a minor accompanied by a parent or guardian," he said. "If I want to take my daughter to Blues Alley, I should be able to do so without an impediment."

In the city, 900 businesses are licensed to serve alcohol, and more than 700 are restaurants. Seventy of those restaurants also have licenses for dancing and entertainment.

Graham proposed the bill in response to the killing Jan. 20 of Taleshia Ford, 17, in Smarta/Broadway, also known as Club 1919, on Ninth Street NW, just off the bustling U Street corridor. The club admitted teens but also served alcohol to patrons 21 and older.

After the shooting, Graham initially considered a bill that would ban all patrons under age 21 from attending venues where alcohol was served. But after several heated meetings with nightclub owners, musicians and youth advocates, Graham opted for a less stringent plan.

"I'm willing to create a constructive environment for young people to dance and hear music," Graham said. "This is about more than underage drinking. It's about entrepreneurs trying to make a fast buck."

The Black Cat, at 1811 14th St. NW, often caters to under-21 crowds for its late-night concerts. Owner Dante Ferrando said he supports additional security and monitoring but worries the legislation could go too far.

Nightclubs that cater to younger crowds also would have to implement a $1 surcharge on all under-21 admissions at the door. That fee, Graham said, would be used to fund the expansion of the city's underage-inspection unit, part of the Alcoholic Beverage Regulation Administration. The liquor board's 10 inspectors primarily focus on monitoring restaurants and taverns that serve alcohol during the day or early evening. The expansion would increase the number of inspectors and allow them to monitor nightclubs and restaurants after 11 p.m.

<http://www.washingtonpost.com/wp-dyn/content/article/2007/02/05/AR2007020501602.html>



**23. Bill Would Allow Police to Ticket Underage Drinkers (Maryland)**

By Sarah Breitenbach and Jamie Bussey, Staff – *News-Post*

February 5, 2007

Even without ‘can in hand,’ officers could issue citations

ANNAPOLIS – Maybe the fifth time’s the charm for a piece of Frederick County legislation designed to curg underage drinking.

Local lawmakers want to close a legal loophole that only allows police to cite minors, those under 21, for underage drinking when they are caught in possession of alcohol.

Sponsored by the Frederick delegation, the bill allows police officers to cite minors who show common signs of having consumed alcohol, such as the smell on their breath or impaired speech.

Versions of the bill have failed to survive the General Assembly’s annual 90-day session on four separate occasions.

**Photo by Bill Green**

In the past, opponents have argued that changing a criminal statute in Frederick County would create an inequity among Maryland jurisdictions; any move to make the bill statewide has met an early death as some believe it would increase police power and promote profiling.

“I think it’s one of those things that a lot of times, it takes two or three times to get a good bill through the legislature here,” Delegate Paul Stull, a Republican from Walkersville, said. “The county commissioners asked us as part of their (legislative package) to put this in and we felt as the delegation, it might gain some respect this time.”

Stull was the only person to testify for the bill during a Thursday hearing in the House Judiciary Committee. No one testified against it and committee members did not ask any questions of Stull.

Caroline Cash, executive director for the Chesapeake Region chapter of Mothers Against Drunk Driving, said her group testified in favor of the bill last year when it was sponsored by former Delegate Patrick Hotan.

The group was not asked to testify this year, she wrote in an e-mail.

Delegate Sue Hecht, a Democrat from Frederick, pointed out that the bill shouldn’t be specific to Frederick County, which weakens its chances of passing.

“I think the idea is good,” she said. “There was a reluctance to just let it die.”

Aside from creating inequities across the state, such a law would be difficult to enforce equitably because there aren’t definite standards for what being under the influence looks like, Frederick Community College student Katie Lavery, 20, said.

“There’s no way you could do that, there is too much assuming,” she said. “…Police already think teenagers are bad, this is just going to push that more.”

Theo Antoneos, 20, said he saw no problems with the law if a breathalyzer is used to measure whether a minor had been drinking; otherwise the law would be an invasion of privacy, he said.

But a law that stops at least one person from drinking and driving is a good thing, he said.

“If there is a $45 fine for drinking, even a sip, you better really think that sip is worth it,” he said.

