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| *www.IowaABD.com* | *Lynn M. Walding, Administrator* |

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|  | e - NEWS |
| *August 17, 2007* | |

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

**1. Should the Drinking Age Be Lowered?**

Sean Flynn *Parade Magazine*August 12, 2007

If a woman is old enough to sign a contract, buy a house and get married, isn’t she also old enough to sip champagne at her wedding? If a man is mature enough to serve on a jury or risk his life in a war halfway around the world, isn’t he also mature enough to drink a beer?

And didn’t we have this debate almost 40 years ago?

Yes, we did. Back in the 1970s, when young men were conscripted to fight in Vietnam, 29 states lowered their drinking ages to 18, 19 or 20. But in the following decade—when neither war nor the draft were issues but young drunk drivers were—the debate was revived. Faced with a loss of federal highway funds, every state by 1988 had raised its drinking age to 21 (with exceptions in certain situations).

Now, some researchers, educators and lawmakers say it’s time to have that debate all over again. Partly, there is a historical echo, as soldiers considered old enough to kill and be killed in Iraq and Afghanistan can’t have a farewell toast legally at their hometown watering hole. More broadly, however, many question whether a drinking age of 21 is a good idea at all—whether, in simple terms, it creates more problems than it purports to solve.

“It’s bad social policy and bad law,” says John McCardell, the former president of Vermont’s Middlebury College, who in January launched an organization called Choose Responsibility to urge lower drinking ages in conjunction with education and heavy regulation of 18- to 20-year-olds. “ Prohibition does not work. Those [under 21] who are choosing to drink are drinking much more recklessly, and it’s gone behind closed doors and underground and off-campus.”

No one is suggesting that 18-year-olds should drink themselves into a stupor. Rather, critics of the current drinking laws point out that a sizable minority of 18- to 20-year-olds, and roughly a fifth of 16- and 17-year-olds, already drink heavily often or on occasion. Indeed, the 21 drinking age isn’t so much a law as a slogan: Even supporters concede it is widely flouted and often not enforced. Yet, because 18-year-olds—adults in most other senses —generally can’t drink legally in bars and restaurants, they tend to drink in dorm rooms, on isolated fields and at unsupervised house parties, where adults can’t watch them. And in those environments, the drinking can be dangerous—especially among young people who have no practical experience with alcohol yet years of exposure to a social and advertising culture that encourages drinking.

“They don’t drink the way we drank a generation ago,” says Cynthia Kuhn of Duke University, an expert on the effects of drugs and alcohol. “There’s an increasing minority who establish blood-alcohol levels that are nearly lethal.” A practice known as “front-loading”—getting drunk on cheap liquor before a night out—is common, and alcoholic blackouts are no longer rare. “It used to happen to the weird, stupid kid who couldn’t hold his liquor, and he did it once,” says Kuhn, who teaches alcohol education to student groups. “Now, it’s typical.”

At the College of William & Mary in Williamsburg, Va., front-loading is called “pre-gaming,” explains Melissa, a senior who drank illegally for three years. “We’d sit in our dorm rooms—18- and 19-year-olds—and try to drink as much as possible before going out. I think it goes on at every college. No one cares, even when they get caught. They think a speeding ticket is worse.”

Drunkenness also spawns other problems—from assaults and rapes to accidents and alcohol poisonings, both fatal and nearly so. Young adults who are drinking illegally are reluctant to summon help when things go wrong. “If a student passes out, in the old days there was usually someone around to check,” says Alan Marlatt, a psychology professor at the University of Washington who helped develop a widely used alcohol-screening program called BASICS. “Now everyone’s afraid of getting caught.”

Critics of the 21-year-old drinking age contend that it is almost universally ignored and breeds a cynical disrespect for the law. About 80% of people have tried alcohol by age 20. Fairness aside, though, perhaps there is another pressing concern. “How can we reduce the harm?” asks David J. Hanson, an alcohol researcher and professor emeritus at the State University of New York at Potsdam. “I think we should teach young people how to drink as well as how not to drink.”

That’s the idea behind Choose Responsibility: The group promotes intensive education and drinking licenses for 18-year-olds, akin to learner’s permits for young drivers. Get caught drinking before 18 or break any of the strict rules after that, and the license is gone.

“We’re never going to get rid of underage drinking,” says John McCardell. “But if a kid knows he has to stay clean in order to get a license at 18, that’s a pretty powerful incentive.”

It’s not a radical notion. The rest of the world would likely find it rather cautious: Only three other countries—Mongolia, Palau and Indonesia—restrict purchasing drinks to those 21 or older. (Of course, some countries restrict alcohol for all citizens.) But the idea is far from mainstream in America. A 2005 ABC News poll, taken on the 21st anniversary of the 1984 federal law that forced states to raise their drinking ages, found that 78% of the public opposed a lower age; at the same time, 75% also said underage drinking was a “serious problem.” In the last three years, legislators in Vermont, New Hampshire and Wisconsin have introduced bills to lower the age (though only for military personnel in Wisconsin and New Hampshire), all of which have quietly withered.

Mothers Against Drunk Driving was the main force behind that 1984 law. It now dismisses McCardell as a dangerous gadfly. “Holy cow, this literally involves life and death,” says Charles A. Hurley, MADD’s chief executive officer. “Life-and-death issues of kids are really too important for off-the-cuff musings.”

MADD and other supporters of the 21 law—who far outnumber the critics—point to, among other things, a ream of studies showing a strong correlation between a higher drinking age and a reduction in drunk-driving wrecks involving teenagers. Indeed, the National Highway Traffic Safety Administration estimates that nearly 25,000 fewer Americans have died on the road because of the higher age. “We already did the experiment of lowering the drinking age [in the 1970s], and traffic crashes went up,” says Ralph Hingson of the National Institute on Alcohol Abuse and Alcoholism, a former MADD vice president. “I don’t think it’s a good idea to go back and repeat a policy that made things worse.”

In response, McCardell and others say they suspect that various factors contributed to the reduction in fatal alcohol-related wrecks: More people today use seat belts, air bags have become standard, police checkpoints and zero-tolerance laws are more common, and MADD has done a tremendous job of stigmatizing drunk driving. And if the goal is to reduce drunk driving among those under 21, some suggest that the driving age should be raised. “The fact that driving is 16 here and drinking is 21 is the wrong way around,” says Alan Marlatt.

Meanwhile, what about the young adults who are drinking themselves to death off the highways?

On the night of Sept. 16, 2004, Gordie Bailey and 26 other young men gathered in a forest outside Boulder, Colo., as part of an initiation ritual. Between them, they drank seven liters of whiskey and nine liters of wine in less than an hour. When the bottles were empty, they returned to a fraternity house at the University of Colorado. Gordie’s fraternity brothers found him dead in the morning.

“Changing the drinking law may not have saved Gordie,” says his stepfather, Michael Lanahan, who helps run a family foundation focused on hazing and reckless drinking. “The total environment has to be looked at. The worst thing is to drive these kids underground.”

**What Else Is Being Tried**

**Holding Parents responsible**

More towns now are holding parents criminally responsible when teens drink under their roofs. A string of such cases has been brought against parents in Westchester County, N.Y. Other towns pursue civil penalties like the $3,000 double citation brought against Montgomery County, Md., parents.

**Targeting purchasers**

If you buy a keg of beer in Arkansas, you must provide your name and pledge that you won’t offer it to an underage drinker, which is a misdemeanor. Each keg has a tag that can be traced back to the purchaser. More than 25 states have similar laws.

**Educating**

Some universities, aided by grants from the U.S. Department of Education, have found that teaching students the difference between moderate drinking and high-risk consumption reduces dangerous bingeing.

grapes<http://www.parade.com/articles/editions/2007/edition_08-12-2007/Teen_Drinking?prnt=1>  
  
  
  
  
  
  
**2.** **Wine Consumption Jumped 3.4% Last Year**

*Beverage News Daily*  
August 14, 2007

U.S. wine consumption jumped 3.4% last year, rising to 283.1 million cases, according to the 2007 Adams Wine Handbook. Domestic wine sales rose 2.6% to 209.4 million cases, and imported wines rose 5.7% to 73.6 million cases.

One major factor in the wine growth has been an evolution in packaging. Screw caps are becoming more standard on new brands in the U.S., and premium boxed wine, which is easy to store and transport, has grown recently.

**Imports**

Adams said growth among imports shows little signs of slowing, with wine imported from Italy, Australia and France up 6.7%, 6.8% and 21.9%, respectively, in 2006. Italy accounts for 29.3% of the imported wine segment, as well as the leading on-premise brand, Cavit, which grew 13.2% to 3 million cases.

For the second consecutive year, French wines showed gains, although Georges Deboeuf declined 7.4% to 750,000 cases.

The largest brands in the foreign segment are Yellow Tail (8.1 million cases), up 7.3%; Cavit (3 million), up 13.2%, and Concha y Toro (2.7 million cases), down 2.6%.

**Domestics**

The largest domestic brand, Frazia Winetaps, declined 3.2% to 22.8 million cases. The No. 2 domestic, Carlo Rossi, jumped 2.6% to 12.7 million cases. Twin Valley, a brand that lost 5.9% last year to 8.9 million cases, is the No. 3 domestic, Adams said.

grapesChampagnes and sparkling wines grew 3.6% to 13.4 million cases. Last year was the fifth consecutive year of gains for the category. Dessert and fortified wines fell, as did Vermouth.  
  
