

## Legislature 2010: Defeat of the Liquor Tax

At the first of the year, the 2010 Wyoming Legislature looked like the quietest Session in recent memory for the liquor retailers of Wyoming. However, the Joint Appropriations Committee (JAC) changed that before the Session even started.

On January 28, the Committee decided to change the funding method for a new Liquor Division warehouse, Department of Agriculture Weights and Measures construction and over 30 acres of land from the original recommendation from the Governor's Budget. It would have paid for the development with a bonding process to be reimbursed by the existing profits from the Liquor Division. *See "Liquor Tax Defeat" on page 3*



Three of our Senate allies in defeating the liquor tax; From left to right, Senator Eli Bebout (R-Riverton), Senator Bill Landen (R-Casper), WSLA Executive Director Mike Moser, and Senator Tony Ross (R-Cheyenne).

## Enzi Co-Sponsors Bill To Stem Illegal Tobacco Sales



U.S. Senator Mike Enzi (R-Wyoming)

Senator Mike Enzi (R-Wyoming) once again came to the assistance of Wyoming retailers as a co-sponsor of the Prevent All Cigarette Trafficking (PACT) Act, which cracks down and improves enforcement on the growing problem of illegal tobacco sales, including internet and mail order sales.

Senator Enzi worked with the Wyoming State Liquor Association and our national affiliate, the American Beverage Licensees (ABL), to co-sponsor the PACT Act which will protect Wyoming "brick and mortar" retailers from unfair and illegal competition, particularly since many of these illegal sellers completely dodge state and federal taxation, being able to unfairly undercut legal retailers.

President Barack Obama signed the PACT Act into law on March 30, 2010. The signing caps a 10-plus year effort by retailers to close loopholes that has allowed these illegal sellers to run amuck across the country, enhanced by recently increased federal tobacco taxes, which gave these sellers an even greater price advantage by dodging taxes.

Our two other Wyoming legislators made us proud as well. In the House version of the bill, Representative Cynthia Lummis (R-Wyoming) voted for the bill, and Senator John Barrasso (R-Wyoming) agreed to the unanimous consent in the Senate.

"We thank our Congressional delegation, particularly Senator Enzi, the Congress and the president for standing up for American small businesses and taxpayers with the PACT Act," said Mike Moser, WSLA Executive Director, "The PACT Act will help combat illegal, online cigarette sales that have siphoned hundreds of millions of dollars in tax revenues, gave easy access to underage purchasers, and has unfairly competed with our legal retail sales."

The Act, which takes effect 90 days after the president's signature, will:

- Strengthen the Jenkins Act by making it a federal offense for any seller making a tobacco sale via telephone, the mail or the Internet to fail to comply with all state tax laws. State attorneys general can now seek injunctive relief and civil penalties against out-of-state sellers who distribute product to end users in their states.
- Require Internet and other remote sellers to verify the purchaser's age and identity through easily accessible databases and the person accepting delivery must verify their age.
- Prohibit cigarettes and smokeless tobacco products from being eligible for shipment via the United States Postal Service (USPS). ]

### [inside this issue]

Final Legislative Update

President's Corner

Around the State

An Overview of the New Wyoming Liquor Warehouse

Retailers Improve at Passing "Stings"

Tips on Preventing Underage Sales

Women Who Drink Alcohol Are Less Likely to Gain Weight

Montana shows 2009 liquor sales decline

## Legislature 2010: Final Legislative Update

In addition to the defeat of the liquor tax (see related article) we had our plates full in the 2010 Session. Here are some of the other issues the WSLA dealt with in the Session:

### House Bill 105 (Bar and grill licenses, catering permits)

would have allowed “bar and grill” liquor licensees to have catering permits for the sale of alcohol. The WSLA opposed this bill, because it would have created a much larger demand for restaurant licensees to “trade up” to a bar and grill license so that they could have catering permits. Since there is a limited number of these licenses, this could create a problem with the supply. *Failed House introduction.*

**Senate File 52 (Reduced cigarette ignition propensity)** regulates the type of paper used in cigarettes to make them safer for accidental fire ignition. WSLA supported this bill, because we were the only state not to have passed this legislation, and Wyoming could have become a “dumping ground” for the rest of the country for cheaper or older product. *Signed by the Governor into law.*