Harold DeLauter, the county’s liquor inspector said charging minors with alcohol consumption would be difficult even if the bill passes.

“It’s going to be extremely hard to prove before court or somebody else,” DeLauter said. “You’re going to have to have a way to identify that they have alcohol in “their body.)”

While officials in Frederick County Public Schools can’t enforce laws against consuming alcohol, students in the school system can be suspended or expelled for consuming alcohol and then attending school functions.

“Those aren’t frequent types of occurrences, but they’re always unfortunate and regrettable when you have them,” said Daniel Cunningham Jr., deputy superintendent of schools.

Records supplied by FCPS show 132 violations of the system’s alcohol policy between 2002 and 2005.

Sen. Alex Mooney, a Republican from Frederick who has voted against the bill before, said he is leaning toward supporting it this year if it were amended to impact the entire state.

“There’s just no way it can be done as a local bill,” he said. “…I’ll probably support it, but the devil’s in the details.”

<http://www.fredericknewspost.com/sections/news/display.htm?StoryID=56474>



**24. SC High Court Rules Hosts Can be Liable for Underage Drinking (South Carolina)**

*Associated Press*

February 5, 2007

COLUMBIA, S.C. -Hosts who knowingly serve alcohol to minors can be liable for damages caused by the person who was drinking, the state Supreme Court ruled Monday.

"While underage persons have full social and civil rights, we find the public policy of this State treats these individuals as lacking full adult capacity to make informed decisions concerning the ingestion of alcoholic beverages," the justices ruled in their decision, which created a rule that became effective Monday.

The ruling effectively ends the two cases brought before the high court.

One case from Richland County involved 19-year-old Justin Parks, who drank at an afternoon cookout and died after he crashed his vehicle several hours later. The court said the teen's blood-alcohol level was 0.291 percent. A judge dismissed a case brought by the teen's mother against the host of the party before it came to trial.

The second case involved 19-year-old Orin Feagin, who drank at his company Christmas party and crashed his car several hours afterward, killing himself and his passenger, Doris Ann Barnes. Barnes' family sued and won $750,000 against the company and Feagin's estate. That verdict was upheld by an appeal's court.

While it is illegal for to serve alcohol to people younger than 21, this is the first time state law has held adults acting as "social hosts" responsible for deaths or injuries resulting from knowingly serving alcohol to other adults under 21.

The new rule requires that hosts know they are serving someone under age 21 before they are held responsible. They cannot be held responsible if the drinker is over 21 or if they did not know the person drinking was underage, according to the ruling.

Monday's decision allows similar cases to go forward, but does not apply to past ones. Chief Justice Jean Toal agreed with changing the law, but wrote that she felt the two cases should have been sent back to lower courts for new trials.

<http://www.thestate.com/mld/thestate/news/local/16629413.htm>



**25. State Drops Fight Against Online Wine Shipments (Kentucky)**

By Alex Davis - *The Courier-Journal*

February 6, 2007

In a surprise move, Kentucky regulators have dropped their legal battle over direct shipments of wine ordered by phone or the Internet.

The state's decision not to appeal a recent ruling in U.S. District Court in Louisville means appropriately licensed small wineries in California and other states will be able to ship directly to Kentucky consumers for the first time. Also, all of Kentucky's 43 licensed small-farm wineries will be able to ship their products directly to consumers.

Nikki Ploskonka, a spokeswoman for the state Office of Alcoholic Beverage Control, said in an interview today that no licenses to ship wine directly to Kentuckians have been awarded to out-of-state wineries.

Kentucky's wine-shipping laws have been the target of a lawsuit since May 2005. An Oregon winery called Cherry Hill Vineyards was the most recent plaintiff in the case.

Judge Charles R. Simpson III ruled in late December that a state law set to take effect Jan. 1 would be unconstitutional because it required a customer to visit a winery in person before placing an order for a shipment by mail. The theory was that the in-person rule unfairly aided Kentucky wineries, because they are more accessible to the state's consumers than far-off locations.

Ploskonka said the state decided to drop out of the case because Simpson's ruling upheld "almost all" of the challenged portions of the new law. Steve Humphress, attorney for the office of Alcoholic Beverage Control said in December that Simpson's ruling was a "pretty big modification" of the state's alcohol laws. He also predicted that the state would appeal.

