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

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| *November 9, 2007* |

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**I. NATIONAL NEWS**

**1.** **Napoli Tries to Resurrect Drinking-Age Battle**

**The Rapid City Republican wants U.S. Sen. John Thune to lead an effort in Congress to repeal or amend a 1984 federal law that required states to establish 21 as their minimum drinking age or face the loss of millions of dollars every year in federal highway funds.**

Kevin Woster
*Rapid City Journal*

November 3, 2007

The battle was lost long ago, but state Sen. Bill Napoli says it's time to fight again. Highway funds tied to federal age limit.

"It's a horrendous law," Napoli said. "This has been an issue of mine for a very long time. I think the issue has lain dormant long enough."

Napoli recently sent Thune a letter with the request. Thune, R-S.D., said in response that he was troubled by the federal mandate but believed trying to change it would be "a tough battle to take on."

In responding to Journal questions on the issue, Thune said there are many instances where the federal government legally puts conditions on the money its sends to the states, which is what the federal law did more than 20 years ago.

After the 1984 law took effect, South Dakota joined several other states -- mostly in the West and Northern Plains -- in resisting the mandate. After losing an appeal in the U.S. Supreme Court, the state standardized its drinking age at 21.

Lawmakers took that action primarily to prevent the federal government from withholding a portion of the state's allocation of highway money -- in most cases, 5 percent. Certain funds would actually be cut by 10 percent. Based on the total allocation in 2006, that could cost the state more than $15 million a year.

Before the federal mandate, South Dakota allowed 19-year-olds -- and before that, 18-year-olds -- to drink beer with no more than 3.2 percent alcohol content.

Napoli still believes young people 18 years old and older should have that right and probably should get a broader range of alcohol options. That's especially true during a time when so many military personnel younger than 21 years old are going off to fight for their country, he said.

"I think the Iraq war has really brought home that we need to take a very serious look at this issue," he said. "We're losing 18-, 19-, 20-year-olds over there all the time fighting to save our country, our way of life, our people's lives. They come home from war more mature and having seen more than many of us sitting in our easy chairs. And we're telling them they're not mature enough to drink?"

Thune said he agrees with Napoli that U.S. soldiers grow up quickly in war zones and that many younger than 21 might be ready for alcohol rights. But he still has reservations about Napoli's challenge.

"It would be nice to make exceptions for those who serve this country and display exceptional judgment," he said. "But current law appears to be the only objective approach to continue to increase public safety and reduce drinking-related traffic fatalities, especially when roughly one-half of South Dakota highway fatalities involve alcohol."

Napoli questioned whether the 21-year-old drinking age is having any substantial impact on alcohol-related crashes. Most underage people get all the alcohol they want illegally, which leads to more irresponsible drinking patterns than if they were treated as adults and taught to drink responsibly, he said.

"You can go to any high school, and if the kids are willing to be honest with you, they're drinking," he said. "To me, this is as big a boondoggle as prohibition. And we've let it happen."

Napoli said he would continue to encourage Thune to take on the battle in Congress. If that fails, he said he would issue the challenge to Sen. Tim Johnson, D-S.D., and Rep. Stephanie Herseth Sandlin, D-S.D.

Napoli also might introduce a resolution in the 2008 state Legislature encouraging the congressional delegation to work toward eliminating the federal mandate.

****<http://www.rapidcityjournal.com/articles/2007/11/03/news/top/doc472be2488bd97249811442.txt>

**2.** **House Panel Readying Big Changes in Alcohol, Drug Tests Rules**

**You can expect the House Highways and Transit subcommittee to propose changes to existing federal laws that require persons holding commercial drivers licenses - including those working for beer, wine and spirits wholesalers as well as soft drink bottlers -- to undergo random alcohol and drug testing.**

*Beverage News Daily*

November 2, 2007

Aides haven't started drafting the bill yet, and it isn't expected to be introduced until next year.

But the groundwork was laid yesterday, with a hearing before the subcommittee. Rep. James L. Oberstar (D-Wis.), chairman of the full House Transportation & Infrastructure Committee, began the hearing, noting that crashes involving commercial motor carriers account for 13% of all highway deaths each year. "Illegal drugs account for a small percentage of those crashes," he said. "If drivers are able to get these drugs and get behind the wheel of an 80,000-pound vehicle, then something isn't working."

The hearing was triggered by a Fox News investigation of six Minneapolis drug testing facilities. "The Fox reporter wasn't required to empty his pockets, he was sent to a public restroom that other building tenants had access to, and the restroom wasn't searched first to make sure nothing had been hidden there," Oberstar said.

In Oregon, state police anonymously tested 400 drivers, found illegal drugs in 10% of truck drivers, and the Occupational Safety & Health Administration found 7.4% of commercial truck drivers admitted using drugs in the past month.

Particularly alarming to the committee members was the fact that a driver who fails a drug or alcohol test with one carrier, and is dismissed, can wait a few days until he is "clean," apply at another carrier, get hired and start using again.

We expect legislative proposals next year that would create a national database so that a truck driver who flunks a drug or alcohol test would find his name entered in the database, and wouldn't be able to get a job as a driver until he has gone through a rehabilitation process.

Also likely: Legislation authorizing the Federal Motor Carrier Safety Administration to levy fines or blacklist testing labs that don't follow protocols. Particularly irritating to committee members was one lab that posts instructions on how to beat a drug test.

Also: legislation making it a crime to possess or sell products to defeat drug tests. There are some 400 of these products on the market, and committee members seemed to agree they shouldn't be available to consumers - including drivers.

How these new rules - if they are adopted - will apply to Mexican truck drivers isn't clear. Presently, they can be randomly tested within 25 miles of the border. There's little enforcement by Mexico against use of drugs and alcohol by drivers, a Teamsters Union official said.



**3.** **Mixing Alcohol with Energy Drinks is a Popular but Dangerous Habit**

*The Canadian Press*

November 5, 2007

Mixing alcohol with energy drinks is a popular but dangerous habit among college students, according to new research that found those who combine the two tend to drink more, take more risks and are more likely to get hurt while drinking.

The research, by investigators at Wake Forest University School of Medicine in North Carolina, found students who mix energy drinks with alcohol were twice as likely to be injured during a bout of drinking, to need medical attention or to ride with a driver who was drunk.

They were also twice as likely to take advantage of someone sexually and nearly twice as likely to be taken advantage of sexually by someone else.

The researchers believe the problem is the high caffeine levels in the energy drinks mask the effects of excess alcohol - the stumbling, slurred speech or sleepiness that signal intoxication.

"What I would describe it as is a person for whom the symptoms of drunkenness are reduced, but the drunkenness is not," lead author Dr. Mary Claire O'Brien said in an interview.

"So you're drunk. But you just don't know that you're drunk."

O'Brien presented the findings of the study Sunday at the annual meeting of the American Public Health Association in Washington, D.C.

Mixing energy drinks with alcohol is a popular phenomenon, with websites devoted to rating the effectiveness of various combos, said O'Brien, a professor of emergency medicine and public health sciences.

The beverage industry has twigged to the potential, producing pre-mixed versions of popular energy drinks which sell in some locations for less than the non-spiked original, according to a report on energy drink cocktails published in August by the Marin Institute, a California-based alcohol industry watchdog.

O'Brien's study - one of the first to look at the implications of this trend - is based on an Internet survey of 4,271 students from 10 U.S. universities. Randomly selected students were invited by e-mail to take part in the survey and were paid a token sum for answering roughly 300 questions on health risk behaviours that focused heavily on alcohol use.

Twenty-four per cent of participants reported imbibing energy drinks laced with alcohol in the previous 30 days. Consumption of the combo was more common among students who were male, white, athletes, fraternity member or pledges, and students who were older.

The caffeine in the energy drinks - some contain three times as much as a regular-sized cup of coffee - seems to work as an override. It appears to trick the brains of people who are drinking into thinking they are much less impaired than they actually are.

"Caffeine, it's a stimulant. Alcohol is a depressant. So the best thing that can happen if we drink too much alcohol is we go to sleep," said Michele Simon, research and policy director for the Marin Institute and an author of that organization's report.

"But with the caffeine keeping you awake, yes, it is overriding the signals that tell you either go to sleep or that you really are inebriated."

Excess drinking already lowers inhibitions and impairs judgment. But because people who mix alcohol and energy drinks are less aware of how drunk they actually are, they are even more susceptible to making bad choices.

"The ability to gauge your intoxication is an important part of your ability to assess risk. And you could argue that your ability to gauge intoxication, not just in yourself but in others, is an important part of risk assessment," O'Brien said.

In her study, students who drank alcohol with energy drinks consumed more drinks per drinking session, and reported more bouts of drinking to excess a week, than students who didn't use energy drinks as mixer for alcohol.

Dr. Karen Leslie, a pediatrician with the substance abuse program of the division of adolescent medicine at Toronto's Hospital for Sick Children, said the combination exacerbates the already dangerous pattern of binge drinking favoured by teenagers - drinking quickly and to excess.

"So it's entirely not surprising that if young people are taking in more alcohol because they're not noticing the effects of it earlier on because of the caffeine, these are not surprising things at all," Leslie said.

But the higher risks weren't simply the result of drinking more. Even when comparisons were made between students who drank the same number of drinks per drinking session, the rates of injuries were higher among those who drank energy drink cocktails.

Simon said she'd suspected this combination was a dangerous one, but was nonetheless surprised by the scope of the findings of O'Brien's study. She believes there's more to be learned about the impact of this potent combo, especially given that distillers are getting on board, infusing spirits such as vodka with caffeine.

"The truth is, this is tip of the iceberg in terms of the potential," Simon said. "There's just so much we don't know."

The study was funded by the U.S. National Institute on Alcohol Abuse and Alcoholism and a grant from the North Carolina Department of Health and Human Services.

<http://canadianpress.google.com/article/ALeqM5j9HZKqyC3dZofdJYbMef2k-UfN1A>
**II. IOWA NEWS**

**4.** **Iowa City's 21-Only Bar Ordinance Defeated**

**Iowa City bars will continue to be open to underage patrons after voters defeated a ballot initiative Tuesday to keep them out after 10 p.m.**

*The Cedar Rapids Gazette*November 6, 2007

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| Photo |
| Johnson County Auditor Tom Slockett (center) looks over election results with Deputy Auditor Casie Kadlec (left) and elections staff member Eric Solomon (right) Tuesday, Nov. 6, 2007 at the Johnson County Auditor's office in Iowa City. Due to a computer error initial vote totals for the Iowa City City Council candidates were reported correctly but the totals for write-ins, overvotes, undervotes, and referendums were reported incorrectly. |

But there was drama in this election right to the last minute because of technical glitches when votes were counted. The totals initially showed the ordinance narrowly passing. Then, new totals showed it losing by an overwhelming margin of more than 2,000 votes.

