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| [*www.IowaABD.com*](http://www.iowaabd.com/) | *Lynn M. Walding, Administrator* |

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**I. NATIONAL NEWS

1.** **Bush Balks on Cig Tax, Grassley Vents**

**Republican Sen. Charles Grassley of Iowa said today the White House is "throwing cold water in my face" by insisting that a cigarette tax increase can't be used to pay for a kids' health insurance bill still stuck in Congress.**

Jane Norman

*Des Moines Register*

October 31, 2007

An increasingly frustrated Grassley, who has sharply parted ways with the Bush administration on the legislation to extend the program, said that "this is the first time it's come to my attention that this tax issue is an issue with the White House."

Grassley appeared on the early-morning C-SPAN cable television program "Washington Journal" discussing the State Children's Health Insurance Program, and also spoke with Iowa reporters on a conference call.

A 61-cent increase in the cigarette tax and tax increases in other tobacco products would be used to pay for a $35 billion increase in the state-federal kids' program under a bill pending in Congress.

Bush vetoed an earlier version of the legislation but the House failed to come up with enough votes for an override. Negotiations including Grassley, other Republican senators and House members have continued.

The Associated Press reported today that Bush told Republican lawmakers in a private meeting on Tuesday that he won't agree to any bill that includes a tobacco tax increase.

Bush also suggested he would not accept other tax increases in major legislation, which could affect the Senate version of the farm bill. The AP said the White House had no comment on the reports about Bush's comments.

Lawmakers working on a kids' health compromise that could gain sufficient bipartisan support in both the House and Senate have been trying to address all the issues that trouble Republicans and the president, Grassley said.

As they get closer to success, Bush "comes up with another item," Grassley said.

Secretary of Health and Human Services Michael Leavitt has met with lawmakers and outlined objections the administration has but never mentioned the cigarette tax, said Grassley. "They're throwing cold water in my face by moving the goal posts," he said.

The program is known in Iowa as Hawk-I and covers children in working families whose parents don't earn enough to pay for health insurance. Congress has approved a temporary extension of the program keeping spending at current levels.

But the Congressional Research Service, in a new report, says that if current spending on the program continues without an increase, nine states will face shortfalls by March — including Iowa. In all 21 states would face shortfalls during the budget year.

****<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20071031/NEWS/71031022/1001/hawkeye_insider>

**2. Bush's Opposition to Using Tax to Fund Kids' Bill Irks Grassley**

**Republican Sen. Charles Grassley of Iowa said Wednesday that the White House is "throwing cold water in my face" by insisting that a cigarette tax increase can't be used to pay for a kids' health insurance bill still stuck in Congress.**

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*Des Moines Register*

November 1, 2007

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A 61-cent increase in the cigarette tax -- and tax increases for other tobacco products -- would be used to pay for a $35 billion increase in the state-federal program under a bill pending in Congress.

"I've been at this six months and we've never discussed anything else but a cigarette tax," Grassley said.

Bush vetoed an earlier version of the legislation but the House failed to come up with enough votes for an override. Negotiations including Grassley, other Republican senators and House members have continued.

The Associated Press reported that Bush told GOP lawmakers in a private meeting on Tuesday that he won't agree to any bill that includes a tobacco tax increase.

Bush said in public that the Senate is preparing to take up a new version of the bill that is worse than the one he vetoed. "I believe the Senate is wasting valuable time," he said. "This bill remarkably manages to spend more money over five years than the first bill did."

A White House spokesman, responding to Grassley, said negotiations are continuing. "We can find common ground to cover the more than 500,000 poor children who are eligible for SCHIP but have not yet enrolled" said spokesman Alex Conant.

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Grassley said the expansion would be an improved version of current law because it would emphasize services to low-income children, tighten up immigration restrictions and get adults off the rolls -- adults who the administration permitted to sign up.

Bush in his veto message said children in families earning up to $83,000 a year would be covered, which Grassley said is wrong.

"He didn't read the bill. Whoever was advising him and writing his veto message didn't read the bill," the Iowan said. "This is reform and if people read the bill we won't have any problems getting the president to sign it, especially if he reads it."

On the C-SPAN show, Grassley fielded caller questions that focused more on immigration than health insurance.

One caller identified as a Des Moines resident accused Grassley of being a "fraud" and began shouting about illegal immigration before the call was cut off.

<http://www.desmoinesregister.com/apps/pbcs.dll/article?AID=2007711010391>

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**3.** **Bonnie Testifies Before Congress on FDA Regulation of Tobacco**

**Law professor Richard Bonnie, who recently served as chair of the Institute of Medicine’s Committee on Reducing Tobacco Use, testified before the House Subcommittee on Health on the bill HR1108, which would among other things give the United States Food and Drug Administration the authority to regulate tobacco products.**

*Virginia Uva Today News*

October 24, 2007

His testimony, delivered Oct. 3, was based on the Institute of Medicine report, "Ending the Tobacco Problem: A Blueprint for the Nation." The report outlined a plan for the federal and state governments to reduce tobacco use to the point that it is no longer a significant health problem in the United States.

“Our report was not only about federal legislation and the FDA. It had a much broader scope, and a lot of the recommendations were directed to the states and private insurers," Bonnie said. "A key component of the blueprint for the nation, as we described it, is for the federal government to get off the sidelines. We need to change the regulatory landscape of tobacco control, and an important part of doing that is giving the FDA jurisdiction to regulate tobacco products.”

Various versions of HR1108 have been circulating in both the House and Senate for the past five or six years, he explained. Congressional staffers and tobacco control proponents are optimistic that this bill can be enacted this year.

The Bush administration has not taken a position on the bill and the current FDA commissioner, Andrew von Eschenbach, declined to testify, Bonnie said. Instead von Eschenbach submitted a written statement, which didn’t take a firm position on the bill, but raised concerns about the FDA having jurisdiction over tobacco. One of the reasons he cited was that it could undermine the mission of the FDA to regulate a product that would be banned if it were subject to the usual FDA requirements.

“The [Institute of Medicine] committee concluded that the necessary authority should be conferred on the FDA because it is the nation’s preeminent public health regulatory agency, and because it is the only agency with the necessary combination of experience in product regulation and scientific expertise on tobacco-related disease and nicotine addiction,” Bonnie testified.

Although smoking has been declining gradually in recent years there is still a lot of work to be done. “The rate of adult smoking is still 21 percent,” he said. “Even if progress continues at the present rate, 16 percent of adults will still be smoking in 2025. We also worry that there will be backsliding, because a lot of the success that we’ve had recently has been in reducing initiation, trying to reduce the level of youth smoking, but that could bounce back up in a minute like it did in the 1990s, for example.”

Things could get worse if current efforts aren’t maintained, Bonnie said. He presented recommendations that call for more aggressive control of tobacco.

“The report contains almost 100 pages documenting the effectiveness of the traditional tools of tobacco control, such as excise tax increases, indoor smoking restrictions, comprehensive state-based programs, media-based prevention campaigns, school-based programs, and cessation therapies and services,” he said.

If the Institute of Medicine committee’s recommendations are adopted, Bonnie believes that the prevalence of smoking could be cut in half by 2025. “That would mean that about 11 million fewer people would be smoking in 2025 than would be the case if current trends continue,” he testified. But regulatory measures need to be taken to ensure the end of tobacco use as a major public health concern. Adding warning labels that cover a large portion of the packaging, limiting advertising to black and white text, banning tobacco companies from targeting youth, and aggressive regulation of retail outlets are some of the suggestions the committee recommended.

Smoking is the worst public health problem in the nation today, Bonnie said. “No one else can regulate tobacco products and their packaging except the federal government. What we want to see happen is a comprehensive and coordinated effort with the federal government playing a bigger role than it is now and, if that happens, it will strengthen and reinforce all the efforts that need to be going on at the state level,” he said.

Bonnie hopes that his testimony “adds another important voice, the voice of the National Academy of Sciences, to this effort. My impression from the reactions from all of the advocacy groups and lobbyists is that our report has already had an impact and they’re relying on it.”

Bonnie also gave the keynote address to the Conference on Tobacco sponsored by the National Association of Attorneys General, held Oct. 15 in Seattle. This conference is held every three years under the master settlement agreement between the states and the tobacco companies.

After summarizing the Institute of Medicine report, Bonnie focused particularly on the report’s proposed restrictions on tobacco advertising. He argued that “restricting advertising of tobacco products to a text-only, black-and-white format would survive constitutional attack because it does not curtail opportunities for communicating and receiving information about tobacco products.”

http://www.virginia.edu/uvatoday/newsRelease.php?id=3117

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**4.** **Attorney General Announces Agreement with Kroger to Curb Tobacco Sales to Minors**

**Attorney General Bob Cooper and Dir. Mary Clement of the Division of
Consumer Affairs announced Tuesday that they have joined the Attorneys General of 42 other states and Guam in an agreement with Kroger Company to help stop tobacco sales to youth.**

*The Chattanoogan.com*

October 23, 2007

Kroger, one of the nation's largest retailers, has 2,468 supermarkets in 31 states under two dozen banners and 779 convenience stores in 15 states under five banners. All but 92 of the convenience stores are company-owned. There are 120 stores operating under the name of "Kroger" in Tennessee.

"We appreciate Kroger signing this agreement and demonstrating its
commitment to keeping children tobacco-free in Tennessee," said Attorney General Cooper.

The agreement announced Tuesday spells out a number of steps the company will
implement to prevent youth access to tobacco in its company-owned stores and franchise outlets. From now on, the company must provide notices through employee training and posting in stores of the importance of complying with youth access laws; require franchisees to report violations to the corporate office; and modify franchise agreements to provide that violations of youth
access laws could constitute grounds for termination or non-renewal of the
franchise agreement.

The Kroger Assurance of Voluntary Compliance (AVC) is the eleventh such
agreement produced by an ongoing, multi-state enforcement effort. Previous agreements cover all CVS, Wal-Mart, Walgreens and Rite Aid stores, and all gas stations and convenience stores operating under the Conoco, Phillips 66, 76, Exxon, Mobil, BP, Amoco, ARCO and Chevron brand names, in the signing states. Combined, the agreements cover over 80,000 retail outlets across the nation.

Launched in 2000, the multi-state enforcement effort by the Attorneys General seeks to secure national retailers' agreement to take specific corrective actions to prevent sales of tobacco products to minors.

State laws prohibit such sales. The agreements incorporate "best practices" to reduce sales to minors, developed by the Attorneys General in
consultation with researchers and state and federal tobacco control
officials.

The Attorneys General have long recognized that youth access to tobacco products ranks among the most serious public health problems. Studies show more than 80 percent of adult smokers begin smoking before the age of 18.

Research indicates that every day in the United States, more than 2,000 people under the age of 18 start smoking and that one-third of those persons ultimately will die from a tobacco-related disease. Young people are particularly susceptible to the hazards of tobacco, often showing signs of addiction after smoking only a few cigarettes.

Attorney General Cooper would like to thank the Tennessee Department of
Agriculture for its assistance in the effort to combat youth access to
tobacco products.

The office frequently obtains data from the Department of Agriculture regarding its test shopping of entities in Tennessee to determine if these entities are selling tobacco products to minors. As a result of the data the Department provides, the Office is able to participate in multi-state efforts, such as this one, to ensure the public health concerns regarding the illegal sale of tobacco products to minors are met.<http://www.chattanoogan.com/articles/article_115659.asp>

**5.** **Senate Likely to Require Ignition Interlocks Next Year
You can expect a major effort next year to make ignition interlocks mandatory throughout the U.S. for anyone convicted of drunk driving.**

*Beverage News Daily*

October 26, 2007

That became clear yesterday (10/25) during a Senate Transportation subcommittee hearing presided over by Sen. Barbara Boxer (D-Calif.), chairman of the full committee.

Sen. Frank Lautenberg (D-N.J.), who wrote the legislation making 21 the national legal drinking age, opened the hearing by saying that since 1984, the Federal Government has acted to prevent drunk driving on the nation’s highway. “Our job isn’t completed,” Lautenberg said. “Drunk driving remains epidemic. Some 41% of all highway deaths involve alcohol. In New Jersey, there’s been a 20% increase in DWI deaths in one year.

“Arrests and conviction can pile up without repercussions,” Lautenberg said, citing a man who was arrested for DWI and convicted 11 times. “

Both Lautenberg and Boxer signaled they would propose sanctions on states that don’t make ignition interlocks mandatory. “Sanctions do work,” Lautenberg said. “When we offered incentives,” such as extra funding, “only three states passed the 0.08 BAC law. But with sanctions, 32 states changed their minds” and adopted the law.

Sen. David Vitter (R-La.) said Louisiana recently passed ignition interlock legislation.

Thomas J. Barrett, deputy transportation secretary, said the National Highway Traffic Safety Administration is focusing on ignition interlocks, recently convening a national conference to develop guidance on the program.

“There are lots of issues we don’t see eye-to-eye on. But we all see eye-to-eye on this,” Boxer said.

“Frankly, if the device was in every car, what harm would it do?” Boxer asked rhetorically. “I suspect a lot of people who get behind the wheel don’t have an addiction. I’m going to write my governor about moving forward with this.

“The key for the long range is when you get into a car, it simply won’t start if the BAC is over 0.08. It should go into the car, just like we can no longer imagine a car without airbags.”

If ignition interlocks are the short-term solution to drunk driving, the panel made it clear the long-term goal should be a system where a breath test won’t be necessary to keep a car from starting if the driver is over 0.08% BAC. “We should do a Manhattan Project,” Boxer said.

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**6.** **Shortage of Beer Ingredients May Mean Higher Prices**

**Brewers from Australia to Oregon face the daunting prospect of tweaking their recipes or experimenting less with new brews thanks to a worldwide shortage of one key beer ingredient and rising prices for others.**

[*The Associated Press*](http://seattletimes.nwsource.com/html/localnews/2003977476_webbeer26.html?syndication=rss)

October 25, 2007

Domestic beer sales have been relatively flat at 2.5 billion cases per year since 2000, according to Mintel, a market research firm in Chicago. Estimated 2006 sales were $71.7 billion, though price increases have generally been in line with inflation.

But brewers are facing mounting costs on nearly every front. Fuel, aluminum and glass prices have been going up quickly over a period of several years. Barley and wheat prices have skyrocketed as more farmers’ plant corn to meet increasing demand for ethanol, while others plant feed crops to replace acres lost to corn.