While the state has dropped out of the case, the Wine and Spirits Wholesalers of Kentucky have filed an appeal. Dan Meyer, an attorney for the group and its executive director, said he was "somewhat disappointed" that the state is not pursuing the case further.

The wholesalers stand to lose business if they are bypassed, but will not seek a stay or injunction preventing direct shipments into and out of Kentucky while their appeal is being heard.

Chuck Smith, co-owner of the Smith-Berry Winery in New Castle, Ky., applauded the state's decision to drop out of the case. He said his business, which makes about 6,000 gallons of wine annually, has received calls in the last couple of weeks from customers in South Carolina, Virginia and Kansas who want to order wine. Although no shipments have been made, Smith, who also is president of the Kentucky Vineyard Society, said he is looking into taking orders via the Internet in the future.

"Any sales are good," he said. "There are a lot of people who want to take wine back but they can't carry it on a plane."



**26. Wine-Distributor Bill Approved by Senate (Virginia)**

Source: *Richmond Times-Dispatch*

February 6, 2007

A bill to create a nonprofit wholesale distributor within the Virginia Department of Agriculture and Consumer Services to serve Virginia farm wineries passed the state Senate, 39-0, yesterday.

The bill, sponsored by Sen. Emmett W. Hanger Jr., R-Augusta, was the model for a similar measure that passed the House of Delegates 97-0 on Friday. It is designed to help replace the wineries' loss of self-distribution rights to stores and restaurants in a federal court case.

The only objection that was raised to Hanger's bill on the Senate floor came from Sen. John Watkins, R-Powhatan, and Watkins still voted for the measure. "The skids are grease; the train is on the track," he said.

Watkins criticized the bill for setting up a new bureaucracy in the agriculture department that will cost tax dollars before it becomes self-supporting. He also criticized the state's wine wholesalers, which he described as monopolies who don't want any competition, and predicted lawmakers haven't heard the last of the distribution issue.

What will happen when the agriculture department runs afoul of the Department of Alcoholic Beverage Control, and who will the attorney general represent, Watkins asked.



**27. Last Call for Last Call? (Washington)**

*The Stranger*

January 31, 2007

The state liquor control board, which is currently working on a new liquor license for nightclubs, is open to the idea of extending or staggering closing hours for bars in cities, according to Rick Garza, the board's deputy administrative director. "We're willing to continue the discussion" about later closing hours "so that you don't have that rush at 2:00 a.m. of people all leaving at the same time" and fighting, piling into cars, or bickering over scarce taxis, Garza says. However, Garza adds, because the liquor board is preoccupied with fine-tuning its nightclub license (out: a provision that would ban all-ages shows; still in: provisions allowing the board to deny a license if it determines there are already "adequate" nightclubs in an area), it probably won't happen this legislative session.

Bar owners generally support later closing hours, for obvious reasons: The longer people drink, the more bar owners make. Perhaps more to the point, people aren't going out until 11:00 p.m. or midnight, local bar owners say, putting "pressure on bars to make our numbers and pressure on [drinkers] to knock 'em back," Red Door owner Pete Hanning says. "I have lots of customers who don't come to my place until 11:30 at night, and I'm their first stop." Longer licensing hours would acknowledge the reality that people don't go out at 9:00 p.m. and head home at midnight anymore. The change would acknowledge that Seattle is a big city—like New York City, Atlanta, Houston, San Antonio, Fort Worth, Dallas, Indianapolis, Honolulu, Memphis, Nashville, London, and Washington, D.C., which all are allowed to set closing hours past 2:00 a.m.

Longer drinking hours also could keep people from slamming back drinks to beat last call, keeping very drunk closing-hour patrons off the street (and out of their cars). As Showbox co-owner Jeff Steichen points out, when people don't go out until 11:30 at night, they only have two hours to drink before last call at 1:30 in the morning. "It's a really short time for everyone to drink," Steichen says. That doesn't keep people from drinking; it just forces them to do it very quickly.