The most recent preliminary election results showed 8,895 people voted against the ordinance, which would have prohibited 19- and 20-year-olds from entering bars that earn more than 50 percent of their sales from alcohol after 10 p.m. Only 6,606 voted yes.

Johnson County Auditor Tom Slockett said the results won’t change but the totals likely will today. He said the error was caused by a new procedure importing some results into his office’s election return computer files.

Thirty-four percent of eligible Iowa City voters turned out—a record for city elections here.

Leah Cohen, 55, owner of Bo-James, 118 E. Washington St., was being interviewed by a student television station when she heard the numbers had been reworked and the ordinance was defeated. She ran screaming north along the 10 block of South Clinton Street and grabbed Mike Porter, who helped her lead the push for the ordinance’s defeat, in an ecstatic bear hug.

“I’m so excited,” she said.

“I’m shocked,” Porter, 39, of Iowa City, said. He owns two downtown bars that allow underage patrons and contributed $12,000 to efforts to defeat the ordinance.

Porter said the numbers didn’t add up when the initial technical error, showing the ordinance failed, caused opponents of the measure some alarm.

“I was on the phone with my attorney,” Porter said. The error was fixed, and the next round of preliminary results showed 57 percent opposing the ordinance and 43 percent in favor.

Cheers erupted from Clinton Street in downtown Iowa City as news of the defeat spread. By 11:15 p.m. a crowd of about 100 gathered outside The Summit, 10 S. Clinton St., which is one of Porter’s bars and which had held a handful of patrons less than two hours before.

The Rev. Mark Martin, 62, a minister at St. Andrew Presbyterian Church, 1300 Melrose Ave., and a proponent of the ordinance, said he was frustrated when the totals showing the ordinance lost were posted, but he would continue to work on tempering alcohol consumption here. He said ordinance supporters would focus on the enforcement of existing ordinances and laws.

“Those of us who have been working for a more sane downtown and a more sane alcohol culture will continue that battle,” he said.

Yes supporters were outspent by bars, which kicked in $23,000 to defeat the measure. Anti-21 activists used automated calling, yard signs and postcards and even had a car with a bullhorn reminding people to vote.

Opponents’ push to register and turn out student voters is credited with shattering early voting records for municipal elections. Of the record 6,870 votes cast on the issue before Tuesday’s election, 74 percent were “no” votes. Only 1,800 early voters voted for the ordinance. But pro-21 voters gained ground Tuesday, gathering small majorities in most precincts.

At Longfellow Elementary School, 1130 Seymour Ave., Precinct 18, voters were split on the issue.

“I think it’s important that college students in Iowa City have the opportunity to hang out together,” said Genevieve Anglin, 35, who voted against the ordinance. “As much as we don’t like to talk about it, it’s part of our culture,” Anglin said. “Do college students drink too much? Maybe.”

“But not letting them go to the bars isn’t going to make them drink any less,” said Alex Schmidt, 36, who also voted no.

Several yes voters said they were torn about how to vote. Jan Palmer, 56, said she didn’t have strong feelings either way. She said she was planning as late as Monday night on voting no but ultimately voted for the ordinance “to show that it’s an issue that needs to be addressed as much as I think it’s going to help.”

In a statement released late last night, Slockett said his office will determine today what caused the errors and would provide a detailed explanation.

“As soon as we became aware of the problems about 9:30 p.m., we researched and corrected the errors and manually entered the actual results,” he said.

<http://www.gazetteonline.com/apps/pbcs.dll/article?AID=/20071106/NEWS/711060043/1006/NEWS>

#### grapes5. Auditor Explains Iowa City Election SnafuJohnson County Auditor Tom Slockett released a statement this afternoon, explaining an initial miscount in Iowa City vote totals his office reported last night that, for a while, had the wrong outcome of the city's 21-and-older ordinance vote.*The Cedar Rapids Gazette*November 7, 2007

#### The corrected outcome was reported after 10 o'clock last night, showing that voters rejected a proposed ordinance banning anyone under the age of 21 from being in a bar after 10 p.m. if more than one-half of the bar's proceeds came from alcohol sales:

#### Slockett's statement:

#### All precincts voting equipment reported election results properly last night. Each of the 41 precincts publicly posted results tapes from both pieces of voting equipment. These tapes correctly represent every vote cast on the equipment on Election Day and are the same results the Auditor's Office used to produce the final verified preliminary election night results reported to the public. The tapes will also be used by the Board of Canvassers to determine the official results of the election on Tuesday, November 13, 2007, at 1 p.m.

#### Most Iowa City precincts modemed their paper ballot results to the Auditor's Office. The results were received correctly. Last night we implemented a new procedure developed in conjunction with the Johnson County Information Services Department to import these paper ballot results into a reporting spreadsheet. An error occurred during this process where data rows were mistakenly summed, and the test data used was insufficient to reveal the error.

#### The procedure added together the "Yes" totals for both public measures in each Iowa City precinct rather than reporting the two separately. For example, in Iowa City precinct 3 Public Measure C received 16 "Yes" votes and Public Measure D received 32 "Yes" votes. Rather than reporting these as separate totals for each public measure, the procedure erroneously summed these totals and reported 48 as the "Yes" totals for both measures. The same erroneous combination of totals occurred with "No" votes, under-votes, over-votes, and write-ins because these outcomes appeared in multiple races, unlike individual candidate names.

#### We discovered the error at approximately 9:30 p.m. The correct information was immediately entered by hand and reported before 10 p.m. After further research this morning, we determined and Information Services confirmed the cause of the problem as described above.

#### Unfortunately we failed to discover the problem during testing, resulting in an incorrect outcome being reported on Public Measure C prior to 10 p.m. Our testing procedures are being revised to prevent this from happening again. We sincerely regret this error.

#### County Auditor Tom Slockett will be available in the lobby of the Johnson County Administration Building at 4:30 p.m. today to answer further questions.

<http://www.gazetteonline.com/apps/pbcs.dll/article?AID=/20071107/NEWS/711070022>

**6. Turnout** **Skyrockets**
**UI freshman Arin Amsler spent a night going from room to room on her floor in Burge Residence Hall to register students and to get out the vote.**

Kelli Shaffner
*The Daily Iowan***November 7, 2007**
She said her boss at Iowa City Fitness, George Etre, who also owns Sky Box, 1241?2 E. Washington St., and Et Cetera, 118 S. Dubuque St., made packets equipped with 20 registration forms available for staff members to recruit voters. Amsler said even though it is likely all of the students she helped register did so because of the 21-ordinance, she thinks it's important students register anyway.

"It's silly for them to get registered for the 21-ordinance," she said.

Overall, Tuesday's election saw a record turnout possibly because of the controversial 21-ordinance.

As of 10:25 p.m. Tuesday evening, 15,679 people had voted, topping the previous high for a municipal by 17.3 percent.

This year's request for absentee ballots was almost twice as many as 2005 at 2626, and the number of early satellite voters hit a record of 4,693 on Oct. 24 and rose to 8,393 by Tuesday. The high numbers come after a push by anti-21-ordinance groups to vote at satellite locations before the Nov. 6 election.

When it came to voting early, youth prevailed. Of the 7,172 early votes counted, 63 percent were between the age groups of 18 and 24. However, at typical UI student polling places, some reported low turnout. Four hours after the polls opened on Nov. 6, poll worker Baxter Freese said only five people had voted at his location in the UI Main Library.

"We've been helping more students [find precincts] than we've had vote," he said.

Poll worker Sandy Hynek said the important thing was that students are voting, and the 21-ordinance is "absolutely" the reason.

"It's totally up to them as to what's important," she said. "Someone said it's more important to them than the presidential election. It's high on everyone's list."

UI student Joe Thorngren said that if he hadn't been approached by his neighbor - a bartender equipped with a packet containing 20 absentee ballots - he would not have voted.

"All we had to do was sign our names, and she did the rest," he said of voting earlier in the week.

UI junior Allison Stickley said her professors and the Internet were her main sources of information, and she would have liked to know more information on the election. She made her decision on the candidates right after the primary and didn't stray from it, she said.

Elizabeth Aljets registered through her sorority, Gamma Phi Beta, because she said it was convenient.

"At Sunday meeting, we had a bar owner come in and talk about her reasons [the bars should] remain 19," she said. "So we could get a different perspective."

She said she voted for the two candidates who stood against the 21-ordinance.

<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/11/07/Metro/Turnout.Skyrockets-3084131.shtml>



**7.** **I.C. Retains Young Bar Age (Maybe)**

**Ban on patrons under 21 appears to fail; confusion surrounds result**

Erin Jordan

*Des Moines Register*

November 7, 2007

Note to University of Iowa Underclassmen: You will be able to go to the bar this weekend.

Iowa City residents on Tuesday apparently defeated an ordinance change that would have prohibited 19- and 20-year-olds from entering Iowa City's bars and nightclubs after 10 p.m. The vote count at 10:15 p.m. Tuesday showed 57 percent of voters opposed the change and 43 percent supported it, according to the Johnson County auditor.

Validated results were not available. The city saw record-setting turnout for a municipal election - more than 15,600 voters.

Results at 10:15 p.m. were dramatically different from those reported at 9:30 p.m., which showed the ban on patrons under 21 had narrowly passed. Both supporters and opponents had made public comments before the totals changed and the winners and losers were reversed. The switch was disappointing to a citizens' group that put the issue on the ballot.

"I'm going to bed, and I'll worry about it in the morning," said Jim Clayton, an Iowa City businessman who supported the ordinance.

The auditor's office is expected to certify the vote Friday. Bar owner Leah Cohen pointed out - before knowing her side won - that the auditor's office disqualified a number of ballots for irregularities, such as unsealed envelopes.

Young voters played an unprecedented role in the ordinance's apparent defeat.

Voters ages 18 to 24 made up nearly 63 percent of the about 7,000 Iowa City residents who voted before Election Day this year, according to the auditor.

U of I Student Government petitioned to have satellite voting stations set up in residence halls. Record early voting totals followed. About 950 people voted in one day at Burge Residence Hall, a dormitory just four blocks from the downtown hot spots.