**Senate File 70 (Local prohibition of poker)** would have eliminated the term “bona fide social relationship” from Wyoming statute and also allowed counties and cities more leeway in allowing (or disallowing, although cities can do that anyway) poker and other games, wagers or transactions in business establishments. This bill was partially brought because of some municipalities being more lenient than state statute, and also some confusion over how strictly social gaming can be enforced. WSLA supported this bill, and although the bill died in the Travel, Recreation, Wildlife and Cultural Resources (TRW) Committee, it has become an interim study topic for the TRW Committee over the summer. WSLA will be actively participating in those meetings. *Failed in Senate Committee.*

**House Bill 71 (Workers Compensation Appeals)** would have provided for the direct appeal of Worker’s Compensation small claims and contested case decisions to the Supreme Court. *Failed in Senate Committee.*

**House Bill 108 (Health Insurance Reform)** would have created the Wyoming Affordable HSA Eligible High Deductible Health Plan Act, which would provide a limited insurance premium tax waiver among other things. This bill was laid back partially in deference to House Bill 128. *Laid back bill by Senate Labor Committee.*



**House Bill 113 (Concealed Weapon Authority)** would have allowed concealed weapons to be carried without permits. It further allowed concealed weapons to be legally taken into retail stores and restaurants, but not bars. *Not considered in Senate Judiciary Committee.*

**House Bill 128 (Health Insurance, Interstate Purchases)** authorizes the sale in Wyoming of health insurance by out-of-state insurers and provides for more limited regulation of policies. It also gives oversight by the insurance commissioner as well as allowing cooperation by the insurance commissioner with other states with consistent insurance laws to allow multi-state sales without duplicate regulation. However, this bill is not effective until after the 2011 Legislative Session. *Signed by the Governor into law.*

**Senate File 23 (Unemployment Compensation Amendments)** made a number of changes to the Unemployment Compensation statutes, including bringing the state into federal compliance and several other minor changes affecting employers. *Signed by the Governor into law.*

**Senate File 27 (Government competition)** provided a process for lodging concerns for review of competition by government entities with the private sector. It also requires a report to the legislature. *Vetoed by the Governor.*

**Senate File 61 (Health Insurance Reform)** created a health care reform demonstration project using the board and administrative structure of the Wyoming health insurance pool. *Signed by the Governor into law. ]*

## Liquor Tax Defeat (Continued from page 1)

This new funding method was called various things... a “user’s fee”, a “surcharge”, but what it amounted to was a tax. The new tax was an increase of \$3.28 a case over the next five years from all wine and liquor purchased from the Liquor Division, which would have been a significant increase for Wyoming retailers and our customers. On some products, it would have increased the wholesale price over 14%.

Financing state construction through what is essentially a new “sin tax” was unprecedented, and was especially harmful because of the recession, when so many of our businesses, and our customers, are struggling financially. A tax increase of this size would have fuelled cross border and internet sales for package liquor stores, and created a significant burden to bars and restaurants by increasing their bottom line.

One of the significant challenges is that this proposal wasn’t a bill, so it was never heard in a public meeting or by individual legislators outside of the members of the JAC. And since this proposal was in the budget, without the watchful eyes of your Wyoming State Liquor Association, it could have gone largely unchallenged.

After Mike Moser, the Wyoming State Liquor Association (WSLA) Executive Director, got wind of the proposal, things were kicked into high gear. The WSLA mailed over 1,300 Legislative Alerts, followed by hundreds of phone calls to Wyoming retailers, urging them to contact their legislators to pull the tax out of the Budget.

In an effort the Casper Star Tribune referred to as “remarkable”, legislators received thousands of phone calls and e-mails from retailers, our allies and our customers urging them to repeal the tax and return the funding for the state construction to the original version.

On February 24, on the Second Reading of the Budget, an amendment by Speaker of the House Representative Colin Simpson (R-Cody) was adopted to remove the new tax and use state funding, to be re-paid through existing Liquor Division revenue. Although she was originally a proponent of the tax, House JAC Chair Representative Rosie Berger (R-Sheridan) came to the rescue as a co-sponsor of the amendment after hearing the concerns of her constituents, as well as businesses and customers around Wyoming.