  
  
  
  
  
**3.** **Debate on Lower Drinking Age Bubbling Up**

*MSNBC*  
August 14, 2007

Over the strong objection of federal safety officials, a quiet movement to lower the legal drinking age to 18 is taking root as advocates argue that teenagers who are allowed to vote and fight for their country should also be able to enjoy a beer or two.

The proposal, which is the subject of a national petition drive by the National Youth Rights Association, has been studied in a handful of states in recent years, including Florida, Wisconsin, Vermont and Missouri, where supporters are pushing a ballot initiative.

Opponents of the idea point to a reported rise in binge drinking as teenagers increasingly turn to hard liquor as proof that minors should not be allowed to drink, but proponents look at the same data and draw the opposite conclusion.

“Raising the drinking age to 21 was passed with the very best of intentions, but it’s had the very worst of outcomes,” said David J. Hanson, an alcohol policy expert at the State University of New York-Potsdam. “Just like during national Prohibition, the law has pushed and forced underage drinking and youthful drinking underground, where we have no control over it.”

But Mark Rosenker, chairman of the National Transportation Safety Board, countered: “Why would we repeal or weaken laws that save lives? It doesn’t make sense.”

**Different laws in different states**

As it happens, there is no such thing as a “federal legal drinking age.” Many states do not expressly prohibit minors from drinking alcohol, although most of those do set certain conditions, such as its use in a religious ceremony or in the presence of a parent or other guardian.

The phrase refers instead to a patchwork of state laws adopted in the mid-1980s under pressure from Congress, which threatened in 1984 to withhold 10 percent of federal highway funds from states that did not prohibit selling alcohol to those under the age of 21. By 1988, 49 states had complied; after years of court fights, Louisiana joined the crowd in 1995.

Libertarian groups and some conservative economic foundations, seeing the age limits as having been extorted by Washington, have long championed lowering the drinking age. But in recent years, many academics and non-partisan policy groups have joined their cause for a different reason: The age restriction does not work, they say. Drinking has gone on behind closed doors and underground, where responsible adults cannot keep an eye on it.

“It does not reduce drinking. It has simply put young adults at greater risk,” said John M. McCardell, former president of Middlebury College in Vermont, who this year set up a non-profit organization called Choose Responsibility to push for a lower drinking age.

McCardell offers what he calls a simple challenge:

“The law was changed in 1984, and the law had a very specific purpose, and that was to prohibit drinking among those under the age of 21,” he said. “The only way to measure the success of that law is to ask ourselves whether, 23 years later, those under 21 are not drinking.”

**So are they?**

The federal government’s National Survey on Drug Use and Health found that in 2005, the most recent year for which complete figures are available, 85 percent of 20-year-old Americans reported that they had used alcohol. Two out of five said they had binged — that is, consumed five or more drinks at one time — within the previous month.

“The evidence is very clear,” McCardell said. “It has had no effect.”

James C. Fell, a former federal highway safety administrator who is a senior researcher on alcohol policy with the Pacific Institute for Research and Evaluation, acknowledged that “it’s not a perfect law. It doesn’t totally prevent underage drinking.”

But Fell said the age restriction “does save lives. We have the evidence.”

**Lower deaths rates disputed**

The evidence, widely touted by Rosenker of the NTSB, Mothers Against Drunk Driving and other activist groups, rests in a study by the National Highway Traffic Safety Administration, or NHTSA, which estimated that from 1975 to 2003, higher drinking ages saved 22,798 lives on America’s roadways.

“Twenty-five thousand lives is a lot of people to set aside when you’re looking at a current problem,” said Brian Demers, a 20-year-old student at the Massachusetts Institute of Technology who is a member of MADD’s board of directors.

That figure is disputed by proponents of lowering the drinking age. They have questioned the NHTSA study, which did not explain how it arrived at its estimate. Moreover, it counted any accident as “alcohol-related” if any participant was legally drunk — including victims who may not have been responsible for the accident.

“The methodology used has been widely criticized by scholars,” said Hanson, of SUNY-Potsdam, who called the report “really more of a guesstimate” that showed only a correlation of numbers, not a causal relationship. In fact, he said, alcohol-related traffic fatalities among minor drivers were already declining before 1984, when the drinking-age measure was passed.

Barrett Seaman, author of “Binge: What Your College Student Won’t Tell You,” echoed Hanson’s assessment, saying, “Those statistics are a little suspicious.”

Even so, Rosenker said Tuesday, alcohol is still the leading cause of death among teenagers in highway crashes.

“The data show that when teens drink and drive they are highly unlikely to use seat belts,” he said. “These are the facts, and it would be a serious mistake and a national tragedy to weaken existing drinking age laws.”

**Adults ‘written out of the equation’**

To McCardell, however, the real problem is that we are not teaching teenagers how to drink responsibly.

Choose Responsibility proposes lowering the drinking age to 18, but only in conjunction with “drinking licenses,” similar to driver’s licenses, mandating alcohol education for those ages 18 to 21.

“Education works,” McCardell said, but “it’s never been tried. Now it’s mandatory only after you’ve been convicted of DUI. That is not an act of genius.”

Choose Responsibility and its allies face a tough task convincing the public. In a Gallup poll released last week, 77 percent of Americans opposed lowering the drinking age to 18. But Seaman argued that it was the wisdom of the drinker that mattered, not his or her age.

“The problem we have is that since the 21-year-old age limit has been in effect, we have effectively written adults out of the equation, so that they really have nothing to do with young people who are drinking alcohol furtively, viewing alcohol as a forbidden fruit and drinking to excesses that I don’t think were evident back in the years before the law was passed,” said Seaman, who lived on the campuses of 12 U.S. and Canadian colleges while researching his book.

“If you lower that drinking age — make drinking no longer a forbidden fruit but rather something that younger adults do with older adults who have learned how to handle alcohol responsibly — then you reduce those behaviors rather than increase them,” he said.

<http://www.msnbc.msn.com/id/20249460/>

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

**4. D.M. Store May Lose License Over Disputed Liquor Sales  
A receipts audit was conducted of the downtown site, which is accused of catering to homeless alcoholics.**

Melissa Walker *Des Moines Register*  
August 12, 2007

The owner of a convenience store in a downtown Des Moines high-rise building will likely lose his liquor license because a state auditor found he failed to comply with the terms of the license.

An audit was done after complaints earlier this year from residents that the store owner caters to homeless alcoholics who leave litter, vomit and feces in the lobby. The store, open since 2004, carries individual cans of beer and half-pints of liquor, which draw street people in search of cheap alcohol, the residents said.

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| http://cmsimg.desmoinesregister.com/apps/pbcsi.dll/bilde?Site=D2&Date=20070812&Category=NEWS&ArtNo=708120338&Ref=AR&maxw=264 |
| Plaza Pantry owner Snehi Yavanam says he has stopped ringing up cigarettes and alcohol as the same type of purchase, violating his license terms. |

City Council members, in an unusual move, then asked state auditors to review receipts from Plaza Pantry in the Plaza condominiums, 300 Walnut St., to determine if owner Snehi Yavanam under-reported alcohol and tobacco sales to stay in compliance with his license, which requires a certain percentage of sales to come from nonalcoholic items.

The auditors are expected to recommend that council members suspend Plaza Pantry's liquor license.

Yavanam acknowledges that he rang up cigarettes and alcohol as the same type of purchase, which violates the terms of his license. He said he has since corrected the mistake. However, he said: "If people had a problem with my store ... I would have been shut down long ago."

"I'm running a genuine store. I am pretty confident I sell more than 50 percent of nonalcoholic items. I've just been ringing it up wrongly," said Yavanam, an Indian immigrant. "This is my first time doing business in the U.S. I wasn't aware of how to operate the cash register properly."

Councilwoman Christine Hensley, whose ward covers most of downtown, asked for the audit after a visit to the store.

"The issue is he sells little tiny bottles of liquor," she said. "I specifically asked him at a council meeting if he would stop doing that, ... and he just flat-out refused to do it."

Council members have told City Manager Rick Clark to better monitor liquor license compliance. Two other businesses, Vertigo Rock Bar and Krystal Slipper, were turned down for renewals in June because they did not meet the receipt requirement.

The audit also showed that Yavanam appeared to have recorded personal purchases such as a DVD player, hair color, clothing, portrait studio services, fuel and an eye exam as business expenses.

Yavanam said he resold most of the questionable items and uses the DVD player for business. He also sells canned foods, frozen pizzas, soft drinks, juices, dips and milk, among other groceries. He accepts food stamps and serves as a bottle redemption center. Business is good, he said.

As for unruly customers, Yavanam says he does his best.

"We have refused them services in our store. We have told them not to come back to our store," he said. "And they have stopped, like, four or five months ago."

Kevin Remillard, a Plaza resident, buys newspapers, a bottle of wine or soft drinks from Yavanam about three times a week. "It is convenient in that sense," he said, adding that while Yavanam has tried to remove unwanted customers, "we still get a lot of loitering out front."

Others in the building have mixed feelings about the store. Some avoid it because of the clientele. "I personally don't go into that store because I've heard of the stories," neighbor Phyllis Fellman said. "I'm sure they're really nice people, but it doesn't seem to be the type of business we want" in the building.

grapes<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070812/NEWS/708120338/-1/SPORTS12>  
  
  
  
  
  
  
**5.** **Drunken Driver kills Woman, Police Say**

Nigel Duara  
*Des Moines Register*  
August 12, 2007

A Merrill man was arrested and charged with drunken driving after police said he struck and killed a woman who was stopped on a bridge because of car trouble.