"We sent the message that students can influence a city election," said Atul Nakhasi, a U of I junior who led a student opposition group, Student Health Initiative Task Force.

It wasn't just college students who opposed the measure.

Bill Bywater, 69, said he voted against the ordinance because he doesn't think pushing underage patrons from the bars will stop binge drinking. "I think we're going to wake up tomorrow still having this problem," he said after casting his vote Tuesday.

Melissa Copeland, 28, said young people are safer drinking in the bars than at private house parties. "There's some sort of checks and balances at the bars," she said. "The police are around and the bartenders are sober."

Bar owners, who had a financial stake in Tuesday's vote, bankrolled the student opposition group.

Bloc21, an opposition group, raised $23,000 as of Nov. 1 from the owners of five downtown bars, according to reports filed with the Iowa Ethics and Campaign Disclosure Board. The group gave $11,195 to the Student Health Initiative Task Force.

The Committee for Healthy Choices, which supported the ordinance, raised $6,275 as of Nov. 1. The group gathered 3,500 signatures to get the referendum on the ballot.

The City Council could change the ordinance on its own, but it seems unlikely given Tuesday's defeat, people on both sides of the issue said.

"If the community at large comes out either way, it would be difficult to overturn that," said Iowa City Mayor Ross Wilburn.

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20071107/NEWS02/711070394/1001/NEWS>

**8.** **Bar Owners Challenge UI to Help Curb Drinking**

**University of Iowa officials must step up and lead local efforts to curb problem drinking because bar owners want to help address it, two downtown bar owners said Wednesday, the day after voters defeated an ordinance to keep people younger than 21 out of bars after 10 p.m.**

Diane Heldt

*The Cedar Rapids Gazette*

November 7, 2007

When the UI offers non-alcoholic social events students are interested in, like concerts and midnight movies, those events compete with downtown bars for students' attention, said Leah Cohen, owner of Bo-James and co-chairwoman of the Iowa City Alcohol Advisory Board.

The UI also should look at requiring freshman to live in residence halls on campus and using UI coaches like Kirk Ferentz in anti-binge drinking campaigns, said Cohen, who helped lead the effort to defeat the 21-ordinance.

"The UI needs to take the lead," she said. "The university is not going to be able to sit back anymore and not take responsibility. You can blame the bars all you want but the fact of the matter is when the university competes with us (with activities), they win."

Mike Porter, who owns two downtown bars and also opposed the 21-ordinance, said he wants to work with UI officials to address binge drinking. Bar owners see the problem as overconsumption rather than underage drinking, Porter said.

"We definitely realize there's an issue in Iowa City," he said. "We've always said that and continue to stand behind that. We feel as though we need to work with the university and come up with some good ideas."

UI Vice President of Student Services Phillip Jones said Wednesday he had no comment about the UI's next step in addressing the problem. But Jones said Tuesday, before the vote outcome was known, the idea of increasing sanctions against students for alcohol violations was "in the thinking stage."

"We probably will be doing more thinking about it after tonight," Jones said Tuesday. "I'm still in the thinking phase of looking at possibilities."

UI President Sally Mason, in a statement last week, said she wants to work with students to come up with ideas to bring problem drinking under control, and stressed the UI's commitment to reducing the harmful effects of excessive drinking. A new campus wellness center, soon to be under construction, and a plan to hold more Friday classes are two steps the UI has taken, Mason said.

UI officials did not take an official position on the 21 ordinance. But Mason's statement said UI officials do not condone underage drinking, whether by students illegally purchasing alcoholic beverages or by bars illegally providing alcohol to minors.

She added that the UI will continue to work with Iowa City leaders to reduce the effects of abusive drinking, saying consequences such as alcohol violations, assault, property damage and harm to the university's reputation are "simply unacceptable and demand action."

"I think that what she wants to do from here is start talking to students and the student leaders about what can be done to reduce those harmful effects," UI Spokesman Steve Parrott said Wednesday. "That's the next step."

UI Interim Provost Lola Lopes has said she wants to launch a campus task force to look at underage and binge drinking.

Preliminary totals from Tuesday show the 21 ordinance was defeated 8,895 to 6,606. It was initially reported by the Johnson County Auditor's Office that the measure passed by a small margin, but that was later reversed.

<http://www.gazetteonline.com/apps/pbcs.dll/article?AID=2007711080028>


 **9.** **Research Takes Aim at Those Driving Drunk**

**One day, people might get busted by their cars.**

Ben Fornell

*The Daily Iowan*

November 8, 2007

Researchers at the UI's National Advanced Driving Simulator received a $2.5 million National Highway Traffic Safety Administration grant on Wednesday to study the use of sensors onboard vehicles that would detect driver impairment due to alcohol.

John Lee, a UI professor of industrial and mechanical engineering and the primary investigator for the project, said the research is focused on how to detect drivers who may be dangerous.

"New technology is being developed that really gives us a good window into the driver's state," he said, and one day, the research could be used to detect those who are impaired because of drugs or fatigue.

Lee said that his team will use steering maneuvers, eye movements, brake and accelerator control, among other things, to measure impairment. He is also experimenting with a device that would sample air inside the car and measure it for concentrations of alcohol.

"The last thing we want to do is say people are impaired when they're not," Lee said, noting that impairment would be determined collectively by the sensors.

What would happen if drivers were deemed to be drunk? The application of his research is a matter for the government, Lee said.

"It doesn't take much imagination to see where this technology could be abused," said Ben Stone, the executive director the American Civil Liberties Union of Iowa.

The kind of research the grant funds could one day limit a person's freedom to enjoy a drink or two responsibly, he said.

"The debate really is, or will be, to what extent do free citizens have the right to make that decision for themselves," Stone said.

Technology already exists to prevent those who have been convicted of drunken driving from starting a car if they've had anything to drink, he noted. Known as ignition interlock systems, the devices consist of an alcohol sensor into which drivers must blow to start their cars. If the sensor registers any alcohol, the system goes off like a car alarm, and police are notified. The devices are court-mandated for drunken drivers in Illinois, New Mexico, Arizona, and Louisiana.

Stephen Carr, the executive director of the Illinois division of Mothers Against Drunk Driving, said that similar systems, without the alert features, will be standard equipment in all vehicles within 20 years. The devices would only be used to enforce the legal blood-alcohol limit, he said, but their expense would be passed along to consumers like the cost of airbags and seat belts.

"We're never trying to say, 'Don't drink. Don't have a good time,' " Carr said. "We're just saying that, in 65 years, more than 1.2 million people have been killed in drunk-driving accidents. We're looking for a solution, because people don't make the right choices."

<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/11/08/Metro/Research.Takes.Aim.At.Those.Drivng.Drunk-3087494.shtml>



**10.** **Ames, Iowa City Handle Underage Drinking Differently**

**College communities nationwide are struggling with the issue of underage drinking. Here in Iowa, Ames and Iowa City are dealing with it differently. Ames does not allow 19 and 20 year olds in bars after 8:00 pm. In Iowa City, those same minors can party till closing time.**

Steve Nicoles

*KCRG News*

November 2, 2007

The Thursday before Halloween and downtown Iowa City is buzzing. Scantily clad women wait in line to get into their favorite club. The whole scene reinforces the notion the University of Iowa is a party school. So do the numbers. There are about 50 bars and restaurants within walking distance of campus. On this night at least two things are on people's minds: partying and Iowa City's proposed 21-only ordinance. University of Iowa freshman Kaytlin Moeller said, “They need to educate people on not drinking, not trying to take the places you drink away."

As you might expect, around here a majority of students oppose 21-only. They know drinking before turning 21 is illegal, but they say the new law would not stop underage drinking. University of Iowa freshman Billy Rinn said, “It's not that hard. You can find anyone with a wristband who's 21 and older."

They are saying the same thing in Ames, where 19 and 20 year olds have not been allowed in bars since 1989. Ames’ Mayor Ann Campbell said, “That was our one year test drive."

Campbell was a council member then. She says Iowa State students convinced the council to allow 19 and 20 year olds into bars for one year. Results showed the bar population was up, but Campbell said, underage drinking was an issue. If the goal is to limit underage drinking the first step might be to keep minors out of bars. Just look at the numbers. Ames police issue about 90 tickets to minors in possession every year. But Iowa City is more than ten times that. Those police issue about 1,200.

Bars in Ames seem to embrace the idea of 21-only. Tony Rains is a bouncer at a bar in Ames' Campus Town. He says his boss supports the ordinance. Rains said, “We get money for every fake we get." He gets $15 for every confiscated ID. The financial incentive has Rains keeping an eye on ID's. It also forces underage "alcohol wanna-haves" to find other alternatives. And house parties can be an issue. Mayor Campbell said, “I live in the campus town area, so i see it first hand."

Campbell says parties do not pose the problems 21-only opponents claim. She said, “On the list of things being discussed in social venues and letters to the editors and so on, that one isn't rising to the top. We let Iowa City deal with that."

The discussion will likely end in Iowa City this Tuesday. The voters will decide whether the University of Iowa’s reputation as a party school rages well into the night, or is put to bed early.

While Iowa City has about 50 bars and restaurants in downtown Ames has about 30 within walking distance of the ISU campus.


<http://www.kcrg.com/news/local/10984691.html>

**11.** **Office of Drug Control Policy Underage Drinking Task Force Moving Ahead with Plan**

Darwin Danielson

*Radio Iowa*

November 5, 2007

The Office of Drug Control Policy's task force that's looking at underage drinking has put together its action plan. Beck Swift helped develop the three-year plan that came after a charge from the U.S. Surgeon General. Swift says they want to increase resources available to address underage drinking, and she says the first year of the plan is exploratory, as they look at what type of resources they have and where the gaps are.

Swift says part of their action is to review the methods used now for preventing underage drinking. She says they'll study current legislation regarding the funds raised through the alcoholic beverages division, and where that funding is going. Swift says they'll look at sources of funding for alcohol compliance checks to research and enhance best practices to reduce underage drinking at the community level. Another action item is to pull all the groups together from the local groups all the way up to the state.

Swift says now they're a task force of individuals from a variety of different organizations, and they want to flesh that out so they can work together on action plans for years two and three. Swift says they will work to try to ensure the availability of consistent data on underage drinking.

Swift says that means things like institutionalizing the Iowa Youth Survey, conducting the survey and updating some of the profiles of underage drinking in the state. Swift says the plan is designed to find out where they are at in the underage drinking fight, and where they need to go.