A decade-long oversupply of hops that had forced farmers to abandon the crop is finally gone and harvests were down this year. In the United States, where one-fourth of the world's hopes are grown, acreage fell 30 percent between 1995 and 2006.

Australia endured its worst drought on record. Hail storms across Europe damaged crops. Extreme heat in the western United States hurt both yields and quality.

"Of course, they're all related. It's a problem. Brewers are trying to take pricing up, but it's hard when beer is pretty sensitive to pricing per volume. And when drinkers are leaving beer to go to wine and spirits," said Harry Schuhmacher, editor of the online trade publication Beer Business Daily.

Snipes Mountain saw its barley malt prices grow between 10-15 percent this year, and paid $12.35 per pound for Cascade hops, far beyond the $5.60 per pound allotted last year.

Those rising prices and, in some cases, shortages, may force Butler to rethink his lineup of 13 beers in the months ahead. He'll also be tinkering with a Hefeweizen recipe that relies on Saaz hops, a mild variety popular with Bohemian pilsners, after severe weather in Europe dinged as much as 40 percent of the crop.

"Palate-wise, it may change the flavor a little bit, but only a little bit," he said.

Brewers at Tommy knocker Brewery in Idaho Springs, Colo., already have been doing some tinkering of their own. Last year, a slim supply of bittering Hallertau hops forced them to substitute the Mount Hood variety, slightly altering their three lagers: Alpine Glacier Lager, Butt Head Bock and Ornery Amber Lager.

The brewery contracted for hops a year in advance, allowing it to switch back again this year, lead brewer Eric Rode said. But recipe tweaking is becoming more common, and it's likely to continue, he said.

Those contracts also enabled Tommy knocker to hold the line on prices, with only a 50-cent increase per case wholesale, largely due to rising glass prices. The numbers could be much bigger when spiking costs of raw ingredients are factored in next year, he said.

So far, price increases have been pretty modest - less than a dollar a 12-pack at retail, Schuhmacher said. Big brewers can hedge against rising prices for raw ingredients and can negotiate better, longer-term contracts, while smaller brewers generally are left with whatever is left.

"On the other hand, the small brewers have more pricing power than the big guys do," he said. "They're able to increase pricing more without losing drinkers."

Big Sky Brewing Co. in Missoula, Mont., which distributes in 16 states, has increased the price of its Big Sky IPA by $1 a six-pack because barley prices doubled. The beer makes up only about 6 percent of the companies line, led by the popular brown ale, Moose Drool.

Going forward, Big Sky will see what the big breweries do before making changes to pricing, brewmaster Matt Long said.

"Many of the craft brewers don't do that. They continue to have six packs on sale half the time, and I don't know how they can continue to operate that way," he said. "The trend is going to be toward $10 six packs."

But Long also said he doesn't think that trend will last long.

"Maybe the pendulum will swing back," he said. "It might not happen for the 2008 crop, but maybe at some point, it'll come back halfway, which would be nice."

It may be too soon to say if, or how high, prices might go up, said Paul Gatza, director of the Boulder, Colo.-based Brewers Association. The bigger hit for craft brewers might be to the fun side - testing ingredients and new or seasonal brews.

"I would think brewers will try to keep their existing beers in the marketplace if they can," he said. "But this may put a damper on some of that innovation and experimentation for some of those hoppier beers, which is a shame."

**II. INTERNATIONAL NEWS**

**7.** **Raise Age for Tobacco Sales Call**

**The discussion centers on the legal age for purchase of tobacco**

*BBC News*

October 29, 2007

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| Teenage girl smoking |
| The discussion centers on the legal age for purchase of tobacco |

A consultation on raising the age for the purchase of tobacco products in Northern Ireland has been welcomed by doctors.

The consultation was launched by the assembly health department.

The British Medical Association said it would be recommending that the age be raised from 16 to 18.

It is also calling for new laws to ban the sale of packs of 10 cigarettes and that cigarettes should not be displayed at the point of sale.

The BMA also wants tobacco vending machines to be banned.

**'Discourage'**

The age of sale was raised to 18 in England, Wales and Scotland with effect from 1 October 2007 and in the Irish Republic in 2004.

Launching the consultation, assembly Health Minister Michael McGimpsey said: "A key factor in reducing prevalence is to discourage adoption of the smoking habit.

"Evidence shows that in Northern Ireland, 79% of adult smokers took up the habit in their teens and that 11% of children aged 11-15 years are regular smokers.

"I am therefore seeking views on whether the minimum age of sale of tobacco products, which currently stands at 16, should be raised to help efforts to reduce teenage smoking."

The power to change the age of sale in Northern Ireland is contained within the Smoking (NI) Order 2006, the main provisions of which came into operation on 30 April 2007.

<http://news.bbc.co.uk/2/hi/uk_news/northern_ireland/7068473.stm>

**III. IOWA NEWS**

**8.** **Upcoming Iowa City Vote Targets Binge Drinking**

**The law would kick patrons under 21 out of bars by 10 p.m.**

Tim Jones

*Chicago Tribune*

October 29, 2007

The handsome and stately home of the University of Iowa is not one of those college towns where kids get all liquored up and provoke the cops into big ugly confrontations.

But it is a campus whose students are fond of drinking — many would say too fond — and that has sparked a town-gown quarrel over so-called binge drinking, downing five or more drinks at a single sitting.

A Nov. 6 vote in Iowa City to raise the age of entry into bars is one of a growing number of efforts nationwide that try — in big ways and small — to discourage drinking behavior that, according to a study from Columbia University, involves half of the nation's college students.

"We've gone from a regional shopping center to a regional drinking destination," complains John Clayton, an Iowa City business owner and one of the backers of a proposed city ordinance that would prevent anyone under the age of 21 from being in a bar after 10 p.m.

The ordinance would not change the legal drinking age, which is 21 in Iowa and the other 49 states, but it would boot 19- and 20-year-olds out the door, right at the start of the nightly peak drinking hours.

Predictably, the bar owners and most students younger than 21 hate the idea, arguing the new age limit will succeed only in sending thousands of students into unregulated house parties off campus.

"As long as this culture of drinking is here, there is no single answer to binge drinking," said Leah Cohen, a long-time bar and restaurant owner and leader of the opposition. "This is just going to lead to the destruction of neighborhoods."

Surprisingly, the president of the University of Iowa, Sally Mason, has punted, saying she won't take a position on the matter.

While there is wide agreement that excessive drinking is a problem in Iowa City and a recognition on both sides that students will never stop drinking, there is no consensus on how to reduce the nightly consumption.

Nationwide, some schools have restricted alcohol advertising and forced alcohol out of fraternities and sororities.

Others have dramatically increased the numbers of Friday classes, in hopes of discouraging Thursday night drinking. Iowa will add more Friday classes next year.

Several Big 10 schools have launched programs designed to change student behavior, emphasizing the potential health and career risks of excessive drinking.

Drake University, in Des Moines, recently imposed what is known as a vomit tax: If you throw up in the dorm from drinking, there's an $80 fine attached to the cleanup.

The Iowa City proposal is spurred by a Harvard University study reporting nearly 70 percent of University of Iowa students recently engaged in binge drinking, compared with 49 percent nationwide.

Although the numbers may suggest a large nighttime portrait of legions of drunken students falling like dominoes, the reality in Iowa City mirrors that of most other college towns.

Students tend to come alive at night and line up outside bars, starting around 11 p.m. and begin the nightly socializing.

The vast majority, bar owners say, walk back to their apartments and dorms two or three hours later, in a straight line.

Still, things have changed. Mike Porter, who owns The Summit, a popular downtown bar that allows 19- and 20-year-olds to enter, said when he got into the business two decades ago, 80 percent of his alcohol sales were beer, with 20 percent hard liquor.

Today those numbers have flipped.

Porter said the change is due in part to liquor being less expensive and providing a "quicker buzz" for students, many of whom start drinking in their apartments before they come to the bars.

He said his bartenders vigorously keep watch on students and noted that Iowa City bars pushed for an ordinance passed several years ago to keep 18-year-olds out of bars.

"Yeah, some students drink too much, but it's not exclusive to age," Porter said.

If the ordinance is adopted, 19-year-old freshman Alicia Connolly of Epworth, Iowa, said, students will go to house parties. Young women, she said, will go with some trepidation.

"I feel a whole lot safer in bars and in the downtown area because there are more police," Connolly said, citing a concern about sexual assaults.

**Work together**

Bars have become a big economic engine in downtown Iowa City, replacing some of the retail establishments that left the city when a new mega-mall was built in the neighboring city of Coralville. In the past 20 years, the number of bar and restaurant liquor licenses has leaped fourfold, to about 50.

Those numbers are viewed in different lights.

Rick Dobyns, a physician and supporter of the ordinance, said it is proof that there are too many bars in Iowa City. "Increased (alcohol) access leads to increased use. It doesn't take a rocket scientist to figure that out," Dobyns said.

Cohen countered that bars and restaurants have filled the retail void and made Iowa City an attractive entertainment center. The campus and the university are joined at the economic hip, Cohen argued, and they must work together to deal with the problem.

<http://www.chron.com/disp/story.mpl/nation/5250208.html>



**9.** **Mason says UI has Responsibility to Fight Binge Drinking**

**University of Iowa officials are not proud of the university's “party school” reputation, and it will take a coordinated effort by UI administrators, faculty, staff and students to face up to it and deal with it, UI President Sally Mason said Thursday.**

Diane Heldt

*The Cedar Rapids Gazette*

October 25, 2007

Mason spoke to the annual Joint Service Club luncheon sponsored by the Iowa City Noon Rotary Club.

She commented on underage drinking when, after her speech, she was asked a question about the Nov. 6 Iowa City vote on the 21-only ordinance. If passed, the local law would keep people younger than 21 out of Iowa City bars after 10 p.m.

Mason has said previously she will not take a public position on the ordinance, but will vote.

On Thursday she said UI officials need to ``take this back as our issue'' and figure out ways to combat underage and binge drinking. It is a university matter, but also a community one, she said.

“The university does not condone illegal behavior. Underage drinking is illegal behavior,” she said. “It is going to take a comprehensive approach to deal with it.”

During her speech, Mason stressed the importance of partnerships to the UI and others in the Iowa City area. She called partnership the key to the UI's future.

“I know that the Iowa City area makes many `best of' lists. I like to think the university has something to do with that,'' she said. “But I know that business and community leaders like you definitely do.”

<http://www.gazetteonline.com/apps/pbcs.dll/article?AID=/20071025/NEWS/71025010/-1/searchGazetteOnline>

**10.** **UI Students Key to 21 Bar Vote
More than half of Iowa City voters polled last week said they'd vote for a proposed 21-and-older ordinance.**

*The Cedar Rapids Gazette*October 31, 2007

But a strong student turnout in next week's election might be enough to defeat the measure, a Gazette analysis of the poll reveals.

Fifty-seven percent of registered Iowa City voters polled by The Gazette said they favored the ordinance, which would bar people under the age of 21 from bars after 10 p.m. Twenty-seven percent opposed the ordinance and 16 percent didn't know.

But the newspaper's poll of 200 registered Iowa City voters under represents college students, especially those whose primary cell phone number is unpublished or who recently registered to vote.

Groups opposing the ordinance have urged students to vote. Most people polled by The Gazette think that effort, evidenced by last week's record number of early ballots cast on the University of Iowa campus, will have a significant impact on the election. Three out of four people said they thought this get-out-the-vote activity will have a big impact. Only 2 percent said it would have no impact.

A record 2,891 people voted last week at five UI satellite sites, where voters could register and vote the same day. At 3 p.m. Tuesday, a record 5,864 absentee ballot requests had been received by the Auditor's Office, already more than 1,300 voters ahead of the 2005 total of 4,514 requests.

Almost 90 percent of respondents in The Gazette poll knew about the issue, the latest step in an ongoing battle to temper drinking here.

Ordinance supporters point to studies that show more UI students drink — and drink more — than their peers at most other institutions.

Nearly half the school's undergraduates drink heavily and frequently enough to be at increased risk for becoming alcoholics, said Peter Nathan, UI College of Public Health professor emeritus who has studied UI undergraduate drinking behavior for 10 years. He said two out of three students drink enough to be statistically more likely to have their grades suffer, to get in trouble with the law or experience other negative consequences.

Nathan said if the ordinance cuts underage consumption in half, it would reduce the school's overall high-risk drinking rate by as much as 20 percent.

"The quality of life for our students would increase, and I think that's very important," he said.

Opponents say the ordinance will not curb abusive drinking and will send drinkers to neighborhood parties.

Michael Smith, executive director of the Florida Center for Prevention Research at Florida State University in Tallahassee, has been trying to change the drinking culture at the 40,000-student university for almost a decade.

Research showed Florida State students thought their peers were drinking more than they actually were, he said. A campaign called Isn't it Nice focuses on the positive drinking behaviors of most students.

Smith said his university also has worked with bar owners and off-sale liquor vendors to talk about issues surrounding access to alcohol — like how to check IDs and when to stop serving intoxicated patrons. As a result, he said, high-risk drinking has decreased 15 percent at Florida State in the past five years.

As far as student safety is concerned, the question isn't where students drink, but if they're being safe wherever they drink, said Karla Miller, program director for Iowa City's Rape Victim Advocacy Program. "I think there's an assumption that the bars are absolutely safe," Miller said. "Some bars are and other bars aren't."


<http://www.gazetteonline.com/apps/pbcs.dll/article?AID=/20071031/NEWS/710310024/1006/news>

**11.** **Ins and Outs of Iowa City's 21-Only Issue**

**Bar scene has quadrupled**

*The Iowa City Press Citizen*

October 27, 2007

What is the definition of binge drinking?

Binge drinking is defined as five or more drinks in a row for men and four or more drinks in a row for women in one sitting.

What is a PAULA?

Possession of Alcohol Under the Legal Age; given to anyone younger than 19 found in possession of an alcoholic beverage.

What are the fines for PAULAs?

First offense, $200; second offense, $500 plus the choice of either completing a substance abuse evaluation or driving suspension for up to a year; third and subsequent offense, $500 plus driving suspension for up to one year.

The court also can order the person to complete community service.

What currently is the law concerning underage people in the Iowa City bars?