But we weren’t in the clear yet. Senator Bill Landen (R-Casper) attempted the same amendment in the Senate on the same day, and the results weren’t as positive. The amendment was defeated, and the tax was still alive in the Senate. On to the Third and final Reading of the Budget on February 26, we had our last shot at defeating the tax completely.

There were four amendments to fix the problem in the Senate on February 26th. The first, by Senator Eli Bebout (R-Riverton), would have eliminated the purchase entirely, which would have taken the tax with it. Bebout said the new liquor warehouse wasn’t needed because there was room for expansion at to the current facility, and also described how effectively the Liquor Division currently serves retailers. The WSLA supported this amendment and it narrowly passed. The new liquor warehouse was dead, but so was the tax.



*Four of our champions in helping to defeat the liquor tax; From left to right, Representative Bryan Pedersen (R-Cheyenne), Wyoming Taxpayer Association Executive Director Erin Taylor, Speaker of the House Representative Colin Simpson (R-Cody), and Representative Steve Harsbman (R-Casper)*

The second amendment, by Senator Curt Meier (R – LaGrange), would have reinstated the state purchase, cut the tax in half, and half of the purchase would have been paid for by another state account. The WSLA opposed this amendment... half a tax is still a tax. It was defeated.

The third amendment, by Senator Tony Ross (R-Cheyenne), would revive the purchase, eliminate the tax, and pay for it out of the Budget Reserve Account, to be re-paid from the existing profits from the Liquor Division. The WSLA supported this amendment; we didn’t oppose a new liquor warehouse, we opposed a new tax. Happily for all, this amendment narrowly passed... the warehouse was alive again, and the tax was dead.

The last amendment, by Senator Bill Landen (R-Casper), would have done much the same as Senator Ross’ amendment in killing the tax and paying for the purchases from another state source. WSLA supported this amendment, but we had agreed with Senator Landen that if the Ross amendment passed, it accomplished the same purpose, so the amendment was withdrawn.

In less than a half an hour, we started with a new liquor warehouse and a new tax; went to no warehouse and no tax; defeated a new warehouse and half a tax; and finally won with a new warehouse and no tax. With the Senate and the House both removing the tax, we were in the clear. The Governor signed the Budget, and the Liquor Division will still get its new building, but not at the expense of all of us paying for it with a new tax... or user’s fee, or surcharge, or whatever you want to call it.

In this newsletter are some of our legislative champions; and there are many more legislators who also championed our cause. Thanks also go to our supporting allies: the Wyoming Taxpayers Association, the Wyoming Petroleum Marketers Association and the Wyoming Lodging and Restaurant Association. But the biggest champions are the hundreds of Wyoming retailers and our customers that responded to a large tax increase proposal by contacting their legislators in numbers rarely, if ever, seen by the Legislature. The victory and credit belong to you most of all. ]

## President's Corner

By Trudy McCracken, Wyoming State Liquor Association President



*Trudy McCracken, WSLA President and owner of Snowy Range Sports Bar in Laramie*

The recent defeat of the liquor tax in the 2010 Legislature was an illustration of how all Wyoming liquor retailers, whether a bar, package liquor store, club, or whatever else... either float or sink as a group. The final Senate vote passed by a single vote.

That vote was because one, or more, of our 1,300 Wyoming retailers managed to contact that Senator and get their story across. Without that vote, it could have been a much different story; a story in which all retailers and our customers lose.

The importance of all standing united to defeat harmful legislation was illustrated by this issue, but it certainly isn't limited to it. Over that last decade, the WSLA has worked to defeat more than a dozen tax proposals. In this case, imagine your bottom line cost on wine and liquor increasing up to 14%. But this is just one of many proposals that could cripple your business.

The WSLA isn't a luxury for the liquor business, it's a requirement. Without the combined clout of the WSLA, we would be in the same

boat as so many other states... rampant lawsuits and the astronomical insurance premiums that go along with them, commonplace liquor license suspensions, through the ceiling taxation, high license fees, state-wide smoking bans and so many other issues that could do us under.

I have a business to run, so I don't have the time to watch these issues, as do all of you. Without the WSLA, the recent liquor tax likely wouldn't have had a significant challenge, because no one has the vested interest in our survival except us. And without the WSLA, there would be no collective "us".