Swift says resources are slim when it comes to substance abuse prevention issues, and they need to explore what the resources are, where they do things well and where the gaps are. Swift says they plan to have lots of public input too as they move forward with implementing the plan.


<http://www.radioiowa.com/gestalt/go.cfm?objectid=1052C259-9D7E-0C4B-295B733E26DEE22D>

**12.** **Q Faces License Loss**

**The Iowa City, City Council turned down a liquor-license renewal for the Q Bar on a 6-1 vote Monday, citing a lack of consistent management, a history of serving underage people, and a photograph showing a city-ordinance violation.**

Briana Byrd

*The Daily Iowan*

November 6, 2007

Iowa City Police Chief Sam Hargadine said that when reviewing the bar's application, he came across a photo featured in Booze News, an alternative publication, of a Q Bar bartender pouring liquid from an alcohol bottle into an individual's mouth, an infraction of a city ordinance.

"That, in addition to a common theme, is why I couldn't put my signature on a recommendation toward Q," Hargadine said.

According to Q Bar employees, the photo was staged and the employee photographed was reprimanded because the photo negatively affected the bar's reputation.

"Mr. [Roy] Yelder and this manager now have said they've taken steps to rectify that, and that seems to be a consistent theme with the Q, but those steps are always taken after the fact," Iowa City police Sgt. Troy Kelsay said.

The bar also has four citations for serving alcohol to minors since 2003, Kelsay said.

Yelder said that while he has been in business for 18 years and has received seven or eight violations, most of those were the result of stings by the police. The bar has not received any violations this year, he said.

Kelsay said compliance checks or stings are meant to be easy for bars to pass. Underage volunteers enter bars with IDs that show they're underage. When they order a drink, volunteers respond honestly that they are 19 or 20 although they do try to get rid of the entrance stamps. It is the manager's responsibility if minors are served alcohol.

Sarah Henningfield, the Q's general manager, said the bar has never faced a lack of supervision. But according to Kelsay, it is a lack of steady management that is the problem.

"I'm not saying that they don't have management," he said. "What I'm saying is we don't know who that is, and it has been inconsistent."

The Q can continue to operate until a final decision is made by the Iowa Alcoholic Beverage Division, to which the bar can appeal, City Attorney Eleanor Dilkes said.

<http://media.www.dailyiowan.com/media/storage/paper599/news/2007/11/06/Metro/Q.Faces.License.Loss-3081466.shtml>



**13.** **New Proposed CF Law Would Punish Landlords for Tenants' Acts**

**A new ordinance set for a one-year pilot period in Cedar Falls could have landlords lose their right to rent properties if the properties are unkempt or the tenants unruly.**

Jon Ericson

*Cedar Valley WCF Courier*

October 30, 2007

Council members and city staff say the ordinance would put teeth in the city's codes to deal with problem rental properties.

Landlords find the ordinance unnecessary at best, and draconian at worst.

Currently called the landlord accountability ordinance, some council members viewed the title as much too harsh.

On Monday, the City Council met as a committee of the whole to review the proposal. They voiced support for the plan, so the staff will set the program in motion. They expect it will take 30 to 90 days to get it started.

During the one-year trial period no landlords would actually lose their rental permit. Instead, the staff would like to test the points system infractions and the appeals process.

Under the plan, landlords would be assessed a certain number of points for various infractions. Once a landlord reaches 15 points in any consecutive 12-month period, the landlord's rental permit would be revoked and the landlord could not rent and no one could occupy the apartment.

The revocation would last six months for a first offense or 12 months for subsequent offenses. The revocation applies only to the unit of the violation, so if the landlord leased 90 units, only the one unit would be affected.

A total of 29 offenses are listed. Major infractions worth 15 points include more occupants than the four allowed by law, illegally splitting a home into separate units or illegally adding bedrooms, and unauthorized building improvements without gaining permits.

Some infractions deal with parties, such as loud parties, five points, underage possession of alcohol on the property, 10, and bootlegging, 10.

Many of the infractions are worth three points, such as parking cars in yards, overflowing trash bins and illegal burning.

"We're adding layers and layers of bureaucracy that I find unnecessary," said Bob Coyle, who owns many rental properties. He added that he can't have control over some things that would result in points. "I have no right to enter a dwelling under Iowa Code to see if there is a minor in possession of alcohol. I think there are many things in this ordinance that have not been well thought out as far as ramifications."

City Developmental Services Director John Page said the code was a response to repeated complaints from people living near rental properties over several years.

"About a year ago the council members said, 'We would like you to think out of the box and see about making sure all rental properties meet standards and people could be proud of the rental properties in our community,'" Page said.

One of the early ideas was to reduce the maximum number of unrelated people in a rental unit from four down to three. That idea was soon discarded. Later, the points system for landlords came under consideration. At first staff members thought landlords would be subject to fines. That idea was discarded because it was feared legal challenges could become a problem.

Eventually, the city modeled this ordinance on one used in Gainesville, Fla., home of the University of Florida.

"I know this is new and it is bold. We think it is what the council was looking for," Page said.

All of the infractions that would lead to points are already included in other city ordinances or codes.

Coyle didn't get the logic of adding another penalty on to the existing codes and ordinances.

"Let's enforce our code with even greater diligence," Coyle said, instead of adding the new ordinance.

City Administrative Services Director Richard McAlister said the trial period is a time to see how the ordinance will function.

"There should be no fear on the part of landlords or tenants. It's an opportunity for them to communicate with us on how this works or doesn't work," he said.

The ordinance has already generated fear from landlords and some students. Prior to the Monday meeting an e-mail was rapidly circulating around campus letting students know of the coming ordinance.

Some members of the Northern Iowa Student Government attended the Monday meeting.

Joel Kiesey, one of those members, didn't find it right to pin tenant misbehavior on landlords.

"Coming from a student point of view I don't think it's fair that my actions be held against him," Kiesey said.

He said the city should be able to address the parts of the ordinance related to underage drinking and bootlegging in a better manner.

<http://www.wcfcourier.com/articles/2007/10/30/news/metro/7a2105036a8aabc3862573840049130c.txt>

**14.** **Iowa Lawmakers Debate Cigarette Tax at Forum**

*KTIV News*

November 2, 2007

Another topic covered, the keg registration passed by lawmakers. Officials say while keg buyers in Woodbury and Plymouth counties are not violating the law, there are problem areas in other parts of Iowa.

Carolyn Goodwin, Sioux City Mayor's Youth Commission says, "Where they take the tags off or where they are serving to minors. And the keg registration is helping us to directly address those who bought those beer kegs so the law had a purpose that had a direct result."

Lawmakers were also praised for passing the cigarette tax. Siouxland Cares says Quitline Iowa calls have grown from 15-hundred calls last year to five-thousand calls this year. And the Iowa Department of Public Health says the number of tobacco sales in Iowa has decreased by 30-percent.

But House Minority Leader, Christopher Rants, who voted against the tax increase, spoke up about that statistic.

Rep. Christopher Rants, (R) Sioux City says, "I don't think you can assume that there's actually been a 30-percent reduction in smoking in Iowa because of that. It's nowhere near that. That's why the state of Iowa is now spending money on billboards saying if you smuggle cigarettes into Iowa you will be fined up to $45 a pack."

Siouxland Cares also pointed out how more money is needed to pay people who work in substance abuse programs. They say a person with a college degree will make less than a teacher.

<http://www.ktiv.com/News/index.php?ID=18707>


 **15.** **Newton Police Department Accepts Iowa Pledge to Fight Tobacco Use Among Youth**

**The Newton Police Department has taken a pledge to keep tobacco out of the hands of Newton youth.**

*Newton Daily News*

November 1, 2007

It’s called the Iowa Pledge, and it’s a partnership with the Iowa Alcoholic Beverages Division (Iowa ABD) to educate local retailers and to enforce Iowa’s tobacco laws. The Iowa Pledge Program has helped increase statewide tobacco compliance by 22 percent since it began in 2000.

By partnering with the Iowa ABD the Newton Police Department will look to do its part in continuing the upward trend.

Throughout the next year, Newton officers will be offering free monthly Iowa Pledge Retailer Certification Classes to local tobacco retailers where clerks will learn the fundamentals of Iowa’s tobacco laws, as well as how to calculate a customer’s age and effectively refuse illegal sales.

Clerks who successfully complete an online exam will be Iowa Pledge Certified and the retail establishment will receive an affirmative defense against a civil penalty if the certified clerk makes an illegal sale.

“The Iowa Pledge Retailer Certification Classes are a great way for clerks to prepare themselves to refuse illegal tobacco sales,” Newton Police Chief Thomas Wardlow said. “The classes will help retailers maintain a compliant and responsible establishment.”

Also as a part of the Iowa Pledge Program, Newton Officers will be conducting compliance checks on local establishments. Underage customers under the supervision of law enforcement officers will enter establishments and attempt to buy tobacco products. Clerks who make the illegal sale will be cited on the spot.

Criminal penalties for selling tobacco to a minor include a $100 fine for the first offense, a $250 fine for the second offense and a $500 fine for third and subsequent offenses. Handing out citations, however, is not the intent of the Iowa Pledge Program.

“By partnering with the Iowa Alcoholic Beverages Division, we hope to educate clerks and maintain a compliant retail environment in our community,” Chief Thomas Wardlow said. “Moreover, we pledge to help keep tobacco out of the hands of Iowa’s youth.”

<http://www.newtondailynews.com/articles/2007/11/01/news/local3.txt>

**III. OTHER STATE NEWS**

 **16.** **Judge Dismisses Direct Shipping Suit in Arkansas (Arkansas)**

**A federal judge dismissed a lawsuit filed by a man who wanted to have wine from Michigan delivered to his home, a practice now banned by Arkansas law.**

*Beverage News Daily*

November 5, 2007

Scott Beau filed the lawsuit in 2005, arguing that the state's ban on direct shipments from out-of-state wineries discriminated against interstate commerce. Wyncroft LLC, which operates a winery in Buchanan, Mich., also was a plaintiff in the suit.

When the suit was filed, Arkansas allowed in-state wineries to ship directly to customers' homes. But since then, the Legislature changed state law to ban all direct-home shipments of wine, both in-state and out-of-state.

In her order, U.S. District Judge Susan Webber Wright wrote that the state's law banning direct shipments of wine "neither discriminates against nor unduly burdens interstate commerce." Such a discrimination claim, Wright wrote, must show that the entities are competing in the same market.