Danny C. Robinson, 48, was charged with second-degree operating a vehicle while intoxicated in Le Mars early Saturday, according to Plymouth County sheriff's officials.

Officials said the woman, who was not identified, called the sheriff's office at 1:19 a.m. Saturday. She said that she had been in an accident, and that something was wrong with her 1999 Buick LeSabre, according to a news release.

Four minutes later, the sheriff's office received another call, this one from a witness who said there was a crash on the bridge located less than four miles from Kestrel Avenue in Plymouth County.

The woman apparently got out of her car and was walking west on the bridge when Robinson hit her, according to the release. Robinson then crashed the vehicle he was driving into the woman's car.

The woman was still under Robinson's 1995 Chevrolet Lumina minivan when police arrived. Emergency responders had to use air bags to lift the van off the woman.

She was taken by air ambulance to Mercy Medical Center in Sioux City, where she died.

grapes<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20070812/NEWS01/708120330/-1/archive>

**6. Adventureland to ban Smoking Next Summer**

Jeff Eckhoff  
*Des Moines Register*  
August 14, 2007

If your idea of fun requires both Marlboro Lights and an afternoon in a log ride, then you'd better spend as much time as possible in Altoona this summer. Next season, Adventureland goes smoke-free.

Amusement park officials announced the change Monday in what they described as a response to increased customer requests.

"We've been getting through our Web site probably three or four e-mails per day," park spokeswoman Molly Vincent said. "We just felt that families and children are a huge number of our guests, and we're going to give them what they want."

Cigarette butts have long been banned from Adventureland's rides, indoor restaurants and gift shops. Earlier this year, officials expanded the ban to the Adventureland Inn hotel in Altoona and saw occupancy rates increase

"I just think it's becoming something that a large part of the population wants in their recreational time," Vincent said.

Call it the latest car in a recent roller coaster that has included decisions by the city of Des Moines and some suburbs to outlaw smoking in public parks, pools and parking garages.

An Iowa Poll for The Des Moines Register in January showed that 75 percent of Iowans favor letting local governments ban smoking in public places such as restaurants and bars.

grapes<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007708140387>  
  
  
  
  
  
  
**7.** **Alcohol Compliance Checks in Black Hawk County**

Ashley Hinson  
*KCRG TV*  
August 16, 2007

Officials want to make sure businesses are complying with the state's liquor sales laws.

Officials will be checking many local businesses to make sure they're selling alcoholic beverages only to those who are of legal age.

An underage undercover will be used as part of the investigation.

Black Hawk County authorities say statistically in their area, the numbers are high for alcohol related crashes.

grapes<http://www.kcrg.com/news/local/9196612.html>  
  
  
  
  
  
  
**8. Council Amends Liquor Ordinance**  
  
*Des Moines Register*  
August 17, 2007

The Clive City Council voted 5-0 Thursday to amend an ordinance excluding minors from drinking establishments. The amendment will fix an ambiguity in the law that has caused a Polk County magistrate to dismiss legal charges under the ordinance, said Police Chief Robert Cox.

The previous wording disallowed minors on "licensed premises," but did not specify those as establishments with liquor licenses.

An exception allowing minors to frequent businesses that make more than 50 percent of their profits from food will remain part of the law.

The council also reviewed a proposed ordinance that would regulate after-hours businesses - those that allow patrons to bring and consume alcohol after 2 a.m.

If passed, the ordinance would require such establishments to be licensed and inspected by the city. The city would also have the ability to require training for security personnel.

Clive does not currently have any after-hours businesses.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007708170377>

**III.** **OTHER STATE NEWS****9. Athens Officials say poll Favors Alcohol, not Tax (Alabama)**

Holly Hollman   
*Decatur Daily News*  
August 14, 2007

It’s not scientific, but a city official said a canvass of two districts indicated voters will support alcohol sales but not a 1-cent sales tax increase.

Tuesday, Athens voters will go to the polls to decide whether to repeal alcoholic beverage sales and whether to raise sales tax to 9 percent for schools. Limestone County voters will decide whether to raise sales tax to 7 percent for schools.

City Council President Harold Wales said he joined volunteers and went door to door Monday in his district in eastern Athens, as well as Councilman Jimmy Gill’s district in southern Athens. The group visited about 75 homes.

Wales said the intent was to encourage people to vote and to think about supporting alcohol sales.

“I asked them to think about the places they can now carry their family to shop and eat and go to the theater since the city went wet,” Wales said. “I asked them to then vote their conscience.”

The city began legal sales in December 2003.

The city collects an alcohol tax and sales tax on alcohol, and city leaders have said budget cuts are forthcoming if alcohol is repealed.

Alcohol opponents say Athens would continue to grow without alcohol, and point to Applebee’s locating here when the city was dry and to Wal-mart, which does not sell alcohol.

Wales said the majority of residents he met Monday want to keep alcohol.

“Some had voted against it the first time but said they would vote to keep it this time,” he said. “When they brought up the tax, they said they didn’t favor it.”

City leaders have spoken against the tax increase, saying it would be detrimental to Athens because its sales tax would be higher than Huntsville’s or Madison’s.

The Limestone County Board of Education and Superintendent Barry Carroll proposed the tax increase, which would fund capital needs at county and city schools.

Mayor Dan Williams said remarks Carroll made in a question-and-answer article Carroll and his staff compiled and sent to media outlets indicated the city would raise sales tax for its own general fund if this tax did not pass.

“When the previous council wanted to do a tax, I vetoed,” Williams said, “so I don’t know where that is coming from, other than he’s trying to get his tax passed.”

When the school board first made the tax proposal, the mayor and some council members did say they could look at imposing a half-cent or 1-cent tax before the vote so the money would go to the general fund.

That’s because the city general fund won’t get any of the tax on Tuesday’s ballot.

grapesThe council never moved forward on its own tax.<http://www.decaturdaily.com/decaturdaily/news/070814/poll.shtml>  
  
  
  
  
  
  
**10. Alabama City Rejects Prohibition Measure (Alabama)**

Jay Reeves  
*Associated Press*   
August 15, 2007

Voters had a chance Tuesday to return this northern Alabama city to the days of Prohibition but overwhelmingly decided to keep alcohol in its stores and restaurants, according to unofficial results.

A measure to end the sale of alcohol in Athens failed in a citywide vote, a rare instance in which voters had the opportunity to overturn a previous vote to allow sales. Business interests were against repeal, but church leaders who helped organize the petition drive that got the measure on the ballot asked members to pray and fast in support of a ban.

Business leaders argued that ending the sale of beer, wine and liquor would hurt tax revenues and send the message that Athens is backward.

"Economic impact is really the big issue," said Carl Hunt, an organizer of the pro-alcohol sale Citizens for Economic Progress.

The United States went dry in 1920 after the 18th Amendment outlawed the production, transport and sale of alcohol. Prohibition was repealed in 1933.

Now, less than four years after they first voted to legalize alcohol sales, residents returned to the voting booths in Athens.

The measure was defeated 68 percent to 32 percent, said City Clerk John Hamilton.

Such "wet-to-dry" votes aren't unheard of, but they're rare, said Jim Mosher of the Pacific Institute for Research and Evaluation, which tracks public-policy issues including alcohol laws.

Twenty-six of Alabama's 67 counties, including Limestone, where Athens is located, don't allow alcohol sales.

The city government makes almost $250,000 in extra sales taxes directly tied to alcohol, according to Athens Mayor Dan Williams, and city schools get the same amount. Overall tax revenues have grown since alcohol sales were legalized in January 2004.

At West End Outdoors, which sells everything from fish bait to food, manager Jimmy Fox said his initial opposition to legalized alcohol sales was overcome by a lack of alcohol-related problems in the city. Also, Fox said, the availability of alcohol at his store has increased overall sales by some 20 percent.

<http://seattletimes.nwsource.com/html/nationworld/2003836727_prohibition15.html>

**grapes****11. California Board Votes to Tax FMBs as Distilled Spirits (California)**

*Beverage News Daily*August 15, 2007

California Board of Equalization voted 3-2 to tax flavored malt beverages – such brands as Mike’s Hard Lemonade and Zima – as distilled spirits, not beer. This will increase the tax to $3.30 a gallon from 20 cents a gallon.

It was a win for the Marin Institute, according Betty Yee, Equalization Board chairman, who said she accepted appeals from youth groups and the Marin Institute, which argued that FMBs are flavored, packaged and marketed to appeal to young people.

“I think the overarching policy concern here was dealing with underage drinking,” she told the Associated Press. “The packaging and marketing are designed to make it look like you’re drinking something hip.”

State Controller John Chiang said “flavored malt beverages should be taxed as distilled spirits because they fall under the category of distilled spirits, as written in California law. While today’s vote is about fair taxation. Taxing flavored malt beverges as liquor will also help reduce their popularity with young people by simply pricing the product out of their reach.”

Marin Institute was gleeful. Bruce Lee Livingston, Marin’s executive director, called it “an enlightened step. For generations, Big Alcohol has evaded proper taxation on these products. Now, the state will benefit, and the health and well-being of our youth will be improved.”

Not to quibble, but these products haven’t been around for “generations.” So “Big Alcohol” couldn’t have “evaded proper taxation on these products” for generations.

Gary Galanis, a vp of Diageo North America, said raising the tax on FMBs won’t deter underage drinking. “It’s access. It’s about how kids get alcohol in their hands. This will do nothing to address that issue. Using an emotional issue to help drive a tax discussion is just wrong.”