Currently, Iowa City imposes a 19-only ordinance. People younger than 19 are not allowed in drinking establishments after 10 p.m. However, some drinking establishments and restaurants already willingly impose a 21-only rule.

How many bars are located in the downtown area? Do they all allow entry to those 19 and older?

There currently are 47 licensed liquor establishments in downtown Iowa City. However, not all of those businesses allow those who are underage to enter after 10 p.m.

Has a 21-only ordinance been proposed before?

Yes. A 21-only ordinance was proposed in 2003, but UI students proposed a compromised amendment making the entrance age 19, coupled with more stringent measures to crack down on underage drinking.

Are there other cities in Iowa with a 21-only ordinance?

Yes. Ames and Cedar Rapids are among the communities in Iowa with 21-only measures.

When will the vote on the ordinance occur?

Nov. 6.

How many votes are needed to make the ordinance pass?

A simple majority, or 50 percent of the votes, according to the Johnson County Auditor Web site.

If the ordinance passes, when does it go into effect?

What is the wording of the actual ballot question?

"Whereas, it is in the public interest to provide, unless otherwise exempted by law or ordinance, that a person shall have attained legal age (currently 21 years of age or more) to lawfully be on the premises between the hours of 10:00 p.m. to closing of any Iowa City establishment holding a liquor control license, a wine or beer permit, that authorizes on premises consumption.

"Now, therefore, be it resolved, that Article 4, Chapter 5, Section 8 of the City Code of Iowa City -- entitled Persons Under 19 Years of Age in Licensed or Permitted Establishments -- shall be modified to replace 'nineteen (19) years of age' wherever and however it appears within such Section 8 with 'the legal age.'"

Will this put the question to rest once and for all?

Probably not. Based on the history of addressing the issues of binge and underage drinking in Iowa City, neither side of the argument waits for very long before re-examining the issue in an effort to maximize the wishes and wants of students and the safety concerns of adults. However, according to the city charter, "no initiative or referendum petition shall be filed within two years after the same measure or a measure substantially the same has been submitted to the voters at an election."

<http://www.press-citizen.com/apps/pbcs.dll/article?AID=/20071027/NEWS01/710270301/1079/RSS01>

**12.** **Ames 21-Only Ordinance 'Piece of a Larger Strategy'**

**City also has keg, nuisance ordinances**

Rachel Gallegos

*Iowa City Press-Citizen*

October 27, 2007

Iowa City isn't the only college town trying to figure out the best way to prevent people younger than 21 from getting their hands on alcohol.

Ames, home to Iowa State University, however, is on the flip side of Iowa City's situation it has had a 21-only ordinance for bars in town for more than 28 years.

While having that ordinance and others in place has helped Ames deal with underage drinking, it's not perfect, officials said. But it is a solution that works for them.

The numbers show there is quite a difference between the two communities. In 2006, Iowa City police wrote 1,286 PAULA citations. Ames police wrote 198 citations for possession of alcohol under the legal age.

**Enforcement**

"The under-21 ordinance is one piece of a larger strategy to minimize the harm," Ames Police Chief Charles Cychosz said. "Our ordinance really came out of the city council's vision and reflected a concern about the implications of alcohol-related problems on this community."

Along with the 21-only ordinance, approved in January 1979, the city also has keg and nuisance party ordinances in place for "fair, reasonable control" of alcohol in town, Cychosz said.

Key in Ames are the partnerships the police department has developed with bar operators and with people having house parties, including quarterly meetings with a majority of bar owners to discuss topics such as fights, problems with identification, serving intoxicated people, occupancy and inspections, Cychosz said.

"The goal is between the two of us, we're trying to maintain a safe environment," he said.

Cychosz said he thinks that if alcohol was only at bars, it still would not solve the underage drinking problem.

Police and bars in Ames have given permission to specially arranged events that allow people younger than 21. Even with these cooperative groups and pre-arranged conditions, there still is a problem with underage people in possession of alcohol and therefore police need to write citations, Cychosz said.

It is very difficult for bars to enforce that only people 21 and older drink when underage people are present, he said, because it takes checking the ID of every person, Cychosz said.

"We're at the point where some bars don't do it," he said.

Several years ago, the department also created a party response team to patrol house parties.

The focus for these officers is to make early contact with house parties, either self-initiated by an officer who sees a group of people or from a call about a noise complaint or other community concern, he said.

"Our goal is to educate new students and new renters," Cychosz said.

By meeting with students and renters early on, it lowers the threshold of later problems, such as dealing with people walking into house parties uninvited, he said.

Brian Phillips, president of the Iowa State University Government of the Student Body, said that the party response team has been "really well received by students."

That's because rather than walking in and immediately starting to write tickets, the police talk with the partygoers and party hosts, encouraging communication and understanding.

The first year the police started the party response team, officers went to parties handing out flamingo T-shirts and key chains and putting blow-up flamingos on front lawns. Students embraced these efforts, Phillips said.

"I noticed a lot of students around campus walking around with their police department T-shirts," he said.

**Student opinion**

There isn't, however, a general student consensus for how Cyclones feel about the 21-only ordinance in bars, Phillips said. Many who are younger than 21 are interested in getting into bars, while the 21 and older crowd is divided, with some liking things the way they are so they don't have to deal with overcrowded locations once they are of age to get in.

Katelyn McClintock, 19 and a freshman majoring in journalism and mass communication, said she hates the current law and wishes for a change.

"It's absolutely no fun to be here for three years and not be able to go to the bars and socialize with everyone," she said. "I think it would be fun to go to the bar and dance."

"House parties are fun, but bars have such an appeal -- I guess for me because I can't do it," McClintock said.

Lamar Allen, 24 and a senior majoring in political science, said he also thinks the bars should be 18 and older.

"Eighteen-year-olds have a right to come out," he said. "I don't see why not."

A DJ at Club Element in Ames, Allen said he thinks that the current ordinance creates a disadvantage for some bars, because those that serve food can still let in the 18- to 20-year-old crowd, but the others cannot.

"If they want to go out, they have the right to go out," he said.

Students also said they dislike the disparity between Iowa City and Ames.

"I just don't think it is fair you can go to bars at 19 in Iowa City and you can't here," said Maureen Degnan, 19 and a sophomore majoring in business.

And while house parties can be fun, bars are a "safer place than just going to random house parties," said Trevor Gruys, 19 and a sophomore majoring in civil engineering.

The desire to get into bars once teens become college students isn't a draw for everyone, however.

"I'm 18, and I don't care," said Kelsey Utesch, a freshman majoring in athletic training. "I think 20 is a good age."

"Bars are overcrowded already," she said.

Phillips said he didn't have advice for Iowa City because it's hard to compare the two college towns.

"Ames and Iowa City have very different economies," he said.

Phillips said that part of his concern for Campustown in Ames is the lack of business diversity. There is only a handful of non-bar, non-food locations, he said, affecting how people perceive the area as not a fun place to be if drinking is not involved.

"It's not bad, but it could certainly be better. Our problem here is economic development. I do not think changing an age ordinance here would be a good thing," he said.

Ames resident Marcus Johnson, 38, said being from England, he thinks that the 21 drinking age in general doesn't make much sense.

"I think kids should be able to do whatever the hell they like," he said, especially because 18-year-olds are going to war, yet not old enough to legally drink.

He said in England, the first day of his undergraduate college education, the professor took the students to a pub.

"There's not much to do in a small town," Johnson said.

Rich Matus, 30, of Ames, said he thinks the bar-entry age ordinance "is just closing a loophole."

"The only reason to be in the bar is to be drinking," he said.

He said, however, that he didn't think a 21-only ordinance in Iowa City will solve things.

"It's just making the City Council happy," he said. "Look like they're doing something."

**Nightlife in Ames**

The Friday night before this year's Iowa-Iowa State game, Ames' Campustown attracted fans from both sides looking for a fun night out.

A common sight on the streets of Campustown was people carrying their soon-to-be-consumed beverages with them, most often a 12- or 24-pack of some beer or another.

The corner of Knapp Street and Welch Avenue was a busy thoroughfare throughout the night, as people wander around the neighborhood looking for friends or a place to stop and drink for a while.

One guy, while holding an open can of beer, saw people he knew in a car passing by. First he jogged along beside the car, getting the attention of the people in it.

But then, with open can of beer still in hand, he jumped on the hood of the white Volvo sedan and continued to ride the hood of the car for about half a block.

Lines for the bars on Welch Avenue are each at least 20 to 30 people deep as bars keep to fire code and occupancy rates.

In line for the Paddy's, Mark Fackin, 28, said he thinks a 21-only ordinance in Iowa City is "probably a good idea, but nobody's going to like it."

His roommate Joe Eshelman, 26, of Urbandale, agreed.

"I think it should be 21 and over because 18 and over is way too young," Eshelman said. "You gotta be 21 to drink, right?"

Fackin, an Iowa State grad, said he thinks Iowa City and Ames should be consistent.

"Either 19 everywhere or 21 everywhere," he said.

With or without the law, people who want to drink can find a way to do so, Fackin said.

"It doesn't matter. Just because you can't go to the bars, you can get beers," he said.

Students out drinking at a house party said they think there are more house parties in Ames than there currently are in Iowa City.

If the Iowa City bars all did go to 21, catering to their audience would be key, said Joy Talley, 21, up in Ames for the weekend from Northwest Missouri State University in Maryville.

She suggested a strictly country bar, noting that Outlaws Bar in Ames is packed every Thursday to Saturday.

But Iowa City's pedestrian mall location does have its advantages, she said.

"Location is everything, and Iowa City's got it," she said. "(Bars are) a lot easier to find."

There are other things to do in town that night. At the Memorial Union, for example, live music ricochets through the mostly empty halls as The Besnard Lakes featuring Starvin Hungry play starting at 9 p.m. in the Maintenance Shop.

**Common topic**

Just like how raising the bar age to 21 is a often returned to conversation in Iowa City, almost every year lowering Ames' bar entry age is a discussion topic, especially with the student government, Phillips said.

Mayor Ann Campbell said the topic also gets discussed fairly routinely on the city level because of the revolving door of students.

Campbell said since passing the 21-only law, there was one year where they experimented lowering the bar entry age back down to 18 or 19.

At the end of that year, members of the student government asked students if they went into bars younger than 21 and if so, if they drank. The answer was an overwhelming yes, and so the law went back to only those older than the legal drinking age of 21.

"Our experience is the only one that I can go by and our experience has not been successful with underage people in bars during the one year we did try that," Campbell said.

The downside with the 21-only ordinance, however, is that it eliminates these people from being in the controlled bar setting, sending some who want to drink out to house parties.

"It is a very real problem," she said. "It's much more difficult to enforce."

She also praised the party response team for their proactive efforts.

"Anything that can be done in advance is definitely a boost to the partygoers as well as the people in charge," Campbell said.

It doesn't, however, eliminate the need for continuous enforcement.

"I think it is always a fragile edge," Campbell said. "House parties are a problem -- period."

Cychosz said for police, enforcement of bars and house parties isn't an either/or situation. Both continue to be monitored.

"Honestly, we'd like it to be hard for people to get in trouble," he said.

<http://www.press-citizen.com/apps/pbcs.dll/article?AID=/20071027/NEWS01/710270305/1079>

**13.** **Future of 21 Issues 'In the Hands of the Public'**

Patrons line up to go inside Brothers Bar & Grill Aug. 23 in downtown Iowa City. The biggest questions are how successful a 21-only law would be and how it would affect downtown, a thriving area that has grown increasingly focused on the restaurant and bar sector and generates millions of dollars in business.

Hieu Pham

*Iowa City Press-Citizen*

October 27, 2007

The Iowa City community might soon find resolution on an issue that has loomed over the community for a decade or more, pitting public health advocates against bar owners, pressuring the City Council and stirring law enforcement officials and students to speak out.

The dispute now centers on whether those younger than 21 should be allowed into bars after 10 p.m., the question voters will decide on the Nov. 6 ballot.

The larger issues include how to cut down on binge drinking and what's best for downtown.

Supporters predict approval of the ballot question will curb alcohol abuse among students at UI, a nationally known party school where nearly 70 percent of students here report binge drinking compared with 46 percent of college students nationwide, according to the most recent Harvard University College Alcohol Study.

Opponents argue that problems will move to house parties and kill the vibrancy of downtown.

But no one argues that the city's drinking culture has gotten out of hand. Both sides also acknowledge that while drinking issues in a college town are not uncommon, alcohol is certainly more accessible in Iowa City where downtown is a few steps from campus --- and its roughly 11,000 underage students.

The biggest questions now are how successful a 21-only law would be and how it would affect downtown, a thriving area that has grown increasingly focused on the restaurant and bar sector and that generates millions of dollars in business.

Both the Downtown Association and Chamber of Commerce have not taken a position, fearing the hot topic will offend its conflicted membership.

"It's too political," said DTA president Craig Gustaveson. He owns Austen Burke downtown and has lived in Iowa City for 34 years.

But he said many people, business owners and residents, are sick of the debate.

"It's been talked about so long that people just want it to go away," he said.

**The drinking culture**

Downtown, a restaurant and bar can make more than $100,000 in two weeks. An underage bar can make even more by charging its 19- to 20-year-olds $5 just to step inside.

Liquor is big business. Records of state and local alcohol sales show rising numbers, as well as increases in consumption.

Last year, distilled spirits sold in Johnson County jumped 8.8 percent from 2005, totaling $9.96 million. Statewide liquor sales also totaled more than 82 million gallons in the fiscal year ending June 30, 2006.

Beer remains the top money maker, but hard liquor continues to rise, particularly among 21- to 29-year-olds. In Johnson County, more than 215,000 gallons of distilled spirits were sold in the most recent fiscal year, which is more than double the number from 10 years ago. The latest Princeton Review gave UI the fifth spot in hard liquor use.

Supporters of the proposed ordinance say Iowa City's combination of accessibility and availability of alcohol is dangerous. What it needs is a 21-only law to trigger a gradual change in the drinking environment, said former downtown business owner Jim Clayton.

Clayton led a citizen-petition driven by Committee for Healthy Choices that in May took down 4,258 signatures and forced City Council to put the issue to public vote. Many of the group's key members have participated in the Stepping Up Project, a grant-financed effort of the city, community and UI leaders to tackle drinking problems.

"If we can get bars 21, in three years there wouldn't be too many college students who would know the difference," he said.