"Here, however, plaintiffs attempt to equate two distinct commercial activities: selling small farm winery wine in over-the-counter transactions on the premises of any winery located in Arkansas and selling any wine, from any place, for direct-shipment delivery," Wright wrote. "A market in which consumers must travel to a winery to purchase wine is distinct from a market in which a consumer may order wine on the Internet for home delivery."

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 **17.** **San Diego Bans Alcohol on Beaches (California)**

**The City Council passes a one-year trial restriction, after a Labor Day brawl at Pacific Beach led to a confrontation with police and 17 arrests.**

Tony Perry

*Los Angeles Times*

November 6, 2007

After three hours of passionate debate among beach activists, the City Council on Monday voted 5 to 2 for a one-year trial ban on drinking alcohol at city beaches.

Councilman Kevin Faulconer, who represents beach areas, proposed a ban after a Labor Day brawl at Pacific Beach led to 17 arrests and a confrontation between young men and several dozen police in riot gear.

Council President Scott Peters said the time for a booze ban was long overdue. "There are beaches in this city that are off-limits to families" because of alcohol problems, Peters said. "It's outrageous."

Councilwoman Donna Frye, who once owned a surf shop in Pacific Beach with her husband, surf legend Skip Frye, said Pacific Beach has become known as "the place to get drunk."

But Councilman Jim Madaffer said he believes opponents will start a referendum to overturn the ban, as they did in 2002 when the council imposed an 18-month ban. He voted against Faulconer's proposal.

Almost alone among Southern California cities, San Diego allows drinking on most of its beaches, except for some in La Jolla, where community leaders have sought a ban without opposition.

Drinking on the beaches is one of the more divisive issues in local politics. Those for and against the ban packed the City Council chambers, clapping and cheering at statements.

Faulconer had wanted an outright ban, but Councilman Ben Hueso said he could support only a one-year trial.

He said he was worried about law-abiding beachgoers being cited as if they were rowdy drunks.

"What's going to happen to people who want to propose to their partner on the beach with a bottle of wine?" he asked.

The ban will return to the council in a year for possible reauthorization.

Mayor Jerry Sanders, who is not a member of the council, had suggested banning alcohol on certain holiday weekends, when local beaches attract more than 600,000 people.

**18.** **City Says Yes to Sunday Alcohol Sales (Georgia)**

Lorra Lynch

*13WMAZ*

November 7, 2007

Voters approved Sunday alcohol sales with 437 votes yes and 372 votes no. They said no to a referendum asking seniors to pay taxes to the city on their homes with 260 votes yes and 546 votes no.

Mayor Bubba Edwards said the voter's decision to allow restaurants to sell alcohol on Sundays will help attract business to the city. Edwards said, "The target is to get restaurants, good upscale restaurants to relocate here in our city. The alcohol is just kind of a by product of that."

Edwards said a record number of voters turned out for this election, with 814 people coming to the polls. That's 25-percent of the city's registered voters.

<http://www.13wmaz.com/news/new_story.aspx?storyid=45269>



**19.** **Idaho Liquor Laws Could See Significant Changes (Idaho)**

An official says a draft rewrite of Idaho's alcohol laws eliminates the practice of allowing only a single liquor license for every 1,500 people.

*The Associated Press*

November 4, 2007

Bob Wells, an Otter adviser who heads a committee looking at Idaho's alcohol laws, says the 250-page draft proposes licensing authority be given to counties or cities.

The draft was written by a committee appointed by Gov. C.L. "Butch" Otter in February.

The committee has been analyzing the state's Alcohol Beverage Control division, that agency's administration, and how the state enforces laws and grants liquor licenses.

Idaho lawmakers will consider the changes in the 2008 Legislature.


<http://www.montanasnewsstation.com/Global/story.asp?S=7310340&nav=menu227_7>

**20.** **Liquor Quotas on the Rocks (Idaho)**

**When the 2008 Idaho Legislature meets in about two months, a special committee appointed by Gov. C.L. "Butch" Otter to examine Idaho's liquor laws will unveil a proposal to eliminate the state's liquor license quota system. But the plan's already under fire from bar owners, and its lack of detail makes its political future unclear.**

*Twin Falls Times-News*

November 4, 2007

The proposal - which state officials say will spur economic development - is part of an effort to revise the state's entire Alcohol Beverage Control law by a committee that has met privately since February. But license holders and industry sources say they have been left out of the process and worry that a complete overhaul is financially unviable.

"The main thing is it's going to take away the value of any existing licenses that people have invested heavily in " their livelihoods," said Denise Rogers, who worked for the ABC for 13 years and was executive director of the Idaho Licensed Beverage Association until she resigned this summer over the licensing issue.

Liquor licenses in Idaho are awarded by the state on a per-capita basis: one license for every 1,500 in population in a city. A 250-page draft proposes the abolition the quota and delegates licensing authority to counties and cities, said Bob Wells, an Otter adviser who heads the committee.

"That's keeping with the governor's philosophy that government functions best when it's closest to the people," said Otter spokesman Jon Hanian, adding that "not doing something is not an option." He said Otter would support the task force proposals, but would "of course have the final say and is not legally bound" by them.

The licenses would be non-transferable, due to an opinion by the state's attorney general that found them to be similar to other Idaho licenses, Wells said. Currently, the license holder can sell it like a franchise, pocketing hundreds of thousands of dollars.

"What we're doing is rewriting the entire code to make it easier for someone to do business in relation to liquor-by-the-drink," said Wells. "Why should an agency in Boise, Idaho, be dictating to Twin Falls or anywhere else how many bars they can have?"

Existence of the 15-member committee was revealed in August by the Times-News. Its membership includes three state lawmakers, state officials and lobbyists, many of whom reside in the Treasure Valley.

Officials say economic development and tourism are driving forces. Restaurants make more money when they sell liquor, and officials said the change will make Idaho more attractive to chains. The population limit poses problems for places such as resorts in small cities or rural areas that need to seek special exemptions from the Legislature. A lobbyist for Tamarack Resort, Scott Turlington, sits on the committee.

An ongoing concern "and common knowledge in Idaho" is how licenses can be sold or leased for an unlimited amount, and have led to people spending hundreds of thousands. Wells said he's looking at a variety of options, including allotting multi-year tax credits as a way of easing the loss to current license holders.

But after Wells reviewed part of the draft with the ILBA last week, some members expressed frustration "especially since they haven't seen it themselves.

Kurt Kruzer, an ILBA member who owns Kruzer's Night Life in Twin Falls, said he favors competition but a new system might be problematic.

"I don't think the communities are going to want a bunch of liquor licenses running around, as opposed to 10 bars having them," he said. He said the committee appears to be trying to bypass the ILBA.

Kruzer said there could be a compromise to allow licenses for economic development "such as chain restaurants" but still have a limit for bars or nightclubs.

Meanwhile, much of the committee remains a mystery since it meets privately (although officials say no taxpayer money is used). Besides plans regarding the quota system, other proposals haven't been disclosed. And Wells told the committee " and the ILBA" not to discuss matters with the media.

Nevertheless, any proposals need legislative approval.

Sen. Denton Darrington, R-Declo, the longest-serving legislator and a member of the Senate State Affairs Committee, said he wasn't familiar with the proposal, but that changing entire sections of code at once is not unusual.

"I'm very willing to entertain, to listen and to hear and to study," he said. "I don't know if they (cities and counties) need some kind of guideline. It would seem realistic they would."



**21.** **ABC Denies Gas Station's 2nd Request for Alcohol License (Indiana)**

**The Kosciusko County Alcoholic Beverage Commission denied for the second time a request for a new beer and wine license from a North Webster business.**

Tim Robertson

*Times Union*

November 2, 2007

The request was from Freedom Oil LLC for the company's Freedom Express convenience store at 750 S Ind. 13, North Webster, Thursday.

Thirteen North Webster residents attended the meeting and signed a form to indicate they were opposed to the license. Two residents, Larry Kinsey and Helen Hoy, spoke against the request.

"In our community we have seven places they can buy and consume drinks," said Kinsey.

Kinsey said he doesn't feel it would hurt Freedom Oil's business to deny them permission to sell beer and wine.

"I don't think we need this because we have enough problems," said Hoy. "I really feel the premises is too close to other buildings. We would like to keep our town under control."

Freedom Oil managing member Gregory Cobb said he is requesting the permit because it will allow his business to compete with other area businesses.

"We also have a lot of customers who want it," Cobb said.

Cobb told the ABC he has a petition in favor of the permit that has been signed by 500 customers at his store. Cobb said 147 of the those who signed in favor are from North Webster and 83 are from Leesburg.

On Feb. 1, the ABC denied Freedom Oil's first request for the beer and wine license. At that hearing, seven North Webster residents spoke against the request. At an Aug. 8 appeals hearing in Indianapolis, the Indiana Alcohol and Tobacco Commission ruled to send the request back to the local board for a second hearing. Last month the hearing was continued because Freedom Express had not yet reposted a sign informing passers-by of the upcoming hearing.

Indiana Excise Officer April Tackett motioned to approve the request Thursday, but her motion died without a second. Then, ABC member Elim Smith motioned to reject the request. The board voted 3-1 to deny the request with Tackett voting against the denial.

Cobb said he plans to appeal the ABC's decision again. This time, the case will not be sent back to the local board. Tackett said the Indiana Alcohol and Tobacco Commission will decide whether or not to grant the request.

In other news, the ABC approved two new alcohol licenses.

The board approved a new beer, wine and liquor license for Dewart Lake Inn, 9522 North 300E, Syracuse, and a new beer and wine license for Good to Go convenience store, 625 Buffalo St., Warsaw. Tackett voted against the license for Dewart Inn because she said the sign announcing Thursday's hearing was not properly posted. Smith voted against the permit for Good to Go.

The board approved a transfer of ownership of a beer, wine and liquor license for Sleepy Owl Supper Club, 11374 North Ind. 13, Syracuse. Tackett voted against the transfer because the sign announcing Thursday's hearing had not been properly posted.

The board approved license renewals for Eagle Creek Farms Market, 802 Park Avenue, Winona Lake; Service Liquors East, 3720 Lake City Highway, Warsaw; Wings Etc., 2602 Shelden Drive, Warsaw; B. P. O. Elks #802, 310 E. Center St., Warsaw; Northside Lanes, 1535 N. Detroit St., Warsaw; Stimmelators Gentlemen's Club, 114 E. Washington St., North Webster; and Gilliam Lanes, Ind. 15 North, Warsaw.