Next step is a series of public hearings on the proposed regulations by the Equalization Board and the Office of Administrative Law.

The decision may lead to a battle before the Board of Equalization and the California Department of Alcohol Beverage Control, which like the Alcohol & Tobacco Tax & Trade Bureau considers FMBs to be malt beverages, not distilled spirits.

grapesChiang said the ABC should reclassify FMBs as distilled spirits to help fight alcohol abuse. **12.** **Officials OK tax Hike for Sugary Alcohol Drinks (California)  
The decision, which affects "alcopops" such as Mike's Hard Lemonade, is a victory for a group of California teens.**

Nancy Vogel  
*Los Angeles Times*  
August 14, 2007

A group of California teenagers working to curb underage drinking scored a victory today when state officials voted to impose steep new taxes on sugary alcohol drinks such as Smirnoff Ice and Mike's Hard Lemonade.

The Board of Equalization decided to treat flavored malt beverages as distilled spirits rather than as beer, which will boost taxes on a six-pack of the drinks by nearly $2.

"The ruling will send a signal to youth that these drinks are hard liquor because they have costs similar to hard liquor," said board member Judy Chu of Monterey Park, one of the three Democrats to vote for the change.

The "alcopop" drinks mimic lemonade, cola, fruit punch and other flavors. They don't fit neatly into California's alcohol classifications of beer, wine and distilled spirits.

Before the tax change can take effect, the state must study the content of all flavored malt beverages sold in California, board staff members said. That could take a year.

The 3-2 vote came eight months after a group of teenagers from around the state petitioned the board for the higher taxes.

"I was tired of seeing my peers drink these products," said Jimmy Jordan, an 18-year-old from Galt, near Sacramento, who helped draft the petition. "I was tired of seeing people drinking and doing dumb things."

The two Republicans on the board voted against the tax change, saying it would do nothing to curb underage drinking but could harm thousands of restaurant, convenience store and grocery store owners.

One of the Republicans, Bill Leonard of San Bernardino, urged the Legislature to update California's alcohol classification and taxation laws, saying they don't take into account many new hybrid products.

"No matter what we do today," he said, "it won't make sense. The scheme will still be irrational, hard to understand."<http://www.latimes.com/news/local/la-me-alcopops15aug15,1,3780489.story?track=rss>

**grapes  
  
  
  
  
13.** **Giving a teen Alcohol? Think Again (Illinois)**

Brandon Coutre  
*Northwest Herald*  
August 13, 2007

State legislators are trying to raise the stakes for parents who knowingly allow their children and children’s friends to drink alcohol in their homes by stiffening the possible penalties if the underage drinking results in tragedy.

Legislation awaiting approval from Gov. Rod Blagojevich raises the offense from a misdemeanor, which is punishable by up to a year in jail and a $2,500 fine, to a Class 4 felony, which is punishable by one to three years in prison, if the minors are involved in a serious or deadly alcohol-related incident.

Lawmakers say the pending law change is only the first step toward toughening the state’s liquor laws to hold adults more accountable.

“The state of Illinois, high schools and even alcohol manufactures spend huge amounts of money and time on educating our youth about the dangers of alcohol, and we need to ensure that we are carrying this through to the next level and are holding all responsible,” said State Sen. Pam Althoff, a co-sponsor of the law change.

If signed by the governor, Senate Bill 158 would create only the second instance in which prosecutors could file felony charges against adults who give minors the opportunity to drink.

The only other way adults could face a felony is if the minor to whom they gave alcohol dies specifically of alcohol poisoning – not a tangential incident, such as a fatal crash.

The pending law change targets just parents and guardians. So if an of-age friend gives alcohol or a place to drink to minors, he or she still would only face misdemeanor charges, regardless of whether there were a fatal crash.

During the next legislative session, Althoff said lawmakers would work to expand who could face felony charges for allowing underage drinking.

But expanding the laws could be challenging, Althoff said, since there are constitutional roadblocks to overcome.

Nichole Owners, criminal chief of the McHenry County state’s attorney’s office, said generally the courts had found that adults who provided alcohol or allow drinking were not accountable for related serious or deadly crashes because of intervening forces.

“The intervening forces are that another person’s criminal conduct is beyond the control of the person who provided the alcohol,” Owens said.

McHenry County States’ Attorney Louis Bianchi said the pending change was a step forward. He said his office had been in contact with legislators about the need for change.

“There are a lot of victim’s families who have been working with our office to get changes in the legislature,” Bianchi said.

Marti Belluschi, a board member of the Schaumburg-based Alliance Against Intoxicated Motorists, welcomed stiffer laws, but said that was only part of the equation to reduce teen drinking.

“Over the past few years, we have had what seems like crash after crash after crash, if you look in the newspapers.” said Belluschi, who served as the first director for Mothers Against Drunk Driving when an Illinois chapter opened in 1987. “I would say that something is not working.”

Although stricter laws might help, she said educating the public was equally important.

“Parents need to understand that underage alcohol use kills more teens than all illegal drugs combined,” Belluschi said. “Parents seem to be very concerned about illegal drugs, but they tend not to be as alarmed if it is alcohol.

grapes“We need to all be united in our messages,” she said. “When parents look the other way and allow parties or say ‘it’s only beer,’ we have a problem.”<http://www.nwherald.com/articles/2007/08/13/news/local/doc46bece80388b9154930952.txt>  
  
  
  
  
  
  
**14. Winemakers Vow to Fight Shipping Bill (Illinois)**

*Chicago Tribune*  
August 15, 2007

Some sour grapes are fermenting over a new Illinois bill governing the direct shipment of wine to retailers and consumers. The state's largest wineries claim the legislation, which was passed by both the House and Senate, discriminates against them. And they vow to fight.

"We're surviving a bitter defeat," said Fred Koehler, president and chief executive officer of Lynfred Winery in Roselle. "You can bet your last dollar we'll be back in Springfield."

The new law, which was passed by the Senate last week and now awaits the governor's signature, would allow smaller wineries making under 25,000 gallons of wine -- that's 98 percent of all the state's wineries -- to sell up to 5,000 gallons (about 2,100 cases) directly to stores and restaurants. Larger wineries that make more than 25,000 gallons have to sell via wholesalers. Currently, they can sell up to 10,000 gallons to retailers and restaurants.

For Illinois consumers, though, one of the biggest changes will be that they can now buy up to 12 cases of wine per person per year directly from any Illinois winery; same holds for buying from out-of-state wineries that obtain the necessary permits. The old law allowed unlimited shipping of wine by Illinois wineries to state residents but limited to two cases the wine that could be sold directly to Illinois consumers from wineries in states that had so-called reciprocal shipping privileges with Illinois.

Ted Penesis, industry education manager for the Illinois Liquor Control Commission, said that most out-of-state wineries doing business in Illinois are expected to apply for a direct shippers license. Buying wine directly from the winery should ultimately result in a cost savings for consumers, he said.

Retailers in Illinois can continue to ship wine to customers across the state. But Illinois residents won't be able to purchase wine from out-of-state stores (including online businesses), brokers or auction houses as before.

The impact could limit consumer choice, said Tom Wark, executive director of the Specialty Wine Retailers Association. He said only allowing out-of-state wineries to ship wine to Illinois consumers could possibly trip up at least 500 California wine operations selling here that aren't officially licensed as wineries. Winemakers who lease space elsewhere or use facilities they do not own are licensed in California as "retailers" or "distributors," he said.

"They are locked out of Illinois," Wark claimed.

Paul Kronenberg, president of the Family Winemakers of California, wouldn't comment on whether Wark's numbers are correct.

"His point is valid in the sense innumerable wine producers are not considered wineries by Illinois and other states because they're not licensed as wineries in California," he said. "Choices will be limited."

Stay calm, Penesis advised.

"No rules have been drafted yet," he said. "To say specific wine operations in California would be locked out of Illinois would be incorrect."

Hector Cardinez, the governor's press secretary, wouldn't say whether Gov. Rod Blagojevich will sign the bill. "We need to review it first," he said.

If the bill is signed into law, its provisions would go into effect on July 1, 2008.

The impetus for changing Illinois law was a 2005 U.S. Supreme Court decision, Granholm v. Heald, involving the states of Michigan and New York. The justices ruled a state could not discriminate against out-of-state wineries when it came to direct shipping. In the wake of the ruling, states across the country have rushed to re-write their laws.

"We think this is a good result for the vast majority of Illinois wineries and consumers," said David Stricklin, lobbyist for the Illinois Grape Growers and Vintners Association. "We had to make sure we could ship directly to our customers and make sure the smallest, newest wineries could self-distribute in order to enter the market."

But Scott Lawlor, general manager of Galena Cellars Vineyard and Winery, said the new law is discriminating against him and other large wineries in the state. He said being forced to sell via a distributor will mean higher prices.

"It's going to cost restaurants 27.5 percent more," he said. "They probably won't buy from me anymore."

Lawlor said direct sales to retailers accounts for 20 percent of his business.

"This will really hurt us," he added. "We built our businesses up. Our families worked hard and now they're taking it away from us."

Roughly 40 percent of all wine produced in Illinois is made by Galena Cellars and Lynfred, Lawlor said.

Illinois' wine industry has experienced strong growth in recent years. There are now more than 68 wineries producing 500,000 gallons of wine per year, with an annual economic impact of $250 million, according to the Illinois Grape Growers and Vintners Association.