Those of you who are not members of the WSLA owe the businesses that are members a very big "thank you", more so this time than ever. The liquor retailers that are members are aware of the vital role of a central voice and information source for the Wyoming liquor industry. Although many non-members contributed in the Legislative Alerts sent by the WSLA, I would guess none of you would have known about the proposal without us.

If there ever was a more important time to join the WSLA, it is now. Membership isn't free, but it's a lot cheaper than what an up to 14% tax increase would have been, or what any of the other issues would cost you and your business. Because issues like this may not just cost our business money, it may cost us our business.

When we invest money, the idea is to maximize your return on the dollar. However, the best investment of all is to insure that the money you have already invested... in your business and/or career... is protected. The protection that membership in the WSLA provides the most effective return on investment for our future, and the future of our industry. ]

**Payments processing that allows you to focus on improving and growing your business.**

**Heartland is proud to be a Wyoming State Liquor Association Member and the endorsed provider for WSLA members' card and payroll processing.**

**Heartland PAYMENT SYSTEMS®**  
The Highest Standards | The Most Trusted Transactions

**You have rights!**  
Go to [MerchantBillOfRights.com](http://MerchantBillOfRights.com) today.  
**Slice hidden fees!**  
Visit [CostOfABurger.com](http://CostOfABurger.com) today.

**866.941.1HPS (1477) • [HeartlandPaymentSystems.com](http://HeartlandPaymentSystems.com)**

HEARD  
ABOUT

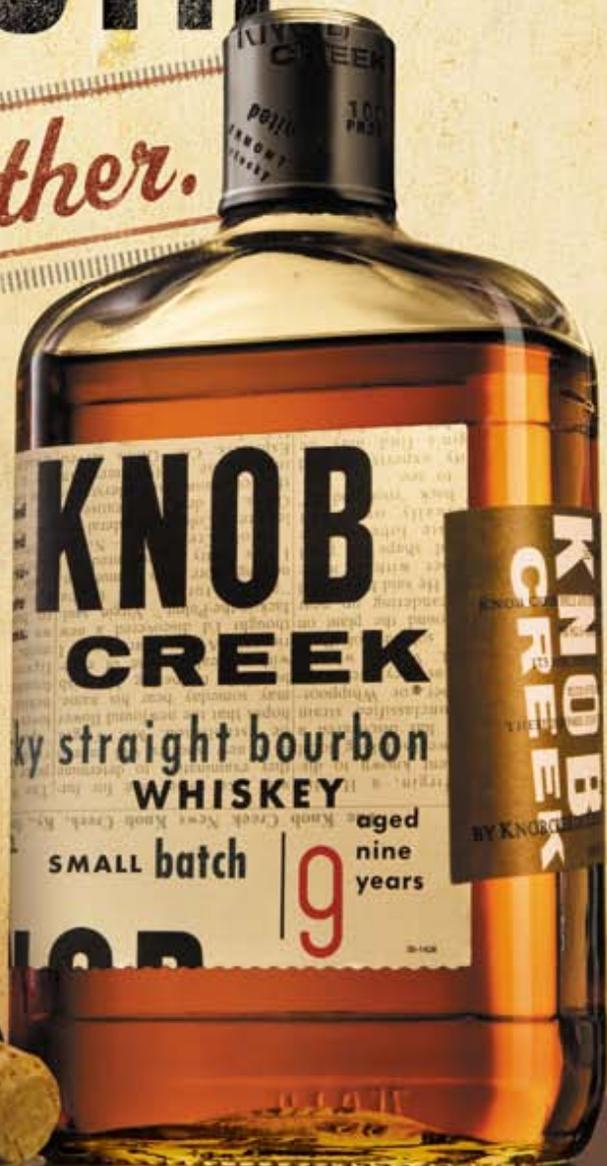
# THOSE OTHER 9-YEAR-OLD BOURBONS *with the* RICH SMOOTH TASTE?

*We haven't either.*

AGED LONGER FOR  
A RICHER BOURBON  
EXPERIENCE.

WHEN  
YOU  
KNOW

9



drink smart®

Knob Creek® Kentucky Straight Bourbon Whiskey, 50% Alc./Vol. ©2010 Knob Creek Distillery, Clermont, KY.