The next ABC meeting is scheduled for Dec. 6.


http://www.timesuniononline.com/main.asp?SectionID=2&SubSectionID=224&ArticleID=28773&TM=86319.7

**22.** **Brinkley Opposes Doubling Tobacco Tax (Maryland)**

**Increasing the tobacco tax will not prevent Frederick County residents from smoking, state Sen. David Brinkley argued Thursday.**

**Brinkley, a Republican and the Senate minority leader, said smokers in Western Maryland and the Eastern Shore will drive to other states instead of quitting or paying higher taxes.**

Meg Bernhardt

*Frederick News Post*

November 2, 2007

He made his comments at a joint hearing of state lawmaking committees as they contemplated a $1 increase in the tobacco tax, up to $2 from $1 per pack.

Democratic Gov. Martin O'Malley proposed the increase as part of a far-reaching tax plan to solve the state's anticipated $1.5 billion deficit.

Maryland Health and Mental Hygiene Secretary John Colmers testified that raising the tax could prevent 52,000 children from growing into adults addicted to tobacco and cause 28,000 Maryland adults to stop smoking.

Statewide health advocacy groups also supported the measure.

If passed during the special session, the higher tax will take effect Jan. 1 and is expected to raise $99.5 million before July 1 and $164 million in fiscal year 2009.

Vincent DeMarco, president of the Maryland Citizen's Health Initiative, said when Maryland increased its tobacco tax in 1999, teen smoking dropped 16 percent.

"Because one-third of the 50,000 children that the tobacco tax increase will deter from smoking would have died prematurely from tobacco-caused illnesses, the governor's proposal will be a life-saving public health measure," DeMarco said.

Brinkley said, however, that the increase would curb purchasing cigarettes in regions where it is easy to cross the state border.

His comments were echoed by other Republican lawmakers and cigarette and gas distributors.

Brinkley said a 1-mile stretch of convenience stores in Loudoun County, Va., caters to Marylanders. The Virginia cigarette tax is 30 cents per pack.

"We're not getting the revenue, but we are getting the social and health care costs," Brinkley said.

Health care advocates disagreed with Brinkley, and said some Frederick County residents would stop smoking.

DeMarco said a 2004 comptroller study examined the issues Brinkley was raising and showed they were not a big problem.

Brinkley disagreed, saying the study showed the comptroller was unable to obtain the appropriate data.

When one health care advocate said shipping of cigarettes is decreasing, Brinkley responded by pulling up a webpage on his computer.

"Give me two minutes and I'll have it internationally shipped at $2.95, at least according to this website," he said.

Frederick County Delegate Joseph Bartlett agreed with Brinkley. He said people will cross borders and buy cartons instead of buying packs at convenience stores.

"It's obviously detrimental to your health, but the U.S. is also the home of the free and the land of the brave, and I don't know where you draw that line and protect people from themselves," Bartlett said.

Maryland has the 24th highest tobacco tax in the nation. The increase would bring it up to tie for fourth. New Jersey is highest with a $2.58 tax.

Neighboring West Virginia has a 55-cent tax and Pennsylvania has a tax of $1.35.

Frederick County Health Department officials could not be reached for comment.

<http://www.fredericknewspost.com/sections/news/display.htm?StoryID=67119>

**23.** **Man Accused of Selling Alcohol without License (Maryland)**

**State agents broke up an after-hours party at a downtown office building Saturday night and charged the owner of a local entertainment company with selling alcohol without a license.**

Heather Keels

*The Herald Mail*

November 3, 2007

Charles Mahdi, owner of Hagerstown-based SMU Entertainment LLC, admitted he knew he was supposed to have a liquor license, but did not have one, according to charging documents filed in Washington County District Court.

Field agents of Maryland Comptroller Peter Franchot raided the party, held in the second-floor ballroom of the Hamilton Plaza building at 92 W. Washington St., after a monthlong investigation into the promoter, who has a history of holding unlicensed events throughout Western Maryland, the comptroller's office said in a press release.

The party was advertised on the Internet as running from 11 p.m. to 4 a.m. with a $10 admission charge, according to charging documents. About 11 p.m., Anne Arundel County Deputy Sheriff Mike Harris arrived at the party and bought a Corona beer at the rear bar, then called in an arrest team.

Authorities seized 31 containers of distilled spirits, two containers of wine, 310 containers of beer and two gallons of unlabeled alcoholic beverage from the bar area, according to charging documents. The alcohol was in plan view at the bar and drink price lists were posted, agents said.

Mahdi was charged with suffering the sales of an alcoholic beverage without a license and suffering the possession of an alcoholic beverage without a license, charges punishable by up to two years in jail or a $1,000 fine, according to the release. He was released on personal recognizance pending a court hearing, agents said.

"Illegal activity such as this hurts hardworking, law-abiding Maryland businesses that pay their fair share of taxes," Franchot said in the release.

Mahdi also owns a nightclub at Jonathan Street and Way Avenue, according to the SMU Entertainment Web site, which says the nightclub is under construction, but will open soon.

<http://www.herald-mail.com/?module=displaystory&story_id=178309&format=html>



**24.** **Illegal Tobacco Sales Snuffed (Massachusetts)**

Laura Crimaldi

*Boston Herald Business Today*

November 4, 2007

Illegal tobacco sales to minors by Massachusetts retailers plummeted last year for the first time since 2003, halting a negative trend that had turned the state into one of easiest in the country for children to buy cigarettes, according to state public health officials.

The number of retailers who sold tobacco to minors fell by 50 percent in Fiscal 2007, to 1,458 violators, marking the largest single-year decline recorded by the Department of Public Health, said spokeswoman Donna Rheaume.

The dramatic decrease comes with an influx of spending on tobacco control, a program that suffered during the Republican administrations of Acting Gov. Jane Swift and Gov.

<http://www.bostonherald.com/business/general/view.bg?articleid=1042410>

**25.** **Last Dry Michigan City Goes Wet: Hudsonville OKs Alcohol Sales (Michigan)**

**Voters in Hudsonville have decided to end its status as the only dry city in Michigan, lifting a ban on alcohol sales.**

*The Associated Press*

November 7, 2007

The final unofficial count of Tuesday's vote was 928-735 in favor of lifting the ban, the city clerk's office said. It said turnout was 34 percent.

It was the third vote in seven years on the issue in the western Michigan city of 7,000, about 10 miles west-southwest of Grand Rapids and about 145 miles west-northwest of Detroit. Voters twice rejected an end to the alcohol ban. A proposal to do so in 2000 failed by seven votes.

Six Michigan townships forbid all alcohol sales, according to the Grand Rapids Press.

The city of Zeeland was dry until voters decided a year ago to repeal an alcohol-sales ban.



**26.** **Alcohol Agents Bust Bars (Missouri)**

**Five local establishments were cited for alcohol violations this weekend following a compliance check by the Missouri division of Alcohol and Tobacco Control.**

Julie Williams
*Truman State University*

November 1, 2007

Mike Schler, deputy state supervisor of the Missouri division of Alcohol and Tobacco Control, said agents visited 10 establishments in the Kirksville area Friday afternoon and evening. Schler said five of the 10 establishments visited were cited for non-compliance but that he could not identify which businesses were cited because reports are not yet complete. The Index has confirmed two of the five establishments, My Bar and Ryan's Sports Bar and Grill, that were cited as selling alcohol to an underage individual working for ATC.

Glen Van Dyke, owner of My Bar, said an individual who looked older than 21 came into his establishment at 5 p.m. Friday and ordered a drink. Van Dyke said that because he did not card him, he received a ticket from ATC.

Van Dyke said this is his first violation in the four years since he opened the business. He also said he is taking steps to prevent sales to minors in the future.

"I ordered an identification machine that detects fake IDs," Van Dyke said.

Harry Wallace, owner of Ryan's Sports Bar and Grill, confirmed that his bar received a citation, but declined further comment.

Schler said there were four agents in the area doing compliance checks.

"That means we were using an underage individual to attempt to purchase alcoholic beverages," he said.

Schler said that if a business did give alcohol to that minor, then the business would be cited, and the individual who sold the alcohol also would be ticketed. He said that if a business receives a citation during a compliance check, then its liquor license can be suspended or revoked, or it can be issued a fine.

Schler said a compliance check for local bars was the main focus of Friday's enforcement effort but that customers in the bar also might have been subject to checks.

<http://media.www.trumanindex.com/media/storage/paper607/news/2007/11/01/News/Alcohol.Agents.Bust.Bars-3071565.shtml>

**27.** **A Call for Tougher Laws against Fake ID Makers (New York)**

**Senator Craig M. Johnson, (D-Nassau) joined Senator Jeff Klein (D-Bronx/Westchester), Nassau County District Attorney Kathleen Rice and representatives from the New York chapter of Mothers Against Drunk Driving (MADD) on Oct. 14 to call for tougher civil penalties against fake ID makers that will make them think twice about providing minors with the means to purchase and consume alcohol.**

*Hicksville News*

October 26, 2007

The officials are championing the expansion of New York's Dram Shop laws, which currently hold bartenders and clerks civilly liable for third-party injuries and deaths caused as a result of providing alcohol to a visibly intoxicated person, to include those who make and sell fake IDs to teens and underage adults.

This call to action was spurred by a startling report from Klein's office that shows how east it is for an underage person can purchase a fake ID in Manhattan and its surrounding boroughs.

"Access to these fake IDs is a train ticket away for Nassau's children," Johnson said. "Make no mistake about it: Putting a fake ID in a teenager's hands is no different than serving them at a bar. The only way to stop access to this open-air black market is to make those who profit from these unconscionable activities accountable for their actions."

**Under current law, a person can be held liable:**

If someone, particularly a minor, is injured on their property;

If a minor dies as a result of drinking on their property;

If an underage person gets into a fight, falls and hurts themselves or is sexually assaulted on their property especially if the alcoholic beverages were obtained on their property;

If a neighbor's property is damaged by persons or minors attending a party at your home or apartment; and/or

If an underage person who was drinking on your property, leaves your property, and is involved in a motor vehicle accident, causes injury to themselves or others.

Although the above acts may or may not be covered under an individual's homeowner's insurance policy, an individual may still be responsible for costs not covered or beyond insurance policy limits. Parents and adults have a legal responsibility to ensure the safety of underage persons while on their property or under their care, custody and control. Parents have a duty to monitor parties hosted by their children.

Klein plans, in the near future, to introduce legislation to extend Dram Shop liability to sellers of fake IDs.