But won't allowing longer drinking hours just lead to more drunken driving and fights? Counterintuitive as it may seem, numerous studies have shown that later closing hours actually reduce drunken-driving accidents and assaults, because people don't feel compelled to slam back drink after drink right up until closing time. According to a National Highway Traffic Safety Administration study in 2001, later closing times correlated directly with lower alcohol-related traffic deaths.

Having more people on the streets for longer periods could also make people feel safer, especially in the hours between 2:00 and 5:00 a.m., when streets are now empty. Conversely, not everyone would have to leave bars at the same time, which means less annoyance for neighbors of bars and clubs. In Belltown, "it's kind of a mad rush with all the bars letting out all at the same time, and it becomes a problem for the residents," Spitfire co-owner Marcus Charles says. "If you had a natural flow of people leaving throughout the night, I think it would really be better for the neighbors."

Some neighborhood activists, however, aren't wild about the prospect of having even more drunken bar patrons staggering around their neighborhoods at ever later hours. Vafa Ghazi, a member of the Fremont Neighborhood Council who lives near two large Fremont nightclubs, says he's in favor of 24-hour licensing, but not later closing hours. He also "doesn't agree with the premise" that people really want to stay out later. "Closing at 4:00 is just going to shift everything to 4:00," Ghazi says. "That means that instead of [drinkers] waking me up at 2:00 in the morning, they'll wake me up at 4:00 in the morning."

<http://www.thestranger.com/seattle/Content?oid=148036>



**28. Testing A New Connecticut Law (Connecticut)**

*The Day*

February 5, 2007

Connecticut police, who used to be powerless to stop underage drinking in private homes, are finding solace in a new statute that, with cause, allows them to enter homes where there is evidence of minors drinking.

Until last October, a state statute prohibited people under 21 from drinking, but did not provide for enforcing the law on private property. When police now go into a home for cause, they can arrest not only minors, but also adults who knowingly provide liquor, beer or wine to minors.

The importance of the new law was emphasized when a party in New Hartford resulted in the stabbing death of a young Torrington man. A 17-year-old Winsted youth was arrested in the killing.

The new law was well past due. Connecticut was one of only seven states that permitted minors to possess alcohol on private property. Worse, the minors could do so whether or not an adult was present in the home.

“Before this, law enforcement's hands were tied. Even though it's illegal for minors to consume alcohol,” said Ryan Obedzinski of the Connecticut Coalition to Stop Underage Drinking, “they did a lot of it at house parties, often with terrible consequences, and police could do nothing about it.”

<http://www.theday.com/re.aspx?re=aa1317b6-050c-462e-8b5e-790163ef8cbd>



**29. It's Up to Legislators, Not Justices, to Make Laws on Alcohol Abuse (Delaware)**

*The News Journal*

February 7, 2007

In rejecting an appeal by the widow of a state trooper who was killed by a drunken driver, Delaware's highest court has clearly drawn the line between its job and the General Assembly's.

Susan Shea wanted a declaration of liability against a bar that served an intoxicated patron before he struck her husband's police cruiser head-on, killing both drivers in July 2004.

She cited the "dram-shop" doctrine, under which business owners can be held liable if they serve alcohol to intoxicated people who then injure or kill others. She also wanted the guilty driver's sister cited for liability as a "social host" because her brother had appeared inebriated at her home earlier that evening.

We understand and sympathize with Mrs. Shea's outrage.

A bill allowing business owners or employees to be held liable for "intentionally or recklessly" serving alcohol to a person who already is intoxicated, and subsequently injures a third party, died in the Legislature in 2003.

As we said then, there needs to be a statutory basis for the court to act. If the court had ruled in Mrs. Shea's favor, it would have in effect been creating law, rather than interpreting it as is the court's proper role.

Crafting legislation to meet the needs of citizens is the responsibility of the General Assembly's 62 elected legislators, not five appointed justices. Enacting a "dram-shop" law should be on the General Assembly's agenda.



**30. Police: Underage Drinker Hit Cop Car (Alabama)**

By Nadia M. Taylor, Staff Reporter *– Press-Register*

February 07, 2007

Five years after a drunken driver killed his fiancee and unborn child, Mobile police Officer Charles Rogers was seriously injured early Saturday when an underage drinker slammed into the back of his patrol car at 65 mph, according to police and family members.