Leah Cohen, owner of the downtown Bo-James bar and a leader of bloc21, the group spearheading the "Vote No on 21" campaign, disagrees with the 21-only approach.

"That is not the most responsible way to deal with this," she said.

More and more alcohol

Data from the R.L. Polk directory and Iowa Alcoholic Beverages Division show a steady increase of Iowa City establishments serving alcohol beginning in the early 1980s.

"We all opened as restaurants. Over time and with the demand, we all became bars at night or nightclubs at night," said Cohen.

The downtown landscape has changed the most. In 1982, there were 17 liquor licenses downtown; now there are 50.

"The problem has been embedded in our community, but in a really significant way for probably the last 12 to 15 years," Clayton said.

But why did things get worse 12 to 15 years ago? That, according to Clayton and Cohen, marked the time when downtown's retail market began to change toward bars and restaurants.

Clayton said people realized they could make thousands of dollars in one night serving to an underage crowd. Cohen said the only businesses that could survive after the 1998 opening of the Coral Ridge Mall -- and in the face of high downtown rents -- were bars and restaurants.

"There is no question that drinking has risen, but this is the case across the country," Cohen said.

**No alternative entertainment?**

Mike Porter, owner of the 19-only The Summit restaurant and nightclub and the 21-only One-Eyed Jakes, said young people need something to do late at night away from the bars.

"They need to put concerts with artists that college students will want to see. ... Entertainment has never been adequately provided for students here," he said.

Nineteen-year-old UI junior Atul Nakhasi, who heads the anti-21 student movement, said keeping 19- and 20-year-olds from bars also keeps them from concerts, stand-up comedy or the freedom to go inside a bar to watch a night football game.

"Even though we're students, we're not going to deny that underage drinking is a problem," Nakhasi said. "But what we need to concentrate on is the increasing social and entertainment options downtown."

UI has answered the call, although not enough and many times with little success, according to Nakhasi and Porter. Planet X failed to draw in students and concerts at Hancher continue to feature artists that don't appeal to the college crowd, they said.

"College kids have an astronomical amount of disposable income now ... but they don't want to listen to Elvis Costello," Porter said.

Some things that have worked are Night Games, a 9 p.m. to 1 a.m. sports extravaganza, but that's only available once a month. The same goes for Dance Marathon, a fundraiser that culminates in a 24-hour dance-off.

During Dance Marathon, Porter said bars downtown are empty. This shows that students aren't looking for a drink but something to do.

And the burden of providing that shouldn't lie on the bars, Porter and Cohen said. It's up to the city and university.

**'A wonderful community'**

"A 21-ordinance seems like the most common-sense approach, but it doesn't get to the real issues," Porter said.

Drinking is safer downtown than in the neighborhoods, where no one tries to regulate over-consumption or wild behavior, opponents say.

At the heart of Porter and Cohen's opposition is the belief that downtown isn't being looked at for what it really is -- a vibrant place that doesn't need to be changed.

"The same group of people that put this on the ballot is the same group of people that has pushed it for years," Porter said. "They don't see downtown. I'm here every night, I see it."

Cohen said downtown has been painted as hedonist and dangerous.

"(Supporters) have trashed Iowa City, but downtown is a wonderful community," she said.

**Nothing else has worked**

As the focus on underage drinking and binge drinking increased, City Council faced public pressure to take a more active role in regulation. In 2001 it banned some drink specials and took more authority to revoke and suspend liquor licenses. Most recently, members tripled fines for bars that exceed their occupancy limits.

"(But) there has never been a consensus," said Iowa City Mayor Ross Wilburn, a proponent of 21-only. "The best thing that we have been able to do is modify the 21 proposal to 19."

Clayton said the 19-ordinance was a compromise that hasn't worked.

"They caved to the bar owners and the students," he said. "They got a lot of promises, and none of that ever happened. It was all smoke and mirrors."

He said keeping bar entry 19 and having a 21 drinking age delivers a mixed message.

Every bar in every sizeable town within reasonable driving distance from Iowa City admits only those 21 years of age. That's the law in the majority of college towns, but not in Iowa City, Clayton said.

"The secret to an environment change is that you cause a very large number of people to change their habits a little bit," he said.

A 21-ordinance would do that.

**What will happen on Nov. 6?**

If the vote is yes, the new city law will be effective immediately. If no, citizens have to wait two years to submit another petition. City Council, however, can pass an ordinance whenever it wants.

How residents will vote Nov. 6 and whether students will hit the polls seem to generate a mixed bag of opinions.

Clayton said he was unsure. Cohen and Naghaski are confident that the vote will be an overwhelming "no." Porter said he wasn't optimistic.

"It's much easier to vote 'yes' than 'no,'" Porter said.

"If there is any issue to get students inspired, it's this one," Nakhasi said.

Nine satellites, including four on campus to meet student demand, have opened in Iowa City and Coralville. Students sought the extra polling places to make voting easier.

However things play out, Wilburn said he thinks a vote by the public will settle the long-standing dispute.

"It's in the hands of the public," he said.

<http://www.press-citizen.com/apps/pbcs.dll/article?AID=/20071027/NEWS01/710270302/1079>

**14.** **Bar Proposal Causes Iowa City to Set Record for Early Voting**

**The early vote in the Nov. 6 election that will decide the fate of a proposal to raise Iowa City's bar entry age to 21 is more than quadruple the highest number of early votes cast at this point in past non presidential elections.**

Erin Jordan

*Des Moines Register*

October 31, 2007

Close to 4,200 Iowa City residents have already voted in the Nov. 6 election. Of those, 2,900 cast their ballots in satellite voting stations on the U of I

campus.

As of Monday, votes cast had more than quadrupled the highest number of early votes at this point in non presidential elections over the past decade, said Johnson County Auditor Tom Slockett. The record-setting early voting totals have shocked elections officials and worried supporters of the so-called 21 ordinance.

"If there's an issue that has motivated our age group, it's this," said Atul Nakhasi, a U of I junior from Waterloo who is leading the student anti-21 movement.

Nakhasi hopes that by getting more than 4,000 students out to vote, opponents can defeat the proposal, which would prohibit 19- and 20-year-olds from the bars after 10 p.m.

Supporters of the ordinance say they are working to get longtime Iowa City residents fired up to counter the student votes.

"If the general population doesn't show up, I don't think it will come back again on the ballot," said Iowa City businessman Jim Clayton. "It will come back in outrage over a tragedy."

Supporters of the ordinance are spending final days collecting endorsements and going door-to-door in Iowa City neighborhoods.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20071031/NEWS05/710310404/1007>



**15.** **Students Turning Out to Vote Early**

**Absentee ballot requests best 2005 record**

Kathryn Fiegen

*Iowa City Press-Citizen*

October 27, 2007

With 11 days still to go before the Nov. 6 city election, the record for absentee ballot requests was broken by more than 1,000 voters, the auditor's office released at the close of satellite voting Friday.

The old record was set in the 2005 city election with 4,514 requests. When the Mayflower Residence Hall site closed at 4 p.m. Friday, 5,584 ballots had been requested and 2,891 people voted early at satellites.

"We are very happy that we were able to handle all the people that turned out to the satellite sites and keep lines down," Deputy Johnson County Auditor Sarah Reisetter said. "And we just hope (interest) continues to go up."

Of the 5,584 ballots, 1,822 were Democrat, 1,024 were Republican and 2,738 were no party. Reisetter highlighted the fact that 4,813 of the ballots requested were from people aged 18 to 24.

Leah Cohen, owner of Bo-James in Iowa City and co-chairwoman of the Iowa City Alcohol Advisory Board, said she hadn't heard the final numbers but was pleased with the turnout from the week. A large portion of voters turned out to vote on a ballot measure that would restrict those younger than 21 from going into bars after 10 p.m. Cohen is a part of the group that opposes the issue.

"I think students are speaking for the first time in Iowa City history," she said. "We think it's going to be a very resounding 'no.'"

Cohen said she was proud of the student efforts to turn out voters against the measure.

"It was a tremendous effort getting students out, and I think it has been successful to this point," she said.

Jim Clayton, a leader of the group that petitioned to put the measure on the ballot, said the week's voting figures will help his group decide how many votes it needs to get in the next 11 days.

"I'm getting a feeling of a little bit of energy from the sleeping giant," he said, referring to portions of the community that want to see the ordinance succeed.

Clayton said he is proud of students' voting efforts, despite the issue.

"Many of these young people, this is their first time voting, and it's for alcohol," he said. "I'm proud of the fact that they are organizing and that they are getting out to vote, but I'm ashamed of their vote."

<http://www.press-citizen.com/apps/pbcs.dll/article?AID=/20071027/NEWS01/710270343/1079>

**16.** **Que Bar May Lose Liquor License**

**Just as the debate about alcohol consumption by young adults in Iowa City comes to a head, a large downtown bar popular with college students faces the loss of its liquor license.**

Gregg Hennigan

*The Cedar Rapids Gazette*

November 1, 2007

Police Chief Sam Hargadine is asking the City Council to deny of the liquor license renewal application of The Que Bar, 211 Iowa Ave. In making the rare recommendation, he cited a lack of supervision at the bar and its history of serving underage people.

The City Council will hold a hearing on the matter at its meeting Monday night. If it chooses to deny the license, the bar could appeal to the Iowa Alcoholic Beverages Division, which is responsible for the regulation of alcohol in Iowa.

Hargadine's recommendation, made public today, comes less than one week before the Nov. 6 vote on an ordinance that would ban people younger than 21 from Iowa City bars after 10 p.m.

Hargadine did not immediately return a phone call seeking comment, but the timing appeared coincidental because liquor license applications are decided annually.

The Que Bar is a 19-and-older establishment that features music, dancing and billiard tables. It has a capacity of 436.

Owner Roy Yelder of Iowa City said he had not heard of Hargadine's recommendation until contacted by The Gazette.

"I don't know what to tell you because I haven't heard anything about it," said Yelder, who then hung up the phone.

Hargadine and Eric Goers, assistant city attorney, sent Yelder separate letters dated Oct. 29 informing him of the recommendation.

Hargadine said he was concerned about a lack of supervision at the bar because there were no managers listed on the renewal application. He also forwarded the council a photograph of a bartender pouring liquid from an alcohol bottle directly into a person's mouth, which violates city law.

Hargadine also cited four violations by the bar for selling alcohol to an underage person since September 2003.

<http://www.gazetteonline.com/apps/pbcs.dll/article?AID=/20071101/NEWS/711010026>

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**17.** **C.F. Police Make another Round of Bootlegging Arrests**

**Four Cedar Falls men were arrested Saturday on bootlegging charges after they allegedly held a party near the University of Northern Iowa campus.**

*WCF Courier*

October 29, 2007

Members of the Cedar Falls Police Department's Alcohol Enforcement Team has been actively investigating parties in the area, and this is one in a string of arrests for the same thing.

The four arrested, Aaron Jenkins, 22; Taylor Sinclair, 21; Mark Frieske, 23; and Chad Epperson, 23, were accused of bootlegging at a party in the 600 block of West 20th Street.

Police said they seized money in illegal proceeds, from the sale of alcohol, along with two kegs of beer.

Sinclair and Epperson are members of the UNI baseball team. Jenkins and Frieske are former members of the team.

Police said it is the fifth party the team has investigated for bootlegging since the start of the 2007 school year at UNI. There have been a total of 18 people charged with alcohol offenses from the five parties and more than $1,500 in cash confiscated.

Bootlegging occurs when a person keeps alcoholic beverages with the intent to sell or dispense the alcoholic beverage without a license to do so, or sells the alcoholic beverage to a minor. If the person bootlegging is under 21, the charge is a simple misdemeanor; if the person is over 21, it is a serious misdemeanor.

<http://www.wcfcourier.com/articles/2007/10/29/news/metro/a7d77aab707fe41c86257383004c7561.txt>

**18.** **Beer May Become More Dear**

**Because of an increase in prices of barley and hops, beer drinkers may have to reach deeper in their pockets when buying their beloved drinks.**

Melanie Kucera

*The Daily Iowan*

October 31, 2007

But students needn't worry - their Bud Light is safe, for now.

Doug Alberhasky, the store manager and "bier guy" of John's Grocery, 401 E. Market St., said he has started to see an increase in prices, specifically in craft beers. However, he does not anticipate a huge effect to come before the end of the year.

There are three main levels of brewers: macro, such as Anheuser-Busch and Miller; regional, such as Sierra Nevada and New Belgium; and craft, such as Millstream, said Teresa Albert, a co-owner of Millstream Brewing Company in Amana.

"Craft beers will be the most affected," she said, "It always hurts the little guys first; we are the last guy at the bottom of the totem-pole."

Craft breweries produce 15,000 or fewer barrels of beer a year, compared with macro breweries, which can produce millions of barrels a year, said Chris Priebe, the president of and head brewer at Millstream.

Though most craft beers may see an increase around the beginning of next year, if they have not already, all beers are likely to jump in price eventually.

With the increasing demand for ethanol, many farmers are switching over from farming barley and hops to corn. With the continuous demand for these crops, this increases the price, Alberhasky said. The cost of glass bottles has also spiked, further affecting beer prices.

Sierra Nevada is one of Alberhasky's best-selling regional beers, and while the average price is between $5.99 and $6.99 for a six-pack, he is expecting the customer to see about $1 increase.

Daryl Woodson, the owner of the Sanctuary Restaurant & Pub, 405 S. Gilbert St., specializes in all kinds of beer. He said the only thing he has seen occur this year thus far is an increase in prices on imported beers from Europe because the U.S. dollar is falling against the euro, he said.

"[I don't] see the prices doubling," he said. "Maybe an increase of 5 to 10 percent at most … but I don't think it will be all that significant."

UI graduate student Dave Schultz is familiar with beers, adding that he has brewed his own beer in the past. Schultz recalled studying abroad in Norway, where one bottle of beer was $8 to $9.

"I do not think the price increase will curb my drinking; it is more of an inconvenience," he said.

He was not surprised by the increase, either, noting how the price of beer has increased since he started drinking.

"It seems inevitable," he said.

But Alberhasky does not believe that the rise in prices of craft beers will trigger many customers to switch to cheaper beers.

"When people drink better beers, they are not going to say, 'Hmm, I think I will drink a crappy lager today,' " he said and laughed. "Once you decide to drink good beer, you're not going to go backwards."