# Moser Around the State

By Mike Moser, WSLA Executive Director



*Mike Moser, Executive Director,  
Wyoming State Liquor Association*

**W**ell, the dust has settled after the 2010 Legislative Session. However, the work for the 2011 Session has already begun. I'll highlight a few of the upcoming issues, but be certain there will be many more.

**Alcohol Taxes:** Although we defeated the 2010 proposal, there has been only one year in the last decade where we have not had to defeat an increase in these taxes. So don't be surprised if we see more proposals coming up. As well on the "sin tax" plate is the distinct possibility of proposals to increase the excise tax on tobacco products.

**Suspension of Liquor Licenses:** Although cities can currently, through state statute, choose not to renew a liquor license, the ability to temporarily suspend liquor licenses is not as clearly marked, and some don't feel it's even authorized. Other states usually operate much differently... in many states, a single complaint would result in an investigation, and a liquor license can be suspended for failing just a few compliance checks. There are a number of proponents that would like to make it much easier to suspend your liquor license.

**Poker and other games:** As noted in the Legislative summary, the Travel, Recreation, Wildlife and Cultural Resources Joint Committee will revisit this issue this spring and summer. Of particular concern is the right of municipalities to be more creative in the light of state statute as well as some areas that, I feel, enforcement has been more zealous than state law intends. We will be at all of these meetings.

**State-wide Smoking Ban:** Since the last attempt to institute a state-wide smoking ban was in the 2009 Legislature, we will almost certainly see another proposal in 2011. Although Wyoming is one of only three states west of the Mississippi without state-wide smoking restrictions, Wyoming communities have made their voices heard by their silence. No sizeable municipality has instituted a full smoking ban since Evanston adopted theirs over two years ago, so there doesn't seem to be a major push at a local level. However, with the amount of funding and resources of the pro-smoking ban folks, expect a strong push next year.

**Dram Shop Liability Laws:** We're currently watching a lawsuit in Big Horn County which is the second legal challenge to the protection for Wyoming liquor retailers in statute, W.S.S. 12-8-301. We successfully participated to stop Supreme Court challenge earlier

this decade that would have overturned this statute, and if this case proceeds, we are under the same risk.

If there is any legal or legislative success in overturning that statute, Wyoming retailers would in all likelihood be required to carry full Liquor Liability insurance, which many don't. Such insurance is estimated to run up to 200% to 300% of your current insurance cost. For those of you who currently carry this insurance, expect it to increase considerably if these attempts work.

**Sobriety Checkpoints:** Wyoming is one of only 11 states that doesn't allow for random "sobriety checkpoints", or roadblocks, by law enforcement. Attempts have been made in the past to allow these roadblocks, which unfortunately for all, don't really work... instead of law enforcement roaming around looking for DUI's, you have a number collected at a street corner scaring the heck out of responsible drinkers. A friend of mine refers to catching DUI's with sobriety checkpoints as "trying to shoot ducks through a chimney." However, many have been pushing for this issue.

**More Liquor Licenses:** New Full Retail and Bar and Grill liquor licenses will be authorized with the 2010 Census because of our "population formula" to control the number of these licenses. But don't be surprised, as we have seen in the past, for proposals to increase the number of licenses allocated. Although the WSLA supported the compromise that made the Bar and Grill liquor licenses, we are very cautious about breaking that formula loose and throwing a large number of liquor licenses on the market.

**Municipal issues:** There have been a boatload of municipal proposals to do everything from creating a point system, mandating server training, easing the ability to suspend liquor licenses, poker issues, trying to make it illegal to serve "intoxicated" customers, and much more. Although these issues are too numerous to address individually, WSLA members are encouraged to call the WSLA office for any assistance we might provide. We don't have the resources to drive to all 99 municipalities to testify, but we have the resources that might very well help you fight these issues. ]



# WYOMING STATE LIQUOR ASSOCIATION ENDORSES BAR PROGRAM

Burns Insurance Agency has been serving the needs of Wyoming's liquor industry since 1971.

We offer competitive pricing and broad coverage options for bars & taverns, liquor stores, breweries, and restaurants.

Coverage is available for Property, General Liability, Liquor Liability, Umbrella, and Inland Marine. Discounted pricing is available to qualifying members of the Wyoming State Liquor Association. We welcome the opportunity to work with the WSLA and its members by providing excellent service and an experienced, knowledgeable staff