Rogers, 30, had responded to the scene of an accident about 1 a.m. on westbound Interstate 10 near Rangeline Road, when a pickup truck plowed into his patrol car, police spokeswoman Nancy Johnson said Tuesday.

Rogers' cruiser was propelled 123 feet down the interstate, Johnson said, and firefighters had to extricate him from the crushed car.

He was taken to Springhill Medical Center, where he remained Tuesday, unable to sit up or walk on his own, Johnson said.

A Breathalyzer test given to the driver of the pickup truck showed a blood alcohol level of 0.12 at the time of the crash, Johnson said. A person is considered incapable of legally driving in Alabama when his blood-alcohol level is measured at 0.08 or higher. The age to legally buy or consume alcohol in Alabama is 21.

Bradley James Dronet, 20, of Ocean Springs, Miss., who was not injured in the collision, was booked Saturday morning into the Mobile County Metro Jail on a drunken-driving charge and was released on $1,000 bail, according to the jail log.

Dronet was then charged on Tuesday with first-degree assault in connection with the crash, Johnson said. If convicted, Dronet could face two to 20 years in prison.

Mobile Police Chief Phillip Garrett said Dronet is not being charged with underage drinking violations because those would be misdemeanors. The assault charge is a felony that carries a much stiffer penalty.

The chief said "there's no point in adding on or stacking on things that are lesser charges."

Garrett said after viewing photographs of Rogers' patrol car, "he's just lucky to be alive."

"I've seen cars a lot less damaged and people a lot more hurt," Garrett said. "He's very fortunate to be around at all."

Rogers' wife, Amber Rogers, said she had to pass by the wreckage early Saturday on the way to the hospital after she received the call that her husband was hurt.

"I didn't know what had happened or if he was OK, and then I saw the car," she said Tuesday. "I just said to myself, 'I'm 24 years old, and I'm already a widow.'"

<http://www.al.com/news/mobileregister/index.ssf?/base/news/1170844266122590.xml&coll=3&thispage=2>



**31. Bill Banning Alcohol on Campuses Passes Senate (Mississippi)**

By Natalie Chandler - *Clarion Ledger*  
February 6, 2007

A bill that makes it illegal to sell or drink alcoholic beverages on college campuses passed the Senate floor today.

Senate Bill 2370 prohibits alcohol from being sold or consumed at any university or community college campus in the state.

“All eight universities are in agreement on this,” said Sen. Tommy Robertson, R-Moss Point, who explained the bill in the Senate’s morning session.

Concerns over alcohol consumption on university campuses have increased since a University of Mississippi police officer was killed in October during a traffic stop involving a student allegedly under the influence of alcohol and drugs.

Alcohol sales were already prohibited on college campuses in the state.

<http://www.clarionledger.com/apps/pbcs.dll/article?AID=/20070206/NEWS/70206024>



**32. Cigarettes, Liquor Are Go-To Targets for New Taxes (Michigan)**

BY Zachary Gorchow, Staff Writer – *Free Press*

February 8, 2007

Smokers and liquor drinkers, the state's coming after you. Again.

Beer lovers, have another cold one. Again.

Gov. Jennifer Granholm's proposed tax increases would raise the cigarette tax by 5 cents a pack, increase taxes on other tobacco products and raise the liquor tax, but they wouldn't touch the beer tax.

The cigarette tax has become a go-to move for Michigan governors when it comes to finding new taxes to balance the budget.

Granholm sought and won approval of a 75-cent-per-pack increase in 2004, and then-Gov. John Engler accomplished the same with a 50-cent-per-pack increase in 2002.

If the 5-cent-per-pack increase is approved, Michigan would have the nation's third-highest cigarette tax at $2.05 per pack.

"I guess it's easy to do because the constituents of that don't rise up," said Polly Reber, president of the Michigan Distributors and Vendors Association, which strongly opposes raising the tax.

Liquor has been less targeted than tobacco, but Granholm did seek an increase in the liquor tax in 2004, only to see the proposal die in the Legislature.

The beer tax has not been raised since 1966. Granholm has not proposed the idea, nor did Engler.

Granholm will spill the details of her proposed liquor tax increase today.