<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/10/31/Metro/Beer-May.Become.More.Dear-3068444-page2.shtml>

**19.** **Police Say Woman Stripping at Bar Arrested**

**A woman began stripping inside a Des Moines tavern about 10:45 p.m. Tuesday and became enraged when she was told to stop, police said in a report.**

*Des Moines Register*

November 1, 2007

Officers were sent to the Sunrise Tap at 4155 Easton Blvd. after hearing that a female customer was out of control.

When police arrived, the woman was being held down by patrons and fire medics. Officers were informed that the woman grabbed a whiskey bottle and started smashing things, including a window.

Medics determined she was not seriously injured and she was taken into custody, screaming and thrashing about, police said. While being placed in a squad car, she allegedly kicked the vehicle's door, pinning an officer in the opening and knocking him over.

Shelbie Ann Zimmerman, 22, was charged with public intoxication, criminal mischief and simple assault on a police officer. She was being held in the Polk County Jail Wednesday evening on $1,225 bond.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20071101/NEWS/711010395/1001/NEWS>

**20.** **Civilians Aid Injured Officer, Subdue Suspect**

**Dahl's shoppers and a motorist join the scuffle with an alleged shoplifter, who reportedly was trying to get the officer's gun.**

Tom Alex

*Des Moines Register*

November 2, 2007

At least six people at a Des Moines supermarket helped a Des Moines police officer who was in danger of losing his gun to a suspected shoplifter Wednesday night.

The manager of the Dahl's store at 4343 Merle Hay Road, several shoppers and even a motorist driving by rushed to help Officer Jeffrey Cronin, who was working off-duty, in uniform, at the store.

It took all of them to subdue Curtis Leroy Woods, 37, who was suspected of stealing a bottle of liquor from the store. Cronin said he and Woods were struggling on the ground outside the store's entrance when "several people jumped in to help, and I was grateful for every one of them."

Store manager Mac McBride put Woods in a headlock and ended up putting handcuffs on him. Brad Bathey, Weston Cozad, Dave Casady and Aaron Brauch jumped in to drag Woods off Cronin. Steven Paca was driving by the store and leaped out of his truck to help.

The incident began about 7 p.m. when Cronin asked Woods if he had stolen an item from the store. Woods reportedly said he hadn't taken anything.

Cronin asked Woods to walk with him to the manager's office. Woods reportedly refused and as Cronin reached out to him, Woods ran toward the exit. A bottle of liquor rolled out of a pant leg, police said.

Cronin said Woods ran through the first set of doors, but the second set of doors had not opened all the way and he stumbled. Cronin jumped on top of him as they fell outside.

When they stopped rolling, Cronin was on the bottom and he said he could tell immediately that his left hand was useless; he'd dislocated a finger.

Then he felt the tug on his gun. "That is not a situation a police officer wants to be in," said Cronin. "Without the help of these people, I hate to think what would have happened. I thanked them over and over."

The officer tried to use a knee to subdue Wood. Then he used a department-issued striking instrument, which he said had little effect.

Des Moines Police Academy Instructor Joe Leo said officers are trained to hang on to their guns at all costs.

"I am going to assume that if they are going for my gun they are going to try and kill me with it," Leo said. "We spend about 20 hours at the academy on weapons retention. You have to maintain control of your weapon by any means necessary."

"I lost my radio and my phone during all of this," Cronin said. "Finally when we had enough help someone came up to me and handed me my radio." He called for backup, but his backup had already arrived in the form of Dahl's customers and employees.

"Everyone had blood all over themselves, and I feel really bad about that," Cronin said. "The suspect cut his head. I'm not sure how."

Woods was charged with second-degree robbery, attempting to disarm a police officer and interference causing injury. He was being held on $16,000 bond on those charges and without bond on unrelated warrants.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20071102/NEWS01/711020385/1001/NEWS>

**IV. OTHER STATE NEWS

21.** **Organization Wants to Change Alabama's Limit on Alcohol in Beer (Alabama)**

**In an effort to get more specialty beers on the market in Alabama, a group wants to change state's limit on alcohol in beer.**

*Associated Press*

October 29, 2007

Free the Hops is an organization whose mission is to increase the 6 percent alcohol by volume level allowed in beer sold in other states.

Hops is a flower used to season beer and increases taste and sometimes raises the alcohol level. FTH president Danny Kiln said he doesn't want the government limiting his options.

Alabama limits beer to 6 percent alcohol by volume. Bottles and cans of beer cannot exceed one pint.

In June, proposed legislation to raise alcohol level and size in beer received the Shroud Award in the state House of Representatives, an annual honor bestowed upon the worst legislative reception.

Republican State Representative Randy Wood of Anniston said he will not support the measure because drinkers already have plenty of alcoholic options.

<http://blog.al.com/breaking/2007/10/organization_wants_to_change_a.html>

**22.** **Alabama Governor: No More Sunday Alcohol Sales by State (Alabama)**

**An experiment by Alabama's liquor control agency to sell booze at state-owned stores on Sundays drew a Bible Belt backlash and came to an abrupt end Tuesday.**

*Associated Press*

October 30, 2007

Gov. Bob Riley said the Alabama Alcoholic Beverage Control Board will revert to its traditional practice of shuttering its stores on Sundays, a decision made after the agency broke a longstanding taboo and opened a store in Birmingham last Sunday.

An influential Baptist group took notice, and so did Alabama's Republican governor.

"I think the standard that ABC has operated on for decades is the best one for the state," Riley told reporters at an appearance in Montgomery.

The governor's decision put an end to what ABC administrator Emory Folmar described as plans to possibly open other state-owned liquor stores on future Sundays to coincide with major events like NASCAR races in Talladega or the Regions Charity Classic, a Champions Tour golf tournament played annually in suburban Birmingham.

Speaking in an interview Monday, Folmar said board members decided to open a downtown Birmingham store last Sunday in conjunction with the annual Magic City Classic football game between Alabama A&M University and Alabama State University, which drew nearly 69,000 fans to Legion Field on Saturday.

Alcohol sales by private stores are legal in parts of Alabama on Sunday, including Birmingham, and Folmar said the board approved opening the state-run store without opposition from lawmakers on a legislative review committee.

Folmar said the Birmingham store was opened at the special request of "many" legislators because of the large crowd in town for the game. He refused to say who specifically sought the opening of the store, located at the base of an exit ramp off Interstate 65.

"I don't tell when people asked me something in confidence," said Folmar. "I was asked to do it, and I did it. It was a convenience to the people."

Riley said he did not know about the special opening of the store beforehand. But the Rev. Dan Ireland, head of a Baptist group that calls itself "Alabama's moral compass," called Riley personally to complain on Monday.

Ireland said Folmar's justification for opening the store at special request was "ridiculous" since the football game was played on Saturday and most fans were gone by Sunday.

"It's a step in the wrong direction. The general public is not knocking down doors to purchase liquor on Sunday," said Ireland, executive director of the Southern Baptist-affiliated Alabama Citizens Action Program.

Riley, himself a Southern Baptist, said he called Folmar after learning the state liquor store had been opened on a traditional day of worship.

"I thought Emory Folmar, who is probably the best administrator we've ever had at ABC, had a reason. I called him on Tuesday and asked him why," said Riley. "We had a long discussion and decided to go back to the traditional policy."

The executive director of a downtown homeless shelter that serves scores of people with alcohol or drug addictions in Birmingham said he was unaware that a state store had opened on Sunday, but he said he'd prefer state stores remain closed for "the Lord's day."

"Any day they're closed is a good day," said Tony Cooper, director of the Jimmie Hale Mission.

Folmar, a former Montgomery mayor and longtime GOP leader, said a "whole bunch" of private liquor stores are open in Birmingham on any given Sunday, and he claimed those owners were behind opposition to Sunday liquor sales by the state, which sold $325 million in liquor last year.

Folmar said the state store open on Sunday sold $3,500 in alcohol that day, an amount he described as good considering the store was only open for six hours after church.

<http://www.al.com/newsflash/regional/index.ssf?/base/news-32/1193777050123610.xml&storylist=alabamanews>



**23.** **Napolitano Helps Launch Effort to Curb Underage Drinking (Arizona)**

**As Gov. Janet Napolitano launched a campaign to curb underage drinking, a community leader who lost a child in an alcohol-related traffic accident said parents must stop sending mixed messages on drinking.**

*Cronkite News Service*

October 29, 2007

"We are providing tacit approval to our kids with our actions," said Rodolfo Calvillo, a prevention specialist with the Pinal Hispanic Council.

Calvillo, who lives in Eloy, said in an interview at Monday's ceremony that he is a former alcoholic who failed to provide a good example for his own teenage child, who died two decades ago.

"How many times do you have parents saying to not do something but then do it themselves?" Calvillo said. "Kids will do what we do."

Napolitano announced the new campaign called "Draw the Line," which educates adults about the dangers of underage drinking.

"It is not a rite of passage and it is not safe for children," Napolitano said. "It is against the law."

Studies show that 40 percent of kids who start drinking before age 15 will become alcoholics and that half of Arizonans think underage drinking is OK under adult supervision, Napolitano said.

"This is a responsibility we all share," she said.

"Draw the Line" aims to change the perceptions of Arizona parents and adults about the dangers of underage alcohol consumption.

Monday's announcement featured a display highlighting a 2006 survey of Arizona eighth-graders that found one in four had consumed alcohol within the past 30 days.

The campaign is funded by the Arizona Parents Commission on Drug Education and Prevention, which was created in 1996. It will coordinate the efforts of more than two dozen agencies, including the Department of Education and the Department of Public Safety.

"Draw the Line" has launched a Web site featuring stories from parents such as Calvillo who have dealt with underage drinking. There are also tips for parents and studies that discuss the legal and physical consequences of kids drinking.

Also at the event was Williams High School senior Shaunni Tanori, who was friends with some of those who died in an alcohol-related car accident in that community in September. Five people died, and authorities said everyone in the car had been drinking.

Tanori said she had given up drinking and many classmates who were shocked by the deaths had done the same.

"When you drink, anything could happen at any time, just like this," she said. "It's horrible to see this happen to people you grew up with."

Getting teens to avoid drinking is a tough battle, but it is one worth fighting, Tanori said.

"It won't be easy, but I stand as proof that it is possible," she told the crowd.

**24.** **Enforcement Actions Planned to Limit Alcohol Use by Youth (California)**

*The Californian.com*

October 28, 2007

California’s Alcoholic Beverage Control agency will have officers in cities throughout California through Wednesday to help make Halloween celebrations safer. The focus for enforcement will be on licensed businesses, large parties and adults who furnish alcohol to minors.

ABC will work with local police, colleges and youth organizations to reduce the amount of alcohol falling into the hands of youths. Adults 21 and older should designate a non-drinking driver to get home from celebrations, the agency said.

Decoy Shoulder Tap Operation will occur as well, which is a program in which a minor asks an adult 21 or older to buy alcohol on the minor’s behalf. The decoys operate outside licensed businesses under the direct supervision of a peace officer. If alcohol is bought for the minor, investigators arrest and cite the purchaser for furnishing alcohol to the minor.


<http://www.californianonline.com/apps/pbcs.dll/article?AID=/20071028/NEWS01/71028011/1002>

**25.** **Man Sentenced to 25 Years to Life for DUI under '3 Strikes' Law (California)**

**A Santa Clara man convicted previously of causing a fatal crash while driving drunk has been sent to state prison for 25 years to life under the "three strikes" law for fleeing from police at up to 120 mph while under the influence, authorities said Thursday.**

Henry K. Lee

*San Francisco Chronicle*

October 26, 2007

Stanley Barrymore Newton, 49, had a blood-alcohol level of 0.20 percent - more than twice the legal limit - when he ran two red lights on July 8, 2006, while trying to evade a police officer in San Jose, prosecutors said.

The officer was trying to stop Newton for driving his Toyota Camry over the solid yellow lines at Lincoln Avenue and Lonus Street. Newton refused to stop and got onto Interstate 280, where he sped away at up to 120 mph, prosecutors said.

The officer stopped chasing him because of safety concerns but later caught up to him on a side street. Newton pleaded guilty in March to felony reckless driving while evading a peace officer and driving under the influence of alcohol, a misdemeanor.

The evasion charge counted as Newton's third strike. He was sentenced Monday by Judge Andrea Bryan of Santa Clara County Superior Court under California's sentencing law that requires a term of 25 years to life for any convicted felon who has previously committed two serious or violent felonies, or strikes.

"This is exactly what the voters were thinking of, a scary kind of person who can harm anyone at any point," said Kevin Smith, the deputy district attorney who prosecuted Newton.

Amy Cornell, district attorney's spokeswoman, said, "Courts are often reluctant to (discount) strikes of this kind because they feel that DUI offenders are often a serious threat to public safety."

Allen Speare, Newton's attorney, did not respond to requests for comment.

Newton, who worked at two PW Markets in San Jose, had been in custody since February, when prosecutors learned that he was a three-strikes candidate because of a previous alcohol-related crash.

In 1988, Newton was driving with a 0.12 percent blood-alcohol level when he crashed a Chevrolet Camaro into a light pole on the Capitol Expressway, prosecutors said. A passenger in the front seat, 36-year-old Richard Frable - his then-wife's cousin - was killed. Two back-seat passengers sustained head injuries.

Newton's driver's license had been suspended at the time because of a previous DUI conviction. He was convicted of vehicular manslaughter, driving under the influence of alcohol and causing injury to multiple victims, as well as a misdemeanor of driving with a suspended license.

He was sentenced to one year in county jail and three years' probation. But after he violated his probation in part by not attending mandatory alcohol awareness classes, Newton was sentenced to three years in prison.

The vehicular manslaughter and causing injury convictions counted as two strikes for purposes of his sentencing this week.

"He was on the road, drunk again, and he was more drunk than the last time," said Assistant District Attorney David Tomkins. "It's easy to see what a danger and menace this individual was, and the court felt the same way."


<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/10/26/BALRT06EP.DTL>

**26.** **Tobacco Butts Out of Connecticut (Connecticut)**

Mark Pazniokas*Courant News.com*October 25, 2007

Big tobacco spent $96 million on state-level political campaigns in the '05 and '06 cycles -- but not here. The spending in Connecticut came to just $6,250, sixth-lowest in the U.S.