The non-profit organization supports the new legislation because it allows small wineries to continue with direct sales to retailers, said Nathan Kraft, an association spokesman. Small winery owners had feared they would be "locked out" because of their size if forced to go through the state's established three-tier distribution system, he said.

Koehler and Lawlor have now formed a group, the Illinois Winemakers Alliance, to fight the legislation. About a dozen wineries are listed as members on the alliance's Web site, illinoiswinemakersalliance.com.

"This is so unfair, we got buried," Koehler said.

"I understand their point of view," Stricklin said of the larger wineries. "I understand their disappointment and why they opposed the bill."

"With any membership-based organization you won't see 100 percent consensus," Kraft said. "This [bill] supports 98 percent of the wineries in Illinois. The [association] supports whatever benefits the majority."

But the two winemakers insist smaller wineries will eventually feel a pinch because they claim the bill punishes success. And Koehler vows to put heat on legislators who backed the bill.

"It's very plain who is for Illinois wineries," he said.

<http://www.chicagotribune.com/entertainment/dining/chi-uncorked_shipping_15aug15,0,4868513.column>

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**15.** **Change in Liquor Laws Proposed (Kentucky)**

Michelle Ku *Lexington Herald Leader*August 15, 2007

A Sunday trip to a bar for drinks with friends or a quick errand to a liquor store for a bottle of wine or six-pack of beer could be in Lexington's future.

The Urban County Council is discussing a dramatic change in Fayette County's Sunday liquor laws that would allow any retail establishment with a liquor license to sell alcohol on Sundays.

The proposed change in law would allow bars, liquor stores, restaurants of all sizes and grocery stores to sell alcohol on Sunday. It would apply to beer, distilled spirits and wine by the drink, as well as package sales. The sale hours haven't been determined yet.

Currently, Sunday alcohol sales in Fayette County are limited to the by-the-drink sale of malt beverages, distilled spirits and wine between 1 p.m. and 11 p.m. at restaurants that have seating for 100 or more customers and generate more than 50 percent of their revenue from food sales. Racetracks, convention centers and some hotels are also allowed to sell on Sundays.

"Our laws are inconsistent and out of step with the times," said Councilman David Stevens, the sponsor of the proposed change in law.

For example, bars and restaurants can sell alcohol until 2:30 a.m. Sunday but not the rest of the day, Stevens said. "It's kind of silly to let people drink until 2:30 a.m. on Sunday and then, in the name of some religion, not let them drink the rest of the day. Sunday starts at midnight."

Stevens, who has been working on the proposed ordinance for the last two months, said he will formally introduce it next week. It's unclear when the council might vote on the issue.

Councilwoman Andrea James was the only council member who voiced opposition to Stevens' proposal yesterday.

"I just don't feel that liquor should be a tourist attraction," James said. "And that's what I've heard a lot is, we want tourists to come and let's be able to sell liquor on Sundays because it's an attraction."

Stevens declined to detail the proposed sale hours, saying he still needed to reach an agreement with the council. But "it would be more liberal than what we have, closer to what's on Saturday," Stevens said. Alcohol sales are currently cut off at 2:30 a.m. Monday through Saturday.

A draft ordinance obtained by the Herald-Leader would allow for the sale of distilled spirits and wine by the drink from 11 a.m. Sunday to 2:30 a.m. Monday. Package sales of those beverages would be allowed from 1 to 9 p.m. Sunday.

Beer, either by the drink or in a package, could be sold from 11 a.m. Sunday to 2:30 a.m. Monday.

A change in state law earlier this year paved the way for the council to consider making a change in the Sunday alcohol laws. The legislature approved changes in two laws that allow Lexington to set its own hours for by-the-drink and package sales of distilled wine and spirits on Sundays, said David Barberie, a city attorney.

Although the council hadn't exercised it, the city already had the power to regulate package and by-the-drink sales of beer on Sundays, he said.

The change in state law lets the council set the hours without taking the issue to a referendum, Barberie said. The current law allowing Sunday restaurant sales in Lexington was approved by Fayette County voters in 1986.

Expanded hours would be good for downtown Lexington in light of all the new development and the upcoming 2010 Alltech FEI World Equestrian Games, said Anna Marletta, general manager of Bellini's on Main Street. "It would help a lot of businesses that don't meet the 100 seating capacity."

grapesWhen Bellini's first opened, it seated only 80 people so it couldn't sell alcohol on Sunday, but the restaurant began selling on Sundays after it expanded to more than 100 seats about a year ago, she said.  
  
<http://www.kentucky.com/211/story/150173.html>  
  
  
  
  
  
  
**16. Duct Tape Bandit Robs Liquor Store (Kentucky)**

Doug Korstanje  
*WSAZ TV*  
August 16, 2007  
  
Robbery is a serious problem for retail stores across our region. But the employees of Shamrock Liquors in Ashland, Kentucky, can't stop laughing about what happened last Friday at the store along 13th street.

Police say Kasey Kazee walked in to the store with duct tape wrapped around his head to conceal his face.

Fortunately, store manager Bill Steele had some duct tape of his own. Steel had a wooden club wrapped with duct tape that eventually sent the suspect fleeing the store.

Store employee Craig Miller says he chased Kazee to the parking lot, tackled him and held him in a choke positiion until police arrived. An unidentified customer also helped.

Kazee said in a jailhouse interview today police got the wrong man and Kazee says he has no memory of going in to the liquor store. He also says he has no memory of police removing the duct tape.

We asked Kazee how he could deny being the duct tape bandit even though police have photos showing Kazee with the duct tape on and then a photo where Kazee's face is revealed.

Kazee looked straight at the camera and said, "Do I look like the duct tape bandit to you?"

Miller says Kazee also had a t-shirt pulled up around his head during the robbery attempt. Miller says it reminded him of the "Cornholio" character from the "Beavis and Butthead" cartoon.

Steele says Kazee did get away with two rolls of change before Steele could grab his club. Police found much of that change in the parking lot.

<http://www.wibw.com/home/headlines/9174277.html>

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**17.** **Students get Crash Course in Alcohol Use (Minnesota)**  
**The Internet class AlcoholEdu explains the dangers of drinking.**

Josh Shaffer  
*Raleigh News & Observer*  
August 13, 2007

Chugging. Shots. Beer pong. Togas. Sound fun?

How about herpes? Vomit. Hangovers. Expulsion.

Public health officials hope that 5,000 incoming freshmen at North Carolina State University will see the progression when they take a three-hour alcohol course required for admission -- a first on campus.

Taught completely via the Internet, AlcoholEdu introduces students to the science of inebriation and shows how a social lubricant can lead to social problems, such as sexual assault, and social diseases.

Part survey, part test, part lecture, AlcoholEdu is used on more than 500 campuses nationwide, though none yet in Minnesota, and required at roughly 200, including Duke University.

The jury may be out on whether it changes behavior, and some students laugh it off as a meaningless chore. But public health advocates say the course braces young students for the newfound freedom and drinking culture that await.

"We didn't create it with the goal for all kids to stop drinking," said Aaron White, a Duke psychiatry professor who helped create AlcoholEdu. "The goal was to create a course that made students aware of the risks, of the science."

At North Carolina State, surveys show that students have up to four alcoholic drinks at a typical party, said Chris Austin, assistant director of health promotion and substance abuse prevention at the school. Despite the idea that college means out-of-control drinking, and concerns over tailgating at sporting events, Austin and others stress that on average, consumption is reasonable.

Students volunteered to take AlcoholEdu for the past three years, but this year, the Wake County Board of Alcoholic Control offered to put up $80,000 for a variety of programs, including the $28,000 cost, if the program went mandatory.

"It's just the realization that on every college campus, their major issue is alcohol," Austin said.

**How much do you drink?**

The course is no high school health class with blood-on-the-highway overtones. White said lessons that frighten or preach to students tend to fail.

AlcoholEdu requires an ID number, then the course starts with a survey. How much do you drink? Do you chug? Do shots? Play drinking games? Black out? Forget things? How do you buy alcohol underage? What's the most you drank in the previous two weeks?

It covers social problems one at a time: binge drinking, date rape, academic failure. Then it calls up a student's survey results and displays on a graph his or her worst night of drunkenness. A 235-pound man going through a dozen beers in a night finds himself well beyond the legal blood-alcohol content -- even twice as much.

Duke sophomore Tommy Gamba said that he understands the point of AlcoholEdu but that making it a requirement for enrollment seems excessive and perhaps grandstanding. "To a degree, it was like, 'Look what we're doing,' " he said.

Gamba came away from the test thinking it well-intentioned but idealistic. "Realistically, the ability to prevent college students from drinking is practically impossible," he said. "The program is good in that it emphasizes the negative sides and safe ways to go about it."

Results from North Carolina State's voluntary AlcoholEdu program in 2006 showed that students who think about their blood-alcohol content while drinking jumped from 38 to 64 percent. Still, Austin said, the results have more to do with attitude than behavior, which takes more time to change.

"Whether it's changing actual behavior is still being researched," said Jeff Kulley, coordinator for alcohol and substance abuse services at Duke.

North Carolina State students take a follow-up portion once they've spent time on campus.

Freshman Liz Stollbrink chalked it up as an item on her to-do list. "I don't drink as it is," she said.

The course includes tidbits that would surprise even a hardened drinker .

A "blackout" doesn't necessarily mean losing consciousness. Rather, after five to 10 drinks, the body can press on without an agile mind and even drive a car. In a "brownout," a drinker needs reminding of how he spent the prior evening.

AlcoholEdu offers scenarios, too, as in the case of fictional "Jason," who travels to the beach for his first spring break and returns with dim memories and a rash that proves to be genital herpes.