Lance Binoniemi, director of government affairs for the Michigan Licensed Beverage Association, said it would be unfair for the state to raise taxes on any products, but the liquor industry feels picked on.

"Alcohol is an easy target," he said.

So why does beer remain insulated?

Mike Lashbrook, president of the Michigan Beer & Wine Wholesalers Association, said the $6.30-per-barrel state excise tax -- while unchanged since 1966 -- still is higher than neighboring states, and there are high costs to implement the bottle deposit law.

But there's some political punch, too.

"Beer consumers run across all demographics, but there's no question that beer tends to be the beverage of choice of the blue-collar middle class in this state," he said.



**33. New Bill Would Ensure Bar Customers Aren't Thrown Out For Not Drinking (Florida)**

**Source: *WFTV***

February 7, 2007

TALLAHASSEE, Fla. -- State Senator Mike Fasano has filed legislation cracking down on bars that throw out customers who don't drink alcohol because they are designated drivers.

Senator Fasano said the bill results from the case of Gary Maujean who was thrown out of a bar in Pinellas Park because he was only drinking a Coke.

Maujean was the designated driver for his wife and friends, so he wasn't drinking alcohol.

His attorney said the bar's owner grabbed Maujean, slammed his head against a door and forced him out of the facility. Attorney Tom Carey said Maujean was injured and required more than a dozen stitches.

Fasano's proposed legislation would ban licensed bars from refusing to serve customers based on such factors as their race, sex, religion, national origin, as well as if they are designated drivers.



**34. Target Denied Liquor License (Indiana)**

By Vanessa Renderman *- NWI*

February 7, 2007

**Petition in opposition included 768 signatures**

Target in St. John won't be stocking its shelves with alcohol any time soon.

In a 3-1 vote, the local liquor board denied the national discount retailer's request to sell alcohol out of its St. John location, 9885 Wicker Ave.

Target can appeal the decision at the state level.

The three board members who voted against the request on Tuesday referred to a clause in Indiana law that states the board can deny the request if it is something the community does not want.

The town submitted a petition against the request with 768 signatures, 430 of which belonged to St. John residents. Town Council President Michael Fryzel and seven citizens showed up to Tuesday's hearing in opposition of the request.

That was evidence that the community does not want Target to sell alcohol in St. John, said Wardell Hampton, a member of the liquor board.

Jeff McKean, representing Target, argued that Target wants to sell alcohol in order to keep in line with its competitors, Wal-Mart and Meijer.

Target wants to respond to the desires of its customers. Only one store in town sells beer, wine and alcohol, McKean said.

"Target is a fully-qualified applicant," he said.

David Austgen, representing the town of St. John, raised several procedural objections to the request, such as whether a notification sign was posted for the correct amount of days.

But the main objection involved the quality of life in St. John.

Target is a good corporate neighbor, but residents do not want another alcohol sales outlet in town, Austgen argued.



**35. Sponsor Says New Sunday Alcohol Bills on the Way (Georgia)**

Source: *Fox Carolina*

February 8, 2007

ATLANTA A pair of new bills aimed at letting communities decide whether to allow Sunday alcohol sales are on the way.

Republican Senator Seth Harp of Midland said today that the bills could be introduced as soon as tomorrow and will be aimed at appeasing an unlikely coalition opposed to the current effort: religious conservatives and the liquor industry.

Harp's current bill would give local governments the ability to decide whether Sunday beer and wine sales should be permitted. Voters in those communities would then have to approve the change at the ballot box.

He said today he was rounding up co-sponsors for two new versions of the plan -- one that would include the option of also allowing liquor sales and one that would allow alcohol to be sold only after noon on Sundays.

The noon start time would mean alcohol only could be sold after most traditional Sunday church services are over, and allowing liquor sales would appease liquor store owners who say they would lose sales to grocery stores.

Georgia, Connecticut and Indiana are the only three states that ban the Sunday sale of all take-home alcohol.

A January poll by Mason-Dixon Polling and Research commissioned by the Atlanta Journal-Constitution found that 68 percent of Georgians supported the local-option legislation. The telephone poll of 625 state residents had a margin or error of plus or minus four percentage points. Support was even stronger in metro Atlanta, where 80 percent of respondents said they liked the idea.