That's one of the findings of Tough Times for Tobacco, a study by the National Institute on Money in State Politics. The institute concludes that tobacco's influence is on the wane, despite the spending.

The industry seems to think that southern New England is a lost cause, spending only $1,950 in Rhode Island and a national low of $100 in Massachusetts.

<http://blogs.courant.com/capitol_watch/2007/10/tobacco-butts-o.html>

**27.** **Tampa Lawsuit Targets Big Tobacco Again (Florida)**

**Across the state, hundreds of people are coming forward to take on Big Tobacco again. A wrongful-death lawsuit filed Tuesday in Tampa against Philip Morris and seven other major tobacco manufacturers has now been added to the mix.**

Nicole Hutcheson

*St. Petersburg Times*

October 31, 2007

The plaintiffs are survivors of 11 people who died of smoking-related illnesses between 1992 and 2004, according to the lawsuit, filed in Hillsborough Circuit Court.

The suit seeks damages for financial and emotional stress caused to survivors of Juan Ojeda, Bobby DeLuca, Dottie Higgins, Georgina Carranza, Malcolm Chancey, Howard Haack, Addie Branton, Brigitte Altobelli, Betty Sharp, Raymond Wyerick and Jean Silver.

The local case comes one year after the decision by the Florida Supreme Court in a class-action suit known as the Engle case. In that case, the court threw out a $145-billion jury award against the tobacco industry and required that any future suits against the industry be filed individually.

The courts set a Jan. 11, 2008, deadline.

On the surface, the decision appeared to be a coup for Big Tobacco. But the high court also ruled that when future suits against tobacco companies come forward, key points the plaintiffs would not have to prove include the assertions that cigarettes cause diseases and the industry was negligent in marketing.


http://www.sptimes.com/2007/10/31/Hillsborough/Tampa\_lawsuit\_targets.shtml

**28.** **ABDI Calls on Members, Public to Speak Out Against Tax Increase (Illinois)**

**ABDI.org Provides Venue to Reach Lawmakers Considering Beer Excise Tax**

*The Associated Beer Distributors of Illinois*

October 27, 2007

The Associated Beer Distributors of Illinois is participating a multi-front lobbying effort to combat the hefty tax proposal from Mayor Richard M. Daley that would make Chicago beer one of the most heavily taxed beverages in the nation.

ABDI's newly launched grassroots program "Stop Chicago Liquor Tax Increase" is a Web-based action center that gives interested parties a direct connection to the Chicago aldermen who will be voting on the Mayor's proposal next week.

"By creating this program on our Website, ABDI is allowing everyone from distributors and retailers to the general public voice their opposition to the stifling beer excise tax increase," Bill Olson, president of the Associated Beer Distributors of Illinois said.

ABDI's efforts on the Web compliment the work being done by a coalition of key stakeholders that includes brewers, distillers, wine producers and retailers. The coalition was recently formed to oppose Mayor Daley's proposed liquor tax increase.

The action center at \www.abdi.org allows visitors to directly contact the city councilman that represents their area and explain how further increases in taxes will continue to hurt Illinois' beer industry, which currently lags behind surrounding states due to higher costs.

Small business owners fearing a loss of customers and Chicago citizens facing yet another additional tax can benefit from ABDI's action center, Olson said.

"The one-stop shop on our website is user friendly and communicates a pointed message to City Hall," Olson said. "We're urging everyone to log on and speak up."

Mayor Daley's tax proposal, which was announced Oct. 10, calls for an 87.5 percent hike on all liquor sold in the city. The increase would raise the cost of beer 30 cents per gallon, or approximately eight cents per six-pack, and overall would cost Chicagoans a whopping $13.1 million, according to recent news reports.

The Associated Beer Distributors of Illinois is a not for profit business trade association which represents distributors who provide customized inventory management for all retailers to ensure products are delivered fresh and efficiently to restaurants, stores and bars. ABDI operates under a regulated system, licensed by the State of Illinois, to ensure that beer is sold only to licensed retailers who in turn are responsible for selling alcohol to adults of legal drinking age.

<http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/10-27-2007/0004691575&EDATE>

**29.** **Liquor Sellers Protest Proposed Chicago Tax (Illinois)**

**Tavern owners, restaurateurs, liquor store owners and supporters protested at Chicago City Hall on Wednesday against proposed added taxes on wine, beer and spirits.**

Michael Sean Comerford

*Daily Herald*

October 31, 2007

About 100 people showed up to oppose a tax hike they say would amount to more than an 85 percent tax increase on alcohol in the past three years, according to the Chicago Hospitality Association, a nonprofit association for bars, restaurants and liquor establishments.

Among the tavern owners to testify before the City Council was Beth Murphy, owner of Murphy's Bleachers.

Should the added tax proposed by Mayor Richard Daley and city councilmen pass, Chicago will tax wine, beer and spirits more than any other major city in the nation, according to the hospitality association.

Carrying signs saying, "Don't scare away Chicago small business," the small businesses opposed to the raised taxes said a concoction of seven different taxes already means more than 40 percent of the price of beer, wine and spirits is attributable to taxes.

"The way smaller businesses are going to deal with it is to make no new hires and cutback on the part-timers," said Pat Doerr, managing director of the association. "All the border establishments expect a mass exodus if this passes . People already cross borders for cheaper gas."

Several aldermen on Wednesday proposed higher taxes than Mayor Daley proposed in early October, increasing city revenue from $13 million to $16.5 million in 2008.

The city tax on non-beer alcohol would increase 75 percent and on beer by 23 percent, according to Daley's office.

That amounts to 10 cents a six pack of beer, 4 to 11 cents on a bottle of wine and 37 cents on a liter of liquor, supporters said.

However, annual liquor licenses, restaurant licenses, city taxes, state taxes, county taxes and federal taxes add up to a burden for the mom-and-pop bar or restaurant, Doerr said.

On top of the raised taxes from Chicago, Doerr said he fears Cook County may raise its sales tax by 2 percent, too.

The full Chicago City Council held hearings on the issue much of Wednesday. The matter will go to the budget committee on Monday and is expected to be voted upon in two weeks, according to Daley's office.



**30.** **TOBACCO: Supermarket Chain Changes Cigarette Sales Policy (Illinois)**

Stephanie Szuda
*My Web Times.com*October 27, 2007

|  |
| --- |
| Following a multi state investigation involving several attorneys general, Kroger Company is taking steps to curb sales of tobacco products to minors.Attorney General Lisa Madigan said this week Kroger will start new procedures to reduce sales of cigarettes to minors in the more than 2,400 stores the company operates nationwide under two dozen store names.The change is the result of a settlement Madigan's office and 41 other attorneys general have reached with Kroger."We know that studies indicate that 80 percent of adult smokers begin this deadly habit before reaching the legal smoking age of 18," Madigan said. "By limiting a child's access to cigarettes, we can help protect the health of the next generation." Employees at the Ottawa and Streator Kroger stores would not comment on the former policy or the new procedures, which include checking the identification of any person purchasing tobacco products who appears to be younger than 27 and accepting only valid government-issued photo IDs as proof of age.Store officials also will hire an outside business to conduct random compliance checks of Kroger stores, limit in-store tobacco advertising to brand names, logos and pricing, ensure all tobacco advertising inside the store is confined to the area where tobacco products are sold and train employees on state and local laws and company policies regarding tobacco sales to minors, including explaining the health-related reasons for laws that restrict youth access to tobacco.Handy Foods owner Mike McGrogan said cigarette sales to minors, isn't a problem at his store, 604 W. Main St., Ottawa."If they don't have an ID, they don't get it," McGrogan said. "We don't want to be the root of any problems."He said clerks check identification of anyone who looks younger than 30. The cash registers automatically prompt the cashier to ask for a birth date for purchases of tobacco or alcohol. Tobacco is displayed behind the service counter. When making staff assignments, Handy Foods generally pairs a younger checker with a senior checker in adjoining checkout lanes."They monitor each other to make sure peer pressure isn't there," McGrogan said. "If there's ever any questions they're right next to each other."A front-end supervisor and floor manager are on duty with each shift as well, McGrogan said, to make sure there are no problems.Madigan said the attorneys general have long recognized youth access to tobacco products ranks among the most serious public health problems. Research indicates that every day in the United States more than 2,000 people younger than 18 start smoking and one-third of those people ultimately will die from a tobacco-related disease. Young people are particularly susceptible to the hazards of tobacco, often showing signs of addiction after smoking only a few cigarettes.Illinois is home to about 60 Kroger-operated stores under the names of Food 4 Less, Hilander and Kroger. Kroger also agreed to pay $325,000 for costs incurred by the states in the investigation that led to the new procedures.The agreement with Kroger is the 11th settlement reached by a multistate enforcement effort covering more than 80,000 retail outlets across the nation. Previous agreements include all 7-Eleven, CVS, Wal-Mart, Walgreens and Rite Aid stores and all gasoline stations and convenience stores operating as Conoco, Phillips 66, 76, Exxon, Mobil, BP, Amoco, ARCO and Chevron within the participating states and Guam. |

<http://mywebtimes.com/ottnews/archives/ottawa/display.php?id=347180>

**31.** **Prisons Prepare to Ban Tobacco (Illinois)
The state's prison system is going completely tobacco-free on Jan. 1, 2008, the same day the statewide smoking ban takes effect.**

Kate Clements
*The Illinois News Gazette*October 30, 2007

After that date, cigarettes, cigars and all forms of smokeless tobacco will be considered contraband. Inmates will not even be allowed to smoke in the outdoor areas of the prison grounds.

Illinois Department of Corrections spokesman Derek Schnapp was not able to say what percentage of the state's inmates currently smoke, but he added that smoking-cessation materials were being made available to anyone who requested them.

The department is also implementing a gradual program to limit the amount of tobacco products that can be purchased at prison commissaries. As of Nov. 1, inmates may buy no more than 5 packs of cigarettes or cigars or five cans of smokeless tobacco or one six-ounce package of loose-leaf tobacco. Loose-leaf tobacco will no longer be available after November, and purchases during the month of December will be limited to 3 packs of cigarettes or cigars or three cans of smokeless tobacco.

Inmates are being made well-aware that after midnight on Dec. 31, all such products immediately become contraband, Schnapp said. While there are currently no plans to do a mass search for illegal tobacco products on New Year's Day, spot checks will occur on a regular basis, just as they do for other contraband, he said.

"Violations will be handled on a case-by-case basis," Schnapp said.

He said sanctions could range from a verbal warning to loss of privileges or disciplinary segregation, depending on the situation.

Union officials argued against including prisons in the statewide smoking ban, citing concerns about increased violence and the rise of a tobacco black market in the already understaffed prison system. But now that it's law, they intend to enforce it.

"What's done is done," said Buddy Maupin, a spokesman for the American Federation of State, County and Municipal Employees Council 31.

"The law has been passed, and we're going to try to make it work as best as we can, despite the fact that we disagreed with it."

Although the union opposed the ban, not all of its members did, said Jeff Gill, who has been a guard in the state prison system for nearly two decades and currently works at Big Muddy State Correctional Facility in Ina. He said the response to his Web site, www.smokefreeillinoisprisons.org, has been "overwhelming."

"We just have a lot of employees who are really concerned about the smoking issue, the secondhand smoke," Gill said, adding that a ban will also save money on inmate health care costs and reduce the risk of fires.

Some inmates also back the ban, but others do not. That's why the John Howard Association of Illinois, a prisoner advocacy group, opted not to take sides on the issue.

"There are very few positions that we are neutral on, and this is one," said Executive Director Malcolm Young. "The inmates don't have much, and the ability to smoke is important to some. I think the ability to be free from smoking is important to some, too."

Currently, Illinois prison inmates can smoke in designated areas, and in most facilities, inmates can smoke in their cells, according to Schnapp.

"We try to accommodate a nonsmoking inmate with another nonsmoking inmate if they are cellmates, but that is not the determining factor of housing inmates as cellmates," he said.

Schnapp said the Department of Corrections did not anticipate any major problems as a result of the ban.

"Most of our inmates come to us from the county jails, and most of those are smoke-free," he said. "It wouldn't be something that they hadn't already encountered."

Gill said he thought inmates would get used to the new policy.

"I'm not saying there's not going to be problems, but I think they can be worked out if implemented properly," he said. "It's just going to take an adjustment period."

While procedures for phasing in the inmate tobacco ban have been established, state officials and representatives from AFSCME are still discussing what the rules for employee tobacco use should be after the start of the new year.

"It is still an unresolved issue," Maupin said.

<http://www.news-gazette.com/news/local/2007/10/30/prisons_prepare_to_ban_tobacco>

**32.** **Groups Targeting Tobacco (Kansas)**

**With the push toward smoke-free work sites and public spaces, some people are turning to smokeless tobacco to get their nicotine fix.**

Jan Biles
*Associated Press*

October 23, 2007

And no one is using smokeless tobacco more in Kansas than high school boys, according to a Kansas Department of Health and Environment official.

The 2005 Kansas Youth Risk Behavior Survey found 17.4 percent of high school males in the state were using chewing tobacco or snuff. The national average is 13.6 percent among high school boys.

"We're hoping to reduce that and turn that trend (around)," said Ginger Park, media and policy coordinator for KDHE's tobacco use prevention program.

Chewing tobacco, sold as leaf or plug tobacco, is placed between the cheek and gum. Snuff, which is ground tobacco and comes in a can, is placed between the lower lip and gum. Users spit out the juice of the tobacco, typically in a cup or on the ground.

Park said smokeless tobacco use is seen more in rural communities and is associated with working on a farm.

Wyoming and southern states where tobacco is grown have high usage rates.

But the tobacco industry seems to be expanding its marketing strategy to other locales and targeting younger users with smokeless tobaccos with peach, cherry, apple and citrus flavorings.

"They are appealing to kids," she said, adding tobacco companies deny that allegation.

Park said tobacco companies are testing a new product called snus, a spitless tobacco that comes in tea bag-like pouches that are placed between the lip and gum.

While spitless tobacco might be more socially acceptable, she said, it's just as harmful to one's health because of the large amount of nicotine it contains.

Smokeless tobacco can cause cancer of the esophagus, larynx, stomach and pancreas. These diseases can form within five years of regular use.

Plus, smokeless tobacco users are 50 percent more likely to get oral cancer than nonusers.