"Mothers Against Drunk Driving is highly supportive of the combined senators' efforts to tighten regulations in establishments that serve alcohol and extend current Dram Shop liability to sellers of fake IDs," said Donna Kopec, executive director of MADD - New York State. "Current studies indicate that more than 16 percent of the total alcohol consumed in the US as being consumed underage. Curtailing the easy access to alcohol that currently exists through the rampant existence of fake IDs will make it significantly harder for youths to purchase and consume alcohol."

Klein's 37-page report, Underage & At-Risk: Fake IDs & Underage Drinking in New York State, details national and statewide underage drinking statistics. It also lays out DWI statistics across New York's counties showing significant underage DWI problems and highlighting an appalling lack of enforcement on sales to minors in the New York City Metro area.

The report also details an investigation by his office in which investigators supervised underage volunteers as they sought out fake IDs at various locations around New York City, and even demonstrates the required information to obtain these forms of identification. At no point were the volunteers ever asked for proof of the information that would be printed on the cards.

"This report shows how easy it is for New Yorkers to gain access to identification that serves no other purpose than to defraud others, especially on the issue of age," said Klein.

Locations found to offer fake IDs included: Queens Apollo Studio 10213 Roosevelt Avenue, Corona; Camera Corner, 119-15 Liberty Avenue, South Richmond Hill; Bay Parkway Photo, 8509 Bay Parkway, Brooklyn; Maxi Photos, Inc., 8624 5th Avenue, Brooklyn; Magic Photo, 1213 Avenue J, Brooklyn; Memory Keeper Photo, 147 W. 14th Street, New York; and Galaxy Photo, 369 7th Avenue, New York. At certain locations, investigators purchased IDs.

Additionally, the report provides a list of the establishments that have been cited the most times by the New York State Liquor Authority/Division of Alcohol Beverage Control for selling alcohol to minors in Bronx, Nassau, New York and Westchester counties. Another key recommendation of Klein's report is mandatory revocation of liquor and lottery licenses for businesses repeatedly selling alcohol to minors.



**28.** **Wesley Chapel Voters Want Liquor-By-The-Drink (North Carolina)**

**Voters in the Union County town of Wesley Chapel were drawn to the polls by several controversial issues, one involving alcohol.**

*WSOCTV*

November 6, 2007

Three years ago voters said "no" to a proposal to allow liquor-by-the-drink sales inside the city limits. On Tuesday voters took up that issue once again, this time with a different result. The measure will allow alcohol sales in restaurants, clubs or events where it's sold by the drink.

The measure was approved two to one. More than 1,000 voters were in favor of it versus 415 against it.

Several voters said they supported the measure because they want quality restaurants to build in town. Trina Hardman said that's what she's hoping for.

"I want some nice restaurants in here. They're going to locate somewhere else anyway, so why shouldn't we have them right up the street?" she said.

Others said Wesley Chapel is growing very fast, and they cited convenience as the reason they support legalizing liquor by the drink.

"We voted for it," said Patrick Strizzi. "We just feel like it will bring more businesses here -- the convenience of being able to go down the street to have a drink.”

However, Jay Ross said he voted against the idea for the second time, and he hoped that the measure would fail again.

"Absolutely, positively against it, because alcohol only rips families apart," he said.

Union County voters also got to decide if the county will split into separate county commission districts and whether or not to approve a land transfer tax on the sale of property. They voted against splitting the county commission districts and against the land transfer tax.

Election officials said voter turnout was 30 percent.



**29.** **Woman Accused of Home Alcohol Sales (North Carolina)**

**Concord Police busted a 66-year-old woman for allegedly selling alcohol from her home.**

Jennifer Moxley
*News 14 Carolina*

November 2, 2007

Concord Police busted a 66-year-old woman for allegedly selling alcohol from her home. According to court records, this is the fourth time Ethel Reid Bryant has been charged for home alcohol sales.

“We seized alcohol. We seized cigarettes. We seized Styrofoam cups, currency including a cash register which is very indicative of illegal alcohol sales,” explained Major Wendell Rummage of the Concord Police Department.

All the items were taken by police from Bryant’s home at 378 Graham Drive just off Broad Drive.

Police say it's hard to bust home alcohol sales because the suspects usually only sell to people they know.

 Police say it's hard to bust home alcohol sales because the suspects usually only sell to people they know. “It makes it very difficult to interject an undercover agent to go in with someone because they're very leery and they stand off against most people they don't know from coming into their home,” said Rummage.

Police credit a community tip and undercover work for leading to Bryant's arrest. According to Cabarrus County court records this is the fourth time Bryant has been charged for selling alcohol. She was charged June 3, 1994 and received a $100 fine, $70 court costs and one year probation.

She was again charged in July of that year but that charge was later dismissed. May 21, 2006, she was charged with selling

Ethel Bryant is scheduled to appear in court on December 11th. non-tax paid alcoholic beverages and possession of pyrotechnics. The pyrotechnics charge was dismissed and she received $100 fine, $110 in court costs and one year probation for the alcohol charge.

The most recent charges came this week when officers served a search warrant at her home October 25th.

Bryant told News 14 Carolina she has no comment on the charges against her. She is scheduled to appear in court on December 11th.

Concord Police say Bryant was the victim of an armed robbery in May 2006. David Mitchell is serving time in the North Carolina Department of Corrections for the crime. Police say the two knew each other and believe Mitchell targeted Bryant because he was aware of her home alcohol sales.

<http://news14.com/content/headlines/589041/woman-accused-of-home-alcohol-sale/Default.aspx>

**30.** **Alcohol Offenses in North Dakota Increase (North Dakota)**

**North Dakota is a safe state, but its criminals have been getting thirstier for alcohol.**

Tony Spilde

*Bismarck Tribune*

November 6, 2007

The state attorney general on Monday released the crime statistics for 2006, an annual report that is compiled from information provided by law-enforcement agencies across North Dakota.

Attorney General Wayne Stenehjem said the state maintained its ranking as the safest in the nation for violent crime per capita. Drug arrests in North Dakota remained steady in 2006, but alcohol-related offenses increased dramatically. Offenses involving alcohol accounted for 40 percent of total arrests in the state last year.

DUIarrests increased across every legal drinking age group, and were up 9.4 percent overall. Nearly 1,400 drivers were convicted of a second DUI, 372 of their third DUI and 119 drivers received their fourth DUIconviction in seven years.

"These are appalling statistics,"Stenehjem said. "Drinking and driving is a choice. We all know about choosing a designated driver, so there simply is no excuse for choosing to drive drunk."

In Bismarck, police arrested 617 people for driving under the influence in 2006, up from 502 in 2005. Fifteen of the drivers were juveniles.

Meanwhile, methamphetamine-related drug arrests were down by about 50 percent. Stenehjem attributed the decrease to interdiction efforts by law enforcement officers and restrictions on the sale of over-the-counter medications used to make meth.

And although North Dakota is still a relatively safe place to live, violent crimes increased by nearly a third from 2005, the report said. The total number of violent crimes - a category that includes murder, rape, robbery and assault - reported last year was 786, compared to 601 reports the year prior.

The increase in violent crime was the largest since 2000, Stenehjem said. There were eight murders in 2006, down from 14 in 2005. Of the eight murders, four involved domestic violence. Six victims were adults. Four adult victims died as a result of knife wounds.

"Although the number of violent crimes has increased by almost 31 percent over last year, violent crimes comprise just 6 percent of total index crimes reported," Stenehjem said.

Index crimes include the violent crimes of murder/non-negligent manslaughter, forcible rape, robbery and aggravated assault, and the property crimes of burglary, theft and motor-vehicle theft. In 2006, 13,000 crime index offenses were reported, a 3.5 percent increase from 2005. The total number of arrests reported increased from 30,759 in 2005 to 32,360 in 2006.

<http://www.bismarcktribune.com/articles/2007/11/06/news/topnews/142190.txt>



**31.** **Voters Really Don't Want FDA Regulating Tobacco (Oklahoma)**

**Oklahoma voters by 53 percent to 47 percent approved an 80-cent per pack increase in the state's tobacco three years ago this month. The revenue was to fund various health programs.**

*The Norman Transcript*

November 4, 2007

A new poll says voters don't want to turn tobacco regulation over to the U.S. Food and Drug Administration. Congress has considered the proposal but voters don't like the idea, according to a Zogby International poll

The results were published in The Journal Record newspaper. Voters throughout the country don't seem to mind putting more taxes on tobacco but they don't want the government to regulate it like a drug.

According to the poll conducted in August, 74 percent of the Republican voters surveyed didn't like the proposal. The numbers were lower for Independents at 64 percent and Democrats at 57 percent.

Seventy-two percent of all Southerners opposed the regulation switch. Most are concerned that saddling the FDA with tobacco regulation would reduce its effectiveness in regulating drugs and food.

The FDA's chairman, Andrew von Eschenbach, has campaigned against his agency taking over tobacco regulation. The commissioner last month said the legislation could actually encourage more people to smoke, thinking that products "approved" by the agency would be safe.

Dr. Eshenbach also believes his agency would have trouble taking on authority over tobacco manufacturing, sales and marketing.


<http://www.normantranscript.com/opinion/local_story_308012400>

**32.** **Tennessee Regulators Discount Penalties for Trade Practice Violations (Tennessee)**

**Tennessee liquor wholesalers who treated retailers to trips abroad and other gifts, and allegedly gave special deals to larger sellers at the expense of smaller shops could have been fined up to $626,000, but Tennessee regulators agreed to impose much smaller fines, The Tennessean newspaper found.**

*Beverage News Daily*

November 6, 2007

Junkets and gifts are banned in the liquor industry because wholesalers hold state-granted monopolies over their brands.

Alcoholic Beverage Commission agents in 2005 began investigating 19 wholesalers and found at least 313 violations that could be punished at $2,000 a piece.

A deal hammered out between Commission Director Danielle Elks and the wholesalers' lobbyist led to a proposal for $3,000 fines against each of the wholesalers, for a total of $57,000. No fines have yet been issued.

"You'll be cited, but it's not going to kill you," Elks recalls telling the wholesalers in a meeting on the subject. Elks said she considers the penalties a warning against future violations and said politics had no role in the decision.

Liquor wholesalers and their lobbyists have spent $325,000 since 2001 on campaign contributions, making the industry one of the state's top spenders on Capitol Hill.

"The main purpose was to stop the practice and to put everybody on a level playing field," said Elks. "I think that's been accomplished."