Governor Perdue, who says he does not drink alcohol, has said it would take "a lot of persuasion" for him to sign any legislation legalizing Sunday sales.



**36. Liquor Commission Inspector Pleads Guilty (Hawaii)**

*Associated Press*

February 8, 2007

HONOLULU (AP) – A Honolulu Liquor Commission supervisory inspector admitted yesterday to his part in extorting money from the owner of two nightclubs.

James Rodenhurst also resigned from his job yesterday.

The 57-year-old Rodenhurst pleaded guilty to a conspiracy charge. It carries a maximum term of 20 years in prison. He’s to be sentenced in August.

Rodenhurst’s co-defendant – Herbert Naone Junior – pleaded guilty in September to a conspiracy charge. Naone was head of security at Aloha Stadium for 18 years.

Naone had been accused of extorting money from Corey “Bozo” Kaowili Junior – the owner of Volcanoes Night Club and Club Sin City – in exchange for information about liquor inspections.

<http://www.kpua.net/news.php?id=10691>



**37. Laws Against Underage Drinking Are Clear, Necessary (New Mexico)**

By Barbara Richardson – *New Mexican*

February 3, 2007

Across the United States, and here in New Mexico, alcohol is the number one drug of choice for children and adolescents. It’s illegal for anyone younger than 21 to purchase or possess alcohol, and yet every day in our country, 7,000 young people under the age of 16 try their first alcoholic beverage.

In large part, they’re getting alcohol from misguided adults. That’s why I am joining Mothers Against Drunk Driving’s Youth in Action program to remind adult New Mexicans that buying alcohol for minors is a felony.

Adults know that it’s illegal to provide alcohol to young people, but too often they ignore the law. Too often, an older sibling or friend or another adult will decide, for some reason, that it is appropriate to help someone who is younger than 21 risks his or her health, life and future. This is dan­gerous, it’s wrong, and it is illegal.

The overwhelming amount of scientific research that proves alcohol is damaging to young bodies and brains demonstrates the need for strong laws prohibiting anyone younger than 21 possessing or purchasing alcohol. Recent research has shown that the human brain continues to develop into the early 20s. Drinking alcohol while the brain is devel­oping can imperil not just learning and cognitive skills, but also judgment and cop­ing skills.

More immediately, young people who drink might be taking their lives and the lives of others into their hands. Across every age group, people with blood alcohol levels of .008 percent are eleven times more likely to be involved in a fatal car accident.

Each drink increases that risk more for youth than for adults. Research has found that males age 16 to 20 with a blood alcohol level of 0.08 percent are 52 times more likely than sober drivers to be involved in a car crash.

These risks are unacceptable. They are a waste of young lives and of great potential. This is why the governor and I have cham­pioned New Mexico’s DWI laws. But we also need to look at how young people are getting access to alcohol in the first place and work to prevent it from happening.

Here’s the law, plain and simple: Purchas­ing alcohol for a minor is a felony with penalties of up to 18 months in jail and a $5,000 fine.

I will join a group of smart and dedicated young people across our state to visit stores that sell alcoholic beverages. Together, we will offer retailers informational posters on the law and place stickers reiterating the law and the consequences for breaking it on multipacks of alcoholic beverages.

This is being done with the knowledge and approval of the owners of those stores.These owners recognize that childhood drinking is illegal and a threat to our chil­dren and youth. And what’s more, they are stepping up to take responsibility for protecting the health and safety of our children.

No one person and no single group of people alone can prevent childhood drink­ing. We all have a role to play in protecting the lives, health and future of the next gen­eration. The young people who participate in MADD New Mexico’s Youth In Action program, the New Mexico Department of Health, state law enforcement and retailers who sell alcohol are working together to impose a little “sticker shock” on anyone who thinks it might be all right to buy alcohol for a young person. Their efforts remind us that everyone can play a role in preventing childhood drinking. And so we must.

*Barbara Richardson is the first lady of New Mexico and a member of the Leadership to Keep Children Alcohol Free, the nation’s only initiative guided by the spouses of governors and aimed at preventing childhood drinking during the critical ages of 9 to 15.*