Another: One group of students drinks alcohol and another group drinks placebos. Both groups say they feel happier and more attractive. The moral: It's all in your head, not in the booze.

<http://www.startribune.com/1244/story/1360375.html>

**grapes****18. Woman Facing Felony Charges for Crash (Montana)**

Angela Brandt  
*Helena Independent Record*  
August 14, 2007  
  
Police arrested a 40-year-old Helena woman on felony charges after she allegedly drove drunk Friday night and crashed her sport utility vehicle into another car, injuring an 8-year-old boy.

Tamra Lynn Hathaway’s blood alcohol content was nearly three times the legal limit at the time of the collision, according to documents filed Monday in Justice Court.

Hathaway faces felony charges of negligent vehicular assault and criminal endangerment for driving while intoxicated with her two children in her SUV and causing bodily injury to an 8-year-old passenger in the silver Mustang she struck.

The collision occurred Friday night at about 8 p.m. on Custer Avenue, according to court documents.

The driver of the Mustang had her three young children as passengers, who were all wearing seat belts, when the car was struck by Hathaway’s 1996 Ford Explorer. The Mustang driver’s 8-year-old son, who was experiencing pain in his neck, was treated and released from the hospital, court documents state.

Hathaway told officers at the scene that she looked back at one of her daughters, who was sitting in the back seat, “for a split second” when the collision occurred, court documents said. Her two daughters, 5 and 8 years old, were both wearing seatbelts, the documents said. Hathaway and her daughters were not injured.

Officers noticed the odor of alcohol emanating from Hathaway as they spoke to her, court documents state. Hathaway initially told police she had one beer after work, but she later upped it to two beers, the documents allege. When questioned by another officer, Hathaway said she had four beers at a casino after her shift at a fast food restaurant.

After she performed poorly on field sobriety tests at the scene, Hathaway blew a .231 blood alcohol content on a Breathalyzer. The legal limit in Montana is .08.

Hathaway’s husband took their two daughters home and she was taken into custody.

She was released on her own recognizance after appearing in Justice Court Monday afternoon.

<http://www.helenair.com/articles/2007/08/14/helena/a05081407_02.txt>

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19. Council Seeks New Ban on Smoking by Parents in Cars (New York)**

Grace Rauh  
*New York Sun*August 15, 2007

Smokers have already been banned from New York bars and restaurants, and soon they could be prohibited from lighting up in cars carrying minors, an idea giving added fuel to critics who say the city has become a nanny state.

A City Council member of Queens who is chairman of the council's Environmental Protection Committee, James Gennaro, said he is planning to introduce the smoking bill next week.

"I am just seeking every opportunity I can to denormalize smoking and to try to put it out of the reach of kids," Mr. Gennaro said. "I've lost family members to lung cancer and I've seen what happens."

If enacted, smoking in cars with riders under the age of 18 would join a growing list of activities barred by the city, including making too much noise at night, serving trans fats in restaurants, and allowing students to carry cell phones in school.

Mayor Bloomberg, who has spearheaded worldwide anti-tobacco initiatives, used the health risks associated with second-hand smoke to argue for a ban on smoking in bars.

A spokesman for Mr. Bloomberg, Stuart Loeser, declined to comment, saying the mayor had not yet seen the bill.  
  
When asked in January about a similar proposal in Rockland County, Mr. Bloomberg said people should have the right to smoke in their own cars, but "if it's a child in the car, who doesn't have the ability to speak up and protect themselves, then society does start to have an interest."

While he admitted he didn't know how such a proposal would be enforced, the mayor said, "We do have a responsibility to provide a health environment for our children and I would just urge anybody, if you have children at home, don't smoke at home, don't smoke in your car with your child; you really are damaging your child's health."

Mr. Gennaro's proposal calls for fines of $200 to $400 for a first smoking violation, $500 to $1,000 for a second violation in a single year, and between $1,000 and $2,000 for a third violation in a year. The New York Police Department would get the task of enforcing the law.

In Rockland County, which in June approved a measure to ban smoking in cars with minors, critics called the law an invasion of privacy and a violation of personal liberties. Mr. Gennaro dismissed those arguments.

"Boo-hoo," he said. "You can't subject kids to 43 carcinogens and 250 poisonous chemicals and claim privacy. Get over it. Their right to privacy doesn't extend so far as to poisoning kids."

A child who spends one hour in a very smoky room is inhaling as many dangerous chemicals as if he or she smoked 10 or more cigarettes, according to the Mayo Clinic.

A U.S. Surgeon General's report from 2006 found there is sufficient evidence to infer "a casual relationship" between secondhand smoke exposure from parental smoking and lower respiratory illnesses in infants and children.

The founder of Citizens Lobbying Against Smoker Harassment, Audrey Silk, said the proposal is an example of government overreach and should be considered part of an alarming trend that affects smokers and nonsmokers alike.

"Smoking bans are a symptom of a greater problem with our government, that they can come in and regulate all kinds of lifestyle choices because they've deemed it improper," she said. "It could be anything."

A lawyer and former executive director of the New York Civil Liberties Union, Norman Siegel, said the proposal is "very intrusive," and noted that to withstand judicial challenges, at a minimum the city would have to show that second-hand smoke in cars has a negative health effect of minors.

The Rockland County legislator who sponsored the county's bill on smoking in cars, Connie Coker, said there's no reason why the government shouldn't be able regulate smoking in cars, as it already regulates cell phone use while driving and requires car seats for young children.

"It's not your castle," she said. "Your car is out in the world."

Ms. Silk said that if the bill were approved, there would be no reason the government wouldn't try to regulate the number of cookies parents could give their children.

grapes"If they can come into our car, then they can come into our home," she said. "And everybody should be afraid of this, not just because of smoking."<http://www.nysun.com/article/60516?page_no=3>  
  
  
  
  
  
  
**20. Counterfeit Cigarette Ring Smashed (New York)**

Michael Frazier  
*NewsDay*  
August 13, 2007

A tip on illegal cigarettes being sold out of the trunk of cars in Nassau County triggered a month’s long investigation leading to the arrests of three Chinese nationals in Queens and the seizure of nearly 60,000 untaxed cartons, authorities said Monday.

The tax revenue loss to Nassau residents was estimated at more than $1 million, authorities said.

More than half a million packs of untaxed cigarettes -- half were counterfeit -- and about $350,000 in cash were seized last week in a raid of a Queens warehouse, home base to a black-market tobacco ring of "unbelievable proportions," Nassau District Attorney Kathleen Rice said Monday in a news conference in Mineola.

The illegal smokes originated in China and were distributed across the metropolitan area, often sold at reduced prices at mom-and-pop stores and other small retailers, police said.

A carton of cigarettes in New York City -- with its $3 a pack sales tax -- can cost $75, but the illegal cartons fetch between $20 and $25 apiece, said Det. Sgt. Pat Ryder of Nassau's Asset Forfeiture Bureau.

Cheaper prices make it difficult to break up such rings, Ryder added.

"No one is really calling the police if they are getting a $5 pack of cigarettes for $3," he said.

Half of the seized cigarettes bearing brand names like Newport were convincing fakes. Counterfeiters went as far as placing a rebate offer on some cartons.

The counterfeit cigarettes were exceptionally more harmful than U.S.-made ones, because the fakes don't adhere to New York state law requiring "firesafe" cigarettes that automatically burn out if not puffed after a brief period of time, Rice said.

Queens District Attorney Richard Brown, who joined Rice in the announcement, added that the fakes also contained higher levels of tar and nicotine.

The investigation, which began in February, entailed undercover purchases and video surveillance that led police to the warehouse at 102-19 44th Ave. in Corona, where the three men were arrested Thursday.

A fourth man, who police believe to be the ringleader, is being sought.

At the warehouse, Min Liang Yu, 21, Ru Dong Chen, 46, and Yulin Zhuang, 43, were each arrested on charges of criminal possession of a forged instrument, violations of state tax laws and trademark counterfeiting.

They were arraigned over the weekend and are being held on bail ranging from $250,000 to $500,000.

Cigarette smuggling is a global problem, supporting a multimillion-dollar criminal enterprise, authorities said. In recent years, U.S. authorities have said such operations also help fund terrorist groups.

Monday, authorities said they have contacted U.S. Immigration and Customs Enforcement officials, and as part of the ongoing probe, investigators are exploring whether any links exist between any terror organizations and the Queens warehouse bust.

For higher profits, U.S. traffickers will purchase large volumes of cigarettes in states with low taxes, such as Virginia and Kentucky, and transport them for sale to states like New York.

"If cartons of cigarettes are $24 each in Kentucky, but they can sell them for $50 elsewhere, that's 100 percent of their money back," Ryder said.

Richmond, Va.-based Philip Morris USA, America's leading cigarette maker, actively works with regulatory agencies to help ensure consumers receive legitimate products, a spokesman said.

"This is a problem with the potential to seriously disrupt legitimate cigarette trade in the U.S.," said David Sutton, the spokesman.

<http://www.newsday.com/news/local/ny-licigs0814,0,381525.story>

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21.** **New Law Cracks Down on Drunken Drivers Who Injure Others (North Carolina)**

Beau Minnick  
*WRAL TV*  
August 10, 2007

In the past, drunk drivers who caused accidents that injured people could avoid jail time in North Carolina. But not anymore, thanks to a new law.

An accused drunk driver who caused an accident in Wake County on June 30 will face the tougher law. It's some consolation for the woman he allegedly hit and victims like her.