"Using a can of snuff is the same as 60 cigarettes as far as nicotine goes," she said, "and maybe more addictive because they're getting a quick nicotine fix."

The Smokeless Does Not Mean Harmless program has given out 22 grants to youth groups that are focusing on combatting smokeless tobacco use among peers, Park said.

The youth groups promote tobacco-free county fairs and rodeos, create counter-marketing messages and carry those messages to elementary school students.

"A lot of youths are motivated to make a difference," she said.

Tobacco Free Kansas Coalition, KDHE and TASK, a youth-led movement to promote tobacco-free teens, help coordinate the program. Funding is provided by the Sunflower Foundation.

The toll-free Kansas Tobacco Quitline, (866) KAN-STOP, or (866) 526-7867, is available 24 hours a day to people who want to quit using smokeless tobacco, Park said. Participants, who remain anonymous, fill out a referral form and then a Quitline counselor calls them.

"They get five to seven free one-hour telephone sessions to help them quit," she said.

Park said school districts also are discouraging the use of smokeless tobacco and cigarettes by establishing tobacco-free school grounds. The measure bans the use of tobacco products in classrooms, at outdoor ballgames, in parking lots and on any other school property. The restriction applies to students and adults.

The Wamego school district initiated a tobacco-free school grounds policy this fall.

Superintendent Doug Conwell said the district's health and wellness committee pitched the idea of tobacco-free school grounds to the board of education. Public comments were sought regarding the idea. Conwell said a few people complained about the new policy, but most comments were positive.

Signs are being posting on school property and announcements are being made before events to remind students, faculty, staff, parents and visitors that the school grounds is tobacco-free, he said.

Reserve police officers at football games have had to remind a few people of the new policy.

Conwell said a health fair at Wamego Middle School this month also will discuss the benefits of tobacco-free school grounds.

"We want to model for children healthy habits," he said.

<http://www.hdnews.net/Story/smokeless102307>

**33.** **Inmates' Tobacco Dealer Busted (New Jersey)**

*Newhouse News Service*

October 25, 2007

A kitchen worker at the Union County jail has been arrested and charged with trying to smuggle tobacco products into the facility, authorities said.

Lillie Stuckey, 43, of Jersey City, was arrested around 2 p.m. Tuesday outside the jail, said Union County Police Lt. Robert McGuire.

Stuckey has worked in the jail's kitchen for two years, McGuire said. She was released pending a municipal court hearing on the allegations.

http://www.nj.com/news/jjournal/index.ssf?/base/news-5/1193292258219070.xml&coll=3



**34.** **Councilor Says Limiting Liquor Sales Could Lessen Public Drunkenness (New Mexico)**

**Limiting liquor sales could help cure Farmington's problem with public drunkenness, a city councilor said last week.**

Lindsay Whitehurst

*The Daily Times*

October 28, 2007

"The number one thing (alcohol treatment professionals) recommend is to control access," Jason Sandel said in a City Council meeting Tuesday. "I would like to control it by ordinance. I don't want it to be voluntary."

The city of Gallup limited liquor sales, though not by ordinance, as part of its battle against public drunkenness, Police Chief Robert Cron said.

The council will consider short-term solutions, such as City Manager Mike Miller's suggestions of improving lighting downtown and along the river walk, and fencing areas around bridges at a work session Nov. 20

A liquor store owner said new liquor laws might only inhibit those buying alcohol legitimately.

"The ones who have a serious problem will find it somewhere," Susan Douglas, owner of the Copper Penny, said. "It is a really sad thing, and I hate that aspect of it, but limitations are only for people within the law."

<http://www.daily-times.com/news/ci_7302396>

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**35.** **Man Pleads guilty (again) to 7th Alcohol-Related Offense (New York)**

**A Syracuse man who pleaded guilty three months ago to his seventh alcohol-related driving case, only to later withdraw his plea, pleaded guilty again today.**

Jim O'Hara

*Syracuse News.Com*

October 25, 2007

The promised penalty has not changed: Mark F. Crisalli will be sentenced by County Judge William Walsh to serve 1 1/3 to four years in state prison.

Crisalli, 48, of 711 North Ave., pleaded guilty before Walsh to driving while intoxicated, admitting he had a blood alcohol count of 0.15 on April 28. He also pleaded guilty to first-degree aggravated unlicensed operation of a motor vehicle and driving unsafely on a laned roadway.

Crisalli first pleaded guilty July 25. But before being sentenced, he switched lawyers and moved to withdraw that guilty plea. This week, Walsh ruled that the officer who stopped Crisalli was legally justified to do so.

Faced with that ruling, Crisalli was back in court today to plead guilty again.

Sentencing is set for Jan. 8.

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| grapes<http://blog.syracuse.com/news/2007/10/syracuse_man_pleads_guilty_to.html> **36.** **Tobacco workers urged to rally (North Carolina)Tobacco farm workers from Surry County are being urged to take part in a march Sunday on the R.J. Reynolds Tobacco Co. headquarters in Winston-Salem.** |

Tom Joyce

*The Mount Airy News*October 26, 2007

The purpose of the march and rally is to “bring justice” to North Carolina workers who harvest tobacco sold to RJR, Lauren Mendoza, a spokesperson with the AFL-CIO in Toledo, Ohio, said Friday. The American Federation of Labor and Congress of Industrial Organizations - an international association of labor unions - is promoting the event along with the Farm Labor Organizing Committee (FLOC).

Organizers are encouraging tobacco workers, union members and supporters from across the region to join Sunday's march and rally in order to bring “dignity and respect” to the workers, Mendoza said.

Participants are scheduled to assemble at 3 p.m. at Lloyd Presbyterian Church at 748 Chestnut St. in Winston-Salem. From there they will march to the R.J. Reynolds headquarters at 401 N. Main St.

“There will be workers from all over North Carolina” in attendance, Mendoza said. In addition, representatives of more than a dozen churches in the state are expected.

The event seeks to bring attention to what organizers describe as “slave-like hardships” suffered by field hands. They list such conditions as long hours of stoop labor in the fields, harassment in their work, unsatisfactory housing and exposure to lethal nicotine and pesticides, blamed for nine deaths in recent years.

Thousands of workers fall victim each year to “green tobacco sickness,” caused by overexposure to harmful chemicals in tobacco leaves, but often receive little or no medical attention, labor leaders say. The vast majority of North Carolina farm workers are not covered under workers compensation insurance.

The plans for Sunday's rally and march were triggered by the refusal of Susan Ivey, the CEO of Reynolds American, to discuss the harsh conditions and the need for a safe working environment with FLOC President Baldemar Velasquez, according to the AFL-CIO. In declining to meet with farm worker and religious leaders about the problems, Ivey has cited the fact that R.J. Reynolds does not directly employ the workers in question.

However, the FLOC strategy in such matters has been to expose the “vertical control” companies have over their procurement systems, which the organization says has allowed it to bargain for changes involving all parties in the supply chain.

Mendoza added Friday that labor supporters believe such action is needed because the issues affecting workers have been “completely ignored.” Organizers consider it a long-overdue campaign to bring attention to a moral disgrace that largely has escaped the public eye.

<http://www.mtairynews.com/articles/2007/10/27/news/local_news/local02.txt>



**37.** **Liquor-Law Citations Fall through the Floor (Ohio)**

**The number of citations against bars and stores accused of violating Ohio's alcohol laws has plunged by almost half since 2002, according to the state Liquor Control Commission.**

Bill Bush

*The Columbus Dispatch*

October 28, 2007

The drop-off in Franklin County has been even more dramatic, with the number falling by 74 percent since 2002. That year, local bars and stores were hit with 885 citations, accounting for more than a third of all the liquor-law citations in Ohio, despite having only 10 percent of the licenses.

The Liquor Control Commission hears liquor-law cases and decides the penalties for violations, which can include fines and suspensions or revocations of bars' or stores' licenses. The commission estimates that it will have heard about 1,370 cases by the end of the year.

The vast majority of cases involve the serving of alcohol to underage customers, said Mark Anderson, executive director of the commission. Other violations include serving overly intoxicated patrons and having unsanitary conditions or gambling.

Law-enforcement officials say bars and stores are doing a better job of checking people's identification before selling them alcohol. But they also say that violations might have dropped because federal grants have dried up for undercover stings to see whether permit holders will serve minors, and state budget cuts have resulted in fewer operations by the Ohio Investigative Unit, which enforces liquor laws.

When the Franklin County sheriff's office began conducting stings in 2001, the word went out among tavern owners to be careful about whom they serve, said Chief Deputy Steve Martin.

"We didn't just go to mom-and-pop places, we went to the whole gamut of liquor-license establishments," including Nationwide Arena, where agents issued citations for illegal sales, Martin said.

Concerned business owners installed new technology to force employees to check IDs, such as automatic driver's license readers and cash registers that require a birth date be entered before alcohol can be sold, Martin said.

The efforts have paid off, he said.

"I don't think we get the number of citations that we used to," Martin said. "When we initially started this, it was almost epidemic. We would go back to some places and they would continue to sell" to minors.

The department uses federal grants to cover stings -- to pay officers' overtime and "confidential informants," the underage civilians who try to buy alcohol. But those grants fell from $125,000 in 2001 to $17,900 in 2004. Money increased to $51,000 last year.

The vast majority of stings are conducted by the Ohio Investigative Unit, but budget constraints the past few years have hurt the effort, said Julie Hinds, spokeswoman for the state Department of Public Safety. The state has lost 19 of 152 sworn agents and support staff members in the past few years, she said.

The public reported 15 percent more violations to the unit between 2002 and 2006, but it wrote 27 percent fewer citations during that period, Hinds said. Law-enforcement agencies throughout Ohio wrote slightly more citations during that span.

Part of the credit is that bars and stores are doing a better job, she said.

"The fact is, they're finding less to cite," said Phil Craig, executive director of the Ohio Licensed Beverage Association, which represents about 700 bars and stores that sell alcohol. "It's kind of fundamental: If we decrease the errors, they're going to cite less."

Many establishments have instituted the "card everyone" approach, regardless of anyone's apparent age, Craig said.

"When it first started, people were like, 'What do you mean -- I'm 60 years old.' Now they laugh."

More establishments are getting employees trained in how to identify fake IDs and spot when patrons have had too much to drink, Craig said.

"If you look at some fake IDs, you're just flabbergasted how good they are," he said. "It's a sick talent."


<http://www.columbusdispatch.com/live/content/local_news/stories/2007/10/28/liq_citations.ART_ART_10-28-07_A1_EV89ADA.html?sid=101>

**38.** **Supplying Alcohol to the under aged could Cost Driver's License, in Additional to Criminal Charges (Ohio)**

**A new bill in the state legislature is looking to punish, through driving privileges, anyone who buys or furnishes alcohol to those outside of immediate family who are younger than 21.**

Ashley Phillips

*The Chillico Gazette*

October 30, 2007

House Bill 312 states if you are caught supplying alcohol or buying it for an underage person, you can be subject to having your driver's license suspended for up to six months.

The attempt is the latest effort by lawmakers to make an impact that will slow alcohol-related incidents on state roadways. According to the Ohio Department of Public Safety, 15,950 people were involved in alcohol-related accidents in 2006. There were 462 alcohol-related fatalities in 2006 and 443 in 2005.

"Being able to drive is a great freedom to have. I think this will make a great law because driving is very important to a lot of people," said Sheriff Ron Nichols.

"We need to set an example, and by having this bill become law, we can discourage underage drinking," said Nichols.

Bill sponsors hope the proposal will become law and put a serious dent in underage alcohol use - particularly among those who may consider driving drunk.

"Hopefully it will improve teen drinking and driving," said Rep. Kevin Bacon, R-Ohio. "The overall rate of teen drinking is high, and hopefully if this bill becomes law we can see some change."

While some favor the bill, others have concerns.

"My concern is that we are punishing people by taking away their driving privilege. Personally, I would like to see more people able to drive," said Chillicothe Law Director Toni Eddy.

Eddy agrees that teen drinking is a problem, but doesn't think we should try to take away someone's privilege to drive.

"I'm concerned that we are rushing to take someone's license away when it doesn't fit the offense," said Eddy.

Currently on the books are two laws that permit someone to purchase alcohol for a person younger than 21 within your own family. The first allows the alcohol use if the purchaser is directly supervising it, and the second involves a purchaser who is older than 21 supplying alcohol to a spouse who is younger than 21.

These exceptions will remain in place under the new legislation.

<http://www.chillicothegazette.com/apps/pbcs.dll/article?AID=/20071030/NEWS01/710300314>



**39.** **New Tailgate Areas at U of O Welcome Alcohol (Oregon)**

**Tailgaters at the University of Oregon in Eugene have more places to party legally.**

Jane Smith

*KGW.Com*

October 27, 2007

An ordinance went into effect Saturday that permits alcohol in private parking lots just to the North of Autzen Stadium.

It was just in time for the University of Oregon and USC game.

Last month, the Eugene City Council approved the ordinance after recognizing an increase in tailgating areas near the stadium and lack of parking.

Police said they've had a hard time enforcing those areas because of a lack of manpower.

Tailgaters said they don't think the change is that significant because they say they've drunk alcohol in those lots for years illegally.

Police expected it to be a busy weekend with people celebrating Halloween Satuday night. On Firday night, they ticketed 33 people for alcohol related offenses.

According to Eugene Police, three people were arrested for DUII related to the game. Seventy-nine people were ejected from Saturday's game for various reasons, including alcohol related offenses.

<http://www.kgw.com/news-local/stories/kgw_102707_news_tailgaters.1b22c83e3.html>

**40.** **Young Folks Police the Liquor Trade in PA (Pennsylvania)**

*Pittsburgh Tribune-Review*

October 29, 2007

The teenager sidles up to the bar, sits down and confidently orders a bottle of Coors Light.

Inside, she's a ball of nerves. She's 18, after all, and she looks it. She thinks no one will serve her alcohol.

The bartender asks her for identification. She pulls it out -- the driver's license that says she's under 21 until 2010 -- and figures this is it.

"2005," the bartender mutters as he studies the license -- mistakenly reading the license issue date. He sets a beer in front of her.

She pays the $2, then walks out, leaving her beer warming on the bar.

Minutes later, officers with the State Police Bureau of Liquor Control Enforcement walk into the Greene County bar and tell the bartender he's just served a minor.

That $2 bottle of beer could result in a $1,250 fine against the bar -- up to $5,000 for three or more offenses.