Commission investigators found that wholesalers' gifts also included motor scooters, crystal ware, Bristol Motor Speedway tickets and expensive promotional items. The investigation found some wholesalers forced retailers to buy unpopular products if they wanted certain more popular products and that favored stores were offered better deals and exclusive access to brands of wines.

"Each wholesaler has something that you have to have, Bacardi, Jack Daniel's, etc.," said Chester Crowley, owner of MC's Wine & Liquors an Knoxville retailer. "Medium and little stores are left out. And once a customer walks out without a product and goes to another store, you may never see them again."

**33.** **Voters Favor Drink Options (Texas)**

**Supporters of two countywide alcohol options called Tuesday’s victory a boost for economic development, but opponents worry about repercussions**

John Lowman

*The Facts*

November 7, 2007

Local Option 1 — “the legal sale of beer and wine for off-premise consumption only” — passed 15,603, or 72.71 percent, to 5,856, or 27.29 percent. Option 2 — “the legal sale of mixed beverages in restaurants by food and beverage certificate holders only” passed 15,725, or 73.13 percent to 5,777, or 26.87 percent.

The changes will allow restaurants to sell mixed drinks without maintaining so-called “private clubs” and will allow grocery stores to sell wine in addition to the beer they already were allowed to sell.

Pearland Chamber of Commerce Board Chairman Gary Bucek is part of Brazoria Residents to Advance Community Economics, a group supporting the measure with the help of Texas Petition Strategies, of Austin. Petition Strategies helped BRACE gather more than 20,000 signatures to get both measures on the ballot.

“It’s a victory for economic development and will be a boon for Brazoria County,” Bucek said. “Economic development makes a difference to everybody. When we’re facing potential tax increases, we need to take any kind of opportunity to supplement the taxes, and this is obviously a way to do that.”

The issue wasn’t one of money, but overuse of alcohol, said Alvin resident Larry Townsend, who helped form the grassroots opposition group Circle the Wagons.

Townsend respects the results but is concerned the move is a step toward sale of more types of alcohol.

“The people have spoken and that’s what it’s all about,” Townsend said. “I would never question the will of the people, but this is just the start of it. If it had failed, I don’t believe it would have raised its ugly head again.”

Townsend believes proponents of this measure now will push for changes to the law that would allow more liquor stores, which supporters have denied.

“There aren’t going to be liquor stores or bars springing up over this,” Bucek said. “It’s strictly about wine and retail. We kept a professional profile and based everything on economic impact. We feel very good about it.”

Townsend expressed concern more alcohol for sale will have a negative impact on families, especially those with someone who has a drinking problem.

“They say there won’t be another alcohol election, but I don’t believe that for a minute,” he said.

Wine already was available in grocery stores in some cities with beer available in all except Sweeny, which is dry. Richwood was voted dry in 1967 with beer allowed in 1968. Sale of alcoholic beverages was voted in at Angleton in 1977, and Surfside Beach and Freeport in 1978. The same measure passed in Iowa Colony in 1992 with beer and wine legal in Quintana in 1996.

Sale of mixed beverages in restaurants by food and beverage certificate holders only became law in Pearland in 2002 and in West Columbia in 2006. Proponents have pushed for a countywide measure since.

County commissioners are set to canvass results Nov. 14, and once retailers and restaurants get the proper permits, they can take advantage of the new laws immediately, lead elections clerk Susan Cloudt said.

<http://thefacts.com/story.lasso?ewcd=c9e4a34ba644780a>

**34.** **State-Run Liquor Biz Booming (Utah)**

*Salt Lake Tribune*

October 25, 2007

It's 5:45 p.m., Friday. Pre - weekend rush hour. And the St. George liquor store - southwestern Utah's only outlet for wine and spirits besides Mesquite, Nev. - is doing brisk business.

Drivers pull up, leave their cars idling and trot into the stucco building. In five or 10 minutes, they emerge carrying brown paper bags and boxes. Inside, the line is five to 10 people deep in the after-work crush. The air conditioning can't break through the damp heat. A clerk blows the bangs off her face as she bags a bottle of vodka.

"I've never been here before with a line like this," says Scott, who doesn't want to give his last name as he leaves. He shrugs, "But it's a Friday."

The state is building a new liquor store across town. It can't open soon enough.

In an unusual move, the Department of Alcoholic Beverage Control offered Jacobsen Construction a bonus earlier this year if the liquor outlet were open by mid-November. Then, crews hit bedrock. They won't get that cash after all. Now, DABC officials are hoping for a Christmas opening. Even then, the store will be obsolete.

"It's very busy," says John Freeman, DABC deputy director. "The demand is still going to be greater than the new store will handle."

Such is the business of government liquor sales. Profits were up 8 percent last year, pouring $47 million into state accounts.

Sales this year were up 11 percent, as of May. With Utah's demographics changing day-by-day (i.e., fewer teetotalers), the state is barely quenching the thirst for something stronger than 3.2 beer.

While politicians in cities limit the number of taverns and clubs that can open and politicians in state government ratchet up penalties for drunken driving, Alcoholic Beverage Control managers take a more capitalistic approach to their socialized state monopoly. They take customer service almost as seriously as they do underage drinking.

"The state is in the alcohol business," says Freeman. "We have the responsibility to provide for those that wish to drink."

Park City, Riverton, Salt Lake City and St. George will get new liquor stores in the next year. Select outlets have extended hours until 10 p.m. And the state is expanding its inventory to include $1,000 bottles of wine for some restaurants and a $1,600 bottle of bourbon on the shelf in Park City. And if offering a bonus to a contractor - a first - accommodates drinkers while generating more money for the state, so be it.

"It's just good business," says Cottonwood Heights Republican Sen. Carlene Walker, who leads the charge every year to tighten DUI penalties. "If there's a demand not being met there, [the state] ought to make the profit. I don't see any conflict there."

In that way, state liquor watchdogs are just as pragmatic as their St. George customers.

"You do what you have to do," says Cassie Maw, waiting her turn in line.



**35.** **Virginia Agents See Drop in Alcohol Sales to Minors (Virginia)**

*Beverage News Daily*

November 2, 2007

Virginia ABC stores achieved a compliance rate score of 99% in fiscal 2007 and statewide retail stores earned a compliance rate score of 91% in undercover “sting” operations to find retailers who sell to persons below the legal drinking age, the Virginia Department of Alcoholic Beverage Control (ABC) said.

Retail store alcohol compliance rates are up 4% and ABC store compliance rates are up 3% from fiscal year 2006.

Administered by ABC’s Bureau of Law Enforcement, the Underage Buyer Program ascertains the level of compliance within the retail community and strives to prevent alcohol sales to people under the age of 21 and tobacco sales to people under the age of 18.

During an operation, an underage buyer is accompanied into the store with a covert special agent and if asked, must show the clerk his current DMV-issued ID.  If a sale is made, the underage buyer gives the purchased item, any change and receipt to the special agent in charge of the operation and returns to the state issued vehicle.  Underage buyers must be 17-19 years old for alcohol and 15-17 years old for tobacco and are paid $9.60 an hour.

**36.** **Wis. Cigarette Tax is Going Up; Mich. Remains Highest in Region (Wisconsin)**

**If cigarette smokers are planning to go to the Internet to get around the $1 cigarette tax increase that starts in January, Wisconsin officials say they are watching.**

*The Associated Press*

November 3, 2007

Even though the new state budget didn't give Wisconsin's Department of Revenue any more enforcement help to prevent tax evasion, department Secretary Roger Ervin said the agency is extending its reach to monitor cigarette sellers and to catch scofflaws.

"People can be assured that we are keeping a very good pulse on what's happening in the cigarette market," he said.

Ervin said his agency has been getting more information on Internet cigarette sales in Wisconsin from a number of sources, including other states, but Wisconsin doesn't get data on all Internet vendors.

"What we have done is build a database of this information, so that we can use it to contact the larger sellers," Ervin said.

Lawmakers raised the cigarette tax by $1 to $1.77 in the state budget they recently passed. The increase starts in January — at which time Wisconsin's tax will be the second highest in the region, behind only Michigan's $2 tax.

According to the Legislative Fiscal Bureau, cigarette tax collections will rise almost 80 percent in just three years — from $296 million in 2006 to $531 million in 2009.

But other states have found that making smokers pay more results in a sharp drop in packs sold, and an initial sharp boost in revenue ultimately tends to level off. In Wisconsin, officials say they have factored in a drop in sales in their revenue projections.

"Sales will go down — that's what we want to happen — and revenue will go up," said Aaron Doeppers, director of the Midwest region for the Campaign for Tobacco-Free Kids. "The revenue will come in pretty close to what's predicted."

In Iowa, cigarette sales fell 30 percent in the first three months after its tax rose by $1, from 36 cents to $1.36.

In Michigan, sales fell 19 percent — from 695.8 million packs to 563.4 million packs — over a three-year period after the tax was raised from $1.25 to $2 a pack. Michigan's cigarette tax collections rose after that tax increase, but then leveled off and dropped.

New Jersey's tax of $2.575 a pack was projected to generate $490.8 million in revenue in 2007, down from $640 million in 2006. But Mark Perkiss, spokesman for the New Jersey treasury, said it's tough to connect the tax increase to the revenue decline.

Minnesota's per-pack tax is $1.493, which includes 26.3 cents in sales tax; and Illinois has a 98 cent state tax. But the cigarette tax in the City of Chicago is $2.68 higher because of separate taxes levied by both the city and Cook County.

Scott Haese, owner of Discount Cigarettes & Liquor in Franklin, said he expects his cigarette business to drop as much as 40 percent after the increase. Some customers say they plan to quit, but others say they will go to other states, the smoke shops at tribal casinos or the Internet, he said.

"People are sick of being taxed to death," Haese said. Meanwhile, he said, "probably November and December will be record months."

<http://www.mlive.com/newsflash/michigan/index.ssf?/base/news-48/1194127144265490.xml&storylist=newsmichigan>

**37.** **Officials Will Watch Web Sales for People Trying to Beat New Cigarette Tax (Wisconsin)**

**Even though the new state budget didn't give Wisconsin's Department of Revenue any more enforcement help to prevent tax evasion, department Secretary Roger Ervin said the agency is extending its reach to monitor cigarette sellers and to catch scofflaws.**

*The Associated Press*

November 5, 2007

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<http://www.fdlreporter.com/apps/pbcs.dll/article?AID=/20071105/FON0101/711050367/1289/FONews>