Robin Mitchell's life is not what it was two months ago. She's restricted to a wheelchair and can't leave her room without help.

“I just want to get well. I just want to get back to the way I was,” she said.

Mitchell was hit head on while driving on Interstate 40 in June. She had 15 broken bones and spent a month in the hospital.

“A broken sternum right here, more or less fractured, and a broken jaw. And I had two broken arms,” she said, describing her injuries.

Police say the driver who hit Mitchell, 44-year-old Brian Reynolds, was drunk.

In the past, district attorneys could charge defendants in these types of cases only with a misdemeanor. A new law changed that, and now they face much more jail time.

That new law is a felony called serious injury by vehicle. It went into effect in December. Depending on a defendant's prior record, he or she could spend four years in prison.

“We believe this is going to help us in our ability to get dangerous drunks off the road,” said Wake County District Attorney Colon Willoughby. “We needed to do something to tighten up the laws, particularly with those people that were repeat offenders that have caused so many injuries and deaths.”

Mitchell said she's thrilled to hear about the new serious-injury law.

“I think people need to be accountable for their actions behind the wheel drinking and driving. It’s not a mistake,” she said.

Mitchell was released from the hospital two weeks ago. Doctors don't know how long she will need to be in the wheelchair, she said.

grapesReynolds’ next court date is Aug. 14.<http://www.wral.com/news/local/story/1692463/>  
  
  
  
  
  
  
**22. North Carolina Kicks Off "Booze it & Lose It" Campaign to Catch More Drunk Drivers (North Carolina)**

*Associated Content*  
August 15, 2007

According to a recently published North Carolina Office of the Governor press release, North Carolina Governor Mike Easley has announced that local, county, and state law enforcement will be heading out in full force for the next too weeks in part of a Labor Day "Booze It & Lose It" campaign that will help save lives by keep intoxicated and drunk drivers from state streets and roads.

The "Booze It & Lose It" campaign will put more police officers on the roads and set up checkpoints all across the state. The campaign will go from August 17th to September 3rd and it expected to catch hundreds of drivers, possibly more, who choose to hit the road after they have been drinking.

Easley said about the anti-drunk driving campaign, "As North Carolinians celebrate the last few weeks of summer, I want to remind them to do so responsibly. Law enforcement officers will be cracking down on impaired drivers to help keep our roads safe."

Alcohol-related accidents and crashes are a huge problem during holidays such as Christmas, Fourth of July, and Labor Day. The state of North Carolina reported that 96 residents were involved in deadly traffic accidents between August 17th and September 3rd, with 23 of those accidents being alcohol-related.

North Carolina resident Jay Clume speaks about his personal experiences with drunk driving: "Seven years ago this labor day, my friend died because of a drunk driver. He was only 16 years old. The person who hit the car he was driving in lived, so my friend sacrificed his life because this person made a huge mistake. It's great that the state is recognizing that this is a huge problem and that most of the people that die are innocent people and not the drunk drivers. If people want to avoid being arrested for drunk driving, then they won't get on the roads and if they do, they will be put behind bars."

State, county, and local law enforcement officers will help kick off the anti-alcohol campaign with news media and public events at 2 p.m. on August 16th at the Rocky Mount Sports Complex, 600 Independence Drive in Rocky Mount and at 10 a.m. on August 17th at the Biltmore Estate (Picnic Pavilion), One Approach Road in Asheville, North Carolina.

<http://www.associatedcontent.com/article/346781/north_carolina_kicks_off_booze_it_lose.html>

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23.** **Critics Abuzz Over Energy Drinks that Have Alcohol (Ohio)**

Amy Saunders *Columbus Dispatch*  
August 15, 2007

Which of these energy drinks contain alcohol? The packaging for all is similar, but it's the two at right.

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| <p>Which of these energy drinks contain alcohol? The packaging for all is similar, but it's the two at right.</p> |
| Which of these energy drinks contain alcohol? The packaging for all is similar, but it's the two at right. |

Drinks such as Sparks, Tilt and Rockstar 21 are packaged and marketed like the energy beverages they are, with one major difference.

In addition to caffeine, they contain alcohol.

The drinks have been popular among the under-rested, over-partied college set since they appeared on the market a few years ago.

But their parents might not know that alcoholic energy drinks even exist. A spokesman for the Ohio Division of Liquor Control didn't, when asked to discuss them recently.

Some say teens, not adults, are the targets of marketing efforts for these products, whose alcohol content ranges from 6 percent to 10 percent.

"Obviously, we don't have the internal memos to prove it, but we have some pretty strong indicators," said Michele Simon, research and policy director for the Marin Institute, a California-based watchdog group focused on the alcohol industry.

A report issued this month by the group says that alcohol companies mimic marketing strategies used to sell nonalcoholic energy beverages, popular among teenagers.

For example, tech-savvy consumers can spread the word about Tilt by downloading ringtones, screensavers and text-messaging icons from the Anheuser-Busch Web site.

And Tilt, like other alcoholic energy drinks, comes in a slender, silver can that looks a lot like those used by its nonalcoholic cousins.

"The way these things are packaged, you can pick something up that has alcohol in it and not even know it," said Doug Scoles, executive director for the Ohio chapter of Mothers Against Drunk Driving.

That's one of Simon's fears. She's seen messages on the networking Web site Facebook in which high-school students say they keep alcoholic energy drinks in their rooms because their parents don't recognize them as such.

Asked about the packaging of their products, Anheuser-Busch, which makes Tilt, and Miller Brewing Co., the maker of Sparks, issued statements condemning underage drinking and saying that the contents of their drinks are clearly labeled.

Rockstar and United Brands, which make Rockstar 21 and Joose, respectively, did not respond to repeated requests for interviews about their products.

Teenagers have to obtain alcoholic energy drinks as they would beer, wine or liquor -- illegally.

Kim Tran, a clerk at Patio Liquor, Beer & Wine on the Northeast Side, said not many teenagers have attempted to purchase energy drinks, which are kept next to the beer in the back of the store. Customers must show an ID just to enter that area.

At most stores selling alcohol, scanners immediately alert cashiers to ask the buyer for identification, said Tom Hunter, communication director for the Ohio Investigative Unit, enforcement arm of the Department of Public Safety. The unit hasn't had significant issues with stores selling alcoholic energy drinks to minors, he said.

Still, Tom Jackson, president of the Ohio Grocers Association, said he plans to put a warning about the drinks in his weekly e-mail to members. He hadn't heard of the products until asked about them.

"If I'm buying a six-pack of beer, I know it's beer," Jackson said. "But sometimes when you have crossover products that look like other products, it can be confusing to a cashier."

The Marin Institute wants the drinks labeled more clearly to explain their contents as well as the dangers of mixing alcohol and caffeine.

Messages such as, "You can sleep when you're 30," an advertising slogan for the caffeine-laced beer Bud Extra, encourage consumers to stay up and drink all night, Simon said.

"The best thing that can happen to anyone who drinks too much is they pass out and don't get into a car," she said. "The problem is when someone stays up because of the caffeine and thinks they're OK."<http://www.columbusdispatch.com/dispatch/content/local_news/stories/2007/08/15/energy_drinks.ART_ART_08-15-07_A1_B37KBGH.html>

**grapes****24. Residents Working to Ban Carryout Alcohol (Ohio)**

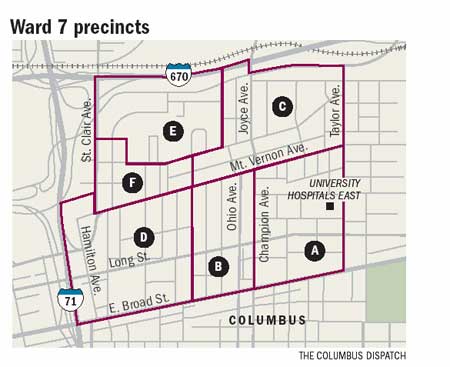
And Matthew Marx *Columbus Dispatch*  
August 13, 2007

Activists have renewed efforts to stop the carryout sale of beer, wine and liquor in Columbus' Ward 7, a Near East Side neighborhood.

"We're trying to eliminate the activities that erode the fabric and quality of life of our neighborhood," said Kelton Waller, 34, who lives in the ward and plans to help circulate petitions.

The activists will kick off their efforts by targeting Ward 7 residents at the African-American Male Wellness Walk, which begins at 9 a.m. today at the Neighborhood House, 1000 Atcheson St.

A group calling itself the Black Political Party circulated petitions last year but, because of problems, did not file them with the Franklin County Board of Elections.

For example, signers were not shown a list of businesses that would be affected, and some petitions were not signed by the people who had circulated them.

The group says that carryouts selling beer and wine are causing loitering, fostering crime and deterring other businesses from coming into the neighborhood.

"We're tired of our kids seeking the 40-ounce bottles," said Erika Conner, an organizer of the effort. "We don't want our children to grow up and become future addicts."

Last year's effort would have affected both restaurants and carryouts that sell beer and wine; this year, only carryouts are the target, Conner said . The neighborhood has at least 11 of them.

It's a "disproportionate number of beer and wine outlets" for an area this size, Columbus City Councilwoman Charleta B. Tavares said.

"If businesses would be responsible, they would be welcome in the community," Tavares told 22 people who attended a meeting held by organizers Thursday night.

The group also wants to ban the sale of liquor. A convenience-store owner had applied for a permit to sell hard liquor in the neighborhood but took back his application last year after churches opposed it.