As for the 18-year-old, she gets into a van with the officers ready to see if another bar will serve her.

More than 2,500 age compliance checks utilizing an undercover minor have been conducted in Pennsylvania since 2005. Statistics show that in 44 percent of those checks, the minor was served alcohol.

To Officer Todd Merlina, who coordinates the age compliance checks as supervisor for the bureau's Compliance, Auditing and Gambling Enforcement Unit, the statistics beg a bigger question.

"How many kids are being served across the commonwealth on any particular evening? It's got to be huge," he said.

The law that authorizes the compliance checks is set to expire at the end of this year. Bucks County Rep. Paul Clymer this month introduced legislation to extend it through 2012.

"When you have people -- even when they see the person is under 21 -- and they still serve them, that's totally irresponsible," Clymer said. "They might be making a few extra dollars, but they're doing irreparable damage to a person under 21."

Officers took two underage volunteers to eight Greene County bars and one beer distributor on the evening of Oct. 17.

The names of the volunteers are confidential because of their undercover status.

Of the nine, two served the minors alcohol. Both times, the 18-year-old girl was served despite showing her real driver's license.

The bars are not being named because they have not received their citations yet.

Merlina said that the undercover minors are served even after showing identification in 33 percent of checks. That's despite the fact Pennsylvania licenses for people under 21 are noticeably different from the usual license because they have a vertical arrangement as well as a notice in red stating when the person turns 21.

So when Merlina and Sgt. John Kean, director of the bureau's Pittsburgh office, went into the bar where the young woman was served a Coors Light, they showed the bartender what he should have been looking for.

He said he thought her date of birth was in 1985.

"Our goal is to at least educate everybody what to look for on a driver's license," Merlina said. "Even though we and PennDOT think they're simple, obviously people in the industry are having trouble with it."

Amy Christie, director of The Pennsylvania Tavern Association, agreed that education is important.

She said her organization supports pending legislation that would make an approved training program mandatory for new establishments and new managers.

"I just think that education is the best defense to prevent minors from being served," she said.

She said the association hopes that if the program is extended that more attention will be paid to businesses in the inner cities and college towns as well as state-owned liquor stores. The stores aren't included because they aren't licensed by the state Liquor Control Board.

"We just think there should be some more effort put into the nuisance areas that are regularly serving minors," Christie said.

Merlina said the checks are conducted based on complaints by citizens and law enforcement as well as a random computer selection process.

"We want to reduce the access of alcohol to people under the age of 21," Merlina said. "We'd be perfectly happy if none of these places served (minors)."

On the night of the Greene County operation, most bartenders laughed when the minors showed them their driver's licenses.

"You're not 21 until 2009," one bartender told the 18-year-old male volunteer. "You can't get beer."

"Come back next year," a patron sitting at the bar yelled to the young man as he walked away. Another commented that liquor control officers were probably sitting outside.

Merlina and Kean said they want people to know about the program and that there are 150 minors working with them.

They look for people who look their age or younger. No one is allowed to continue with the program in the six months before their 21st birthdays.

"We by no means are trying to trick anybody," Merlina said.

Both of the undercover minors looked like 18-year-old college freshmen.

Both signed up for the program because they are planning law enforcement careers. The program will give them a leg up because of its undercover nature. They have to be observant -- noting a physical description of the bartenders who wait on them -- and think on their feet.

They also have to fill out reports and testify before an administrative law judge who can hand down a fine against the bars.

"It's good experience and, also, you're able to do something to inhibit underage drinking, because I've seen the problems it can cause," the young woman said.

Kean said the impact of the program may go well beyond education and enforcement.

"The next kid that goes in there might not get served, and that could save his life," he said.

 <http://www.pittsburghlive.com/x/pittsburghtrib/s_535124.html>



**41.** **Taking out Tobacco (South Dakota)**

**Tobacco use is a leading cause of death in South Dakota. But the new tax on those products is allowing the state to spend millions of dollars to help people kick the habit.**

*Keloland Televison*

October 22, 2007

Sixty-six-year-old Clayton Hieb spends his days making deliveries for a flower shop in Rapid City. He says there was a point in time when nicotine controlled his life. And he can still remember when he took his first puff, decades ago.

“It made me physically ill, but you weren't allowed to show your friends you were sick and pretty soon I was hooked and hooked badly,” Hieb said.

Heib said the addiction quickly became overwhelming.

“I couldn't wait to get out of the doctor's office to have a cigarette. I couldn't wait to pull that patch off my arm to have a cigarette. I was hooked hard and I wanted to quit but I didn't know how to do it,” Hieb said.

It's the same problem thousands of South Dakotans struggle with who call the state's Quit Line.

“Use of tobacco is the leading cause of death for South Dakotans. Thousands of South Dakotans die because of tobacco use each year,” said Director of the South Dakota Department of Health Doneen Hollingsworth.

The Quit Line was established in 2002. Since then, more than 30,000 people have called the phone counseling service. Recently, a new push re-energized the state-wide effort to reduce tobacco use. Callers who commit to counseling can receive \*free products to help them quit. In the past, callers only received a discount.

“We have $5 million for fiscal year 2007 and $5 million for fiscal year 2008 and we've to a lot to spend initially and we're going to be closely monitoring because we don't want to have to shut this off,” Hollingsworth said.

The line's success rate is now 25 percent.

“Because its so hard to quit, nicotine is a very powerful addiction because research shows most people don't successfully quit and a successful quit is 12 months with no tobacco use,” Hollingsworth said.

You may have seen public service announcements encouraging tobacco users to call the Quit Line on television recently. State money is also paying to put these ads on the air to raise awareness about the dangers of smoking.

“It’s not just the people using tobacco, it’s the effect of second hand smoke on all of us,” Hollingsworth said. “So we're going to be targeting risk groups like pregnant women, young adults and Native Americans to try and focus efforts on those people too."

For Clayton Hieb, it took more than a phone call or anti-smoking campaign to push him to quit. He's lost four family members to tobacco, and he worries there could soon be a fifth.

“I have another brother right now who is on full time oxygen, he has 40 percent lung capacity and we're going to lose him to smoker's emphysema if he doesn't get cancer first,” Hieb said.

That's part of the reason Hieb volunteers with the American Cancer Society. He's been smoke free for 10 years. Now he works to spread awareness about the programs available to help others quit.

“Even to this day, after 10 years, even if someone a long ways away is smoking and I just get a small of it, I think that smells so good,” Hieb said.

But he says he knows it’s a temptation that must be ignored, for his own health and everyone around him.

“If they can quit for one day, then they know they can do it for tomorrow, and tomorrow and tomorrow. Basically that is about it, it’s to prove to themselves they don't have to smoke,” Hieb said.

Tobacco users trying to stop using can call the SD Quit Line several times. Each time a counselor schedules a series of call back counseling sessions.

<http://www.keloland.com/News/NewsDetail6373.cfm?Id=0,62209>

**42.** **WSWA Urges Federal Court Not To Roll Back Alcohol Regulation in Tennessee (Tennessee)**

**The Wine & Spirits Wholesalers of America (WSWA) on Monday filed an amicus brief in support of Tennessee's law banning unregulated interstate carrier delivery of alcohol to consumers by wineries located outside the state.**

*WSWA*

October 30, 2007

The United States Court of Appeals for the 6th Circuit will hear the case, which challenges a key facet of Tennessee's alcohol regulatory system. Specifically, the plaintiffs are attempting to make legal the interstate delivery of alcohol via carrier-thereby circumventing the all-important "face-to-face" transactional requirement embraced by Tennessee and many other states and long supported by WSWA.

"This case is yet another in a series of legal actions designed to dismantle the system of safeguards created by the states to prevent underage access and ensure accountability," WSWA President and CEO Craig Wolf said. "Alcohol is a socially sensitive product, and WSWA believes that it should not be treated just like any other consumer product."

The pending appeal is of a lower court ruling which upheld Tennessee's ban on carrier delivery of alcohol. In its decision, the lower court referred to the decisive language of the landmark Granholm v. Heald Supreme Court decision, which "reaffirmed the States' 'broad power to regulate liquor under [Section] 2 of the Twenty-First Amendment.'"

While WSWA and its members are dedicated to broadening consumer choice, the organization has argued that allowing interstate carrier shipments of alcohol entails a host of undesirable consequences-most notably undermining the sound regulatory goal of age verification. WSWA has proposed model legislation which would allow consumers to order directly from wineries, but which would require that the alcohol be picked up at a locally licensed retailer in order to prevent deliveries to minors.

"Retailers are charged every day with making sure that they do not serve minors. If they don't do that effectively, they face the prospect of substantial fines or even the loss of their license," Wolf noted. "Shippers are not nearly as invested in the process. Even when they get caught delivering to minors, the penalties they face are just a cost of doing business for them since their licenses are not threatened."

WSWA was joined in the brief by the representatives of all three tiers of the beverage alcohol industry, including the National Beer Wholesalers Association (NBWA), the American Beverage Licensees (ABL), the Beer Institute, the Presidents' Forum of the Beverage Alcohol Industry and the Sazerac Company.



**43.** **Liquor Commissioner Predicts Malt Drinks will Move to State Stores (Utah)**

**A Utah liquor commissioner predicts flavored malt beverages soon will be shifted to state-run stores from grocery stores.**

*The Associated Press*October 31, 2007

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| Utah regulators will try and remove alcoholic beverages from grocery stores and make them available only in state-operated liquor stores. (AFP) |
| Utah regulators will try and remove alcoholic beverages from grocery stores and make them available only in state-operated liquor stores. |

"This is not a moral decision. It's not a decision to protect youth," Bobbie Coray said.

"In Utah, the law is that if you have distilled spirits or wine, it must be sold in the liquor stores. What they have done with these alco-pops is taken the beer out and replaced it with distilled spirits," she said.

In September, the Alcoholic Beverage Control Commission told staff to prepare a regulation that allows only state liquor stores to stock the drinks. Coray predicts it will come up in November.

Attorney General Mark Shurtleff has called for a crackdown, saying the drinks are being consumed by minors.

"I don't think it's going to keep young people from drinking it," said Coray, former head of the Cache Chamber of Commerce. "I don't think it has anything to do with morals. Now we're going to get bombarded by people who say we're taking their rights away."

The Flavored Malt Beverage Coalition has said restricting sales to state liquor stores won't solve the problem of underage drinking.

In an interview with The Herald Journal of Logan, Coray said the liquor commission is very political -- but "not Democrat and Republican political."

"There's a great divide in Utah between Mormons and people who are not Mormon," said Coray, who belongs to The Church of Jesus Christ of Latter-day Saints and prefers Perrier with a twist of lime.

"The commissioners are scared to death to say anything for fear they will be blasted," she said. "The staff is afraid of the commissioners because we're the only board that can fire and hire staff in the state."

Coray has called for a public hearing on state liquor laws.

"I want to take away that fear. I want people to discuss that," she said.

<http://www.kutv.com/content/news/topnews/story.aspx?content_id=45607201-11c4-4ab8-a1ca-48197e4e51d7>



**44.** **Alcohol and the U: Liquor Law Arrests, Violations a Rollercoaster Ride (Utah)**

**Police officers were called to the West Stadium parking lot to investigate a hang-up call dialed from an emergency E-phone.**

*Daily Utah Chronicle*

October 31, 2007

An officer had spotted a woman who was reported to be intoxicated walking around the parking lot wearing nothing above her waist.

When the police arrived, the woman was found incoherent in the back of a car that was pulled over. The woman and the man driving the car both gave officers conflicting information about their identities, according the police report. The woman was eventually arrested for intoxication and resisting arrest after fighting officers attempting to take her into custody.

The incident, which happened several months ago, is just one of many cases of intoxication that have occurred on campus so far this year. Out of the two dozen cases that have involved alcohol consumption, ten have resulted in arrests or referrals for intoxication.

The number, though, is significantly smaller compared to last year when there were 209 liquor law arrests and 210 liquor law violations referred for disciplinary action. The violations usually take place after a person is referred to the police or another campus authority for a violation of liquor laws but is not necessarily arrested, said Capt. Lynn Mitchell of the U Police Department.

The number of arrests and violations seem to mimic a rollercoaster ride. Although the number has decreased this year, alcohol-related arrests almost doubled in 2006 from the year before.

However, the small number of cases so far this year may change, said Sgt. Lynn Rohland of the U Police Department.

"The number could stay the same, we won't know, since the year is not over yet," she said. "Ups and downs are pretty normal."

The numbers each year, though, have one thing in common: most involve DUI arrests.

Of the 209 arrests last year, 195 took place on public property near the U and involved drunk drivers, and DUI cases occurred during the late night or early morning hours and during the weekends, Mitchell said.

There have been about five DUI arrests this year, including one that occurred several months ago.

Police officers were called after smoke was reported to be coming out of a car. The officers found the car centered off the road, but noticed the smoke was actually dust being lifted off the street by the car.

The officers attempted to talk to the driver, according to the police report, but according to the police report, he was yelling profanities and was "clearly" intoxicated. He was later arrested for a DUI.

On another occasion this year, police officers arrested a man for DUI after they recorded that his blood alcohol level was almost four times the legal limit. The charge was later increased to a class A misdemeanor because in the car, the driver had his 11-year-old daughter and her 9-year-old friend.



**45.** **Wis. Governor Vetoes Free Liquor Shots (Wisconsin)**

**Wisconsinites can forget about getting free shots of liquor at their local grocery store.**

*The Associated Press*

October 28, 2007

Gov. Jim Doyle vetoed that provision of the new state budget Friday before signing the new two-year spending plan at a ceremony at the University of Wisconsin-Madison's student union.

A provision slipped into the budget at the last minute would have allowed up to 1.5 ounces of liquor to be handed out free.

"To me, it's absurd that you walk into a grocery store and start taking shots," Doyle said.

Free beer is still OK, though. Doyle signed a law earlier this year allowing stores to pass out sample brews.

Doyle also vetoed a new three-tiered distribution system for wine sold in the state, saying the system would have stifled the state's small wineries, perhaps forcing them out of business.

The budget includes a $1 per pack increase in the cigarette tax, which takes effect Jan. 1.

The Legislature can override any of Doyle's vetoes if two-thirds of both the Senate and Assembly agree.

<http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20071028/BUSINESS/710280317/1003/RSS01>