Organizers accuse the stores of selling alcohol and cigarettes to minors and turning a blind eye to drug traffickers outside their doors. Aside from setting a bad example for youth, loiterers often urinate or even defecate around the stores because they aren't permitted to use bathrooms inside, said Phil Locke, one of the organizers.

But not everyone agrees. Store owners who are members of the Mount Vernon Avenue District Improvement Association distributed fliers last weekend urging residents not to let others decide what they can buy.

"It may be a low-income neighborhood, but people do have a right to think for themselves. After this time, they will get beat and won't try it again," Melvin Steward, president of the association, said of the petition circulators.

One of the problem stores operates on property owned by Steward, at the corner of Mount Vernon Avenue and N. 20th Street, Locke said.

Prohibiting beer and wine sales will force stores to close, said Fayez Rawahneh, co-owner of Five Brothers Market at 1230 E. Long St. Half his profits are from beer and wine, he said.

"The money from the community will be drawn out of the community instead of going back to the people that live in the community," said Rawahneh, who lives in the neighborhood.

Beer and wine buyers aren't causing problems in the neighborhood, said William Matthews, 67, who has lived in the area for 11 years.

"The people who buy beer and wine buy it and move on. The people who loiter are the ones who are going to loiter anyway.

"Beer and wine is not the problem. Drugs is the problem."

The deadline to get on the November ballot is 4 p.m. Aug. 23, said Ben Piscitelli, spokesman for the elections board.

grapes<http://www.dispatch.com/dispatch/content/local_news/stories/2007/08/11/WARD7.ART_ART_08-11-07_B1_PL7JB46.html>  
  
  
  
  
  
  
**25. Oregon State University to Launch Wine Research Institute (Oregon)**

*Beverage News Daily*  
August 13, 2007

By this time next year, Oregon winegrape growers could be getting help with production questions that have festered unanswered for years and, in some cases, decades.

Oregon State University Wine Institute, which sprouted out of discussions among wine industry leaders several years ago, could be operational as early as this fall.

The institute received $1 million in the higher education budget lawmakers recently adopted for the 2007-09 biennium. And wine industry leaders have generated half of the $2 million they committed to the institute.

"We think this is the most important development in our industry since we began," said Jim Bernau, president and founder of Willamette Valley Vineyards in Salem. "This institute gives us the organization, scope and scale to really develop our industry."

Once operational, the institute is expected to coordinate research currently spread throughout the food science and horticulture departments at Oregon State, generate new research opportunities, get out information to growers through the school's extension service and help Oregon's many small wineries in business decisions.

The industry looked to the state and Oregon State University to help deliver its research needs in part because research done in universities in California and other wine-growing regions isn't addressing issues arising in Oregon.

"There are a number of problems in front of the industry, in terms of growing grapes and the business of growing grapes, and many need solutions that have to be resolved in Oregon," Adelsheim said.

grapes"Given our unique climate, we need things that other states can't provide," said Earl Jones of Abacela Winery in Roseburg. "We need special considerations in the academic and research world."  
  
  
  
  
  
  
**26.** **Fort Worth to vote on Smoking Ban (Texas)**

Jeff Mosier  
*Dallas Morning News*   
August 15, 2007

Smoking would be banned in most public places but still permitted in bars if a proposed ordinance is passed by the City Council next week.

Three different proposals – with varying types of bans – have been consolidated into a single set of changes. The recommendations would ban smoking in restaurants, bingo parlors, bowling alleys, business offices and within 20 feet of a primary entrance or exit of a regulated building.

The exemptions would include hotel and motel rooms, private clubs, private meeting rooms, outdoor dining areas, some service lines and standalone tobacco stores.

Council member Wendy Davis said she's disappointed that the ordinance exempts bars.

"There are consequences to not doing this," she said. "There is a public health cost that everyone pays."

Ms. Davis said she would probably support the proposal if there aren't enough votes to add bars to the list.

Council member Carter Burdette, who said he was never a smoker, said he doesn't see a need for these changes. He said the public is smart enough to decide whether they want to go into a business that allows smoking.

"Our current ordinance gives people a choice, and it has for 10 years," he said. "If we pass this ordinance, we're taking away that choice, that freedom."

Several other council members said they either didn't want the changes or wanted more exemptions, such as bingo halls. But it appeared there were enough votes to enact a stronger smoking ordinance.

Local restaurateurs have also been lobbying to have smoking banned in bars so they compete unfairly with restaurants that serve alcohol.

The proposed ordinance also puts some of the enforcement responsibility on business owners, who would have to remove ashtrays and kick out patrons who ignore the ban. The city manager would have the ability to revoke a business owner's municipal permits or licenses if there are repeated violations.   
  
<http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/081507dnmetfwsmoking.2cfd00a.html>

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**27.** **Want To Sell Liquor In St. Johnsbury? You'll Need A Background Check First (Vermont)**

Taylor Reed *Caledonian Record*August 15, 2007

New liquor-license applicants can expect to wait well over a week for approval to sell alcohol in St. Johnsbury.

Selectmen decided Monday to run official background checks on all new applicants.

In the past, the police and fire chief were asked to make recommendations on each application, said St. Johnsbury Town Manager Mike Welch during a selectmen's meeting Monday evening.

"It was for the purpose of conditioning permits," Welch said. "Sometimes that involved a criminal background check."

Vermont officials, however, say criminal-background information can't be accessed or used for purposes other than law enforcement, unless it's accessed through the proper channels, Welch said. Official background checks will take 10 days and cost the applicant $10.

Liquor-license approval used to take only a few days.

However, selectmen said the background checks are the best way to ensure alcohol proprietors are responsible citizens.

"I think it would be negligent on our part to avoid this piece," Selectman Dale Urie said during the meeting Monday.

Selectmen do not plan to run background checks on renewals for existing license holders.

Official background checks came to light last month after selectmen requested criminal information on an application from a Florida man who plans to buy the Dawg House Tavern on Eastern Avenue, Welch said.

Aside from background checks, last month selectmen voted to force St. Johnsbury bar owners to stop serving alcohol at 1 a.m., an hour earlier than the state requires. Selectmen said the change was aimed at addressing a noise issue and police-coverage issue caused by a 2 a.m. shift change.

Alcohol consumption can extend past 1 a.m., but establishments can't serve it past then. St. Johnsbury Police Sgt. Clem Houde recommended the change.

grapesDuring the meeting Monday, selectmen also approved of participating in a grant application for new Connecticut River Scenic By-Way signs in St. Johnsbury. As a local match, the town must pay for installation of the sign package, which will be free subject to grant funding, Welch said.  
  
<http://www.caledonianrecord.com/pages/local_news/story/b4a87d51f>  
  
  
  
  
  
  
**28.** **Wisconsin’s Love for Beer is Reflected in Favorable Laws (Wisconsin)**

Scott Bauer  
*Des Moines Register*August 17, 2007

Wisconsin lawmakers seem to love their beer. They’ve allowed grocery stores to hand out free samples and shunned a proposal to boost the tax on it.

And other pro-beer legislation is brewing.

Politicians know the rich tradition of brewing in the state and treat beer-related Jerry Apps, who has written a history of Wisconsin breweries. Brewers and sellers also pose one of the state’s most powerful lobbies.

“It’s beer, cheese, rats and the Packers. Let’s face it, it’s been our history for some time,” he said.

Wisconsin’s taste for beer can be traced to its German settlers, who opened first breweries and saw their number grow to roughly 400 by late 1800s. The state now has around 60, including the Miller Brewing Co., the nation’s second-leading producer.

Milwaukee, often called the “Brew City,” once was home to the Miller, Blatz, Schlitz and Pabst breweries. Only Miller remains, though the city is home to several microbreweries and brew pubs. It’s not accident that the city’s named the Milwaukee Brewers and plays at Miller Park.

“It’s one of our icons,” Apps said of the beverage. “You don’t go lobbing stones at our icons.”

Just as state Rep. Terese Berceau, D-Madison. Her proposal to increase the tax on beer went flat.

“We have given more favorable treatment to the beer industry than any other in this state,” Berceau said. “Everybody’s so afraid of the beer tax and beer industry.”

So afraid, it seems, that Berceau could find only two lawmakers among her 131 colleagues to co-sponsor the proposal and boost the beer tax for the first time since 1969 and only the third time since Prohibition ended.

The Tavern League of Wisconsin, the lobbying arm for the state’s 13,000 bars, is generally recognized as one of the most powerful forces in the Capitol.

Berceau’s not the only one frustrated with the beer industry’s influence with state lawmakers.

“Drunken driving issues, especially in Wisconsin, are though for us,” said Lindsay Desormier of the Wisconsin chapter of Mothers Against Drunk Driving. “I think part of it is just the culture in Wisconsin.”

Though the state’s penalties for some serious DUI offenses are on par with others, Wisconsin is the only state where the first offense is treated like a traffic ticket with no chance of jail time, Desormier said.

Wisconsin is also one of the few states that allow parents to purchase alcohol for their children to consume in their presence, she said.

And while the law prohibits anyone under age 21 from entering a bar, unless accompanied by a parent, there are numerous exemptions that allow them to go to places such as bowling alleys and volleyball courts where alcohol is served. Two pending bills also would make exceptions for batting cages at beer-serving establishments and the Wisconsin Renaissance Faire.

grapesDemocratic Gov. Jim Doyle signed a bill, behind unanimous support of the Legislature, allowing such retailers as grocery stores and liquor stores to promote a particular beer brand or special with free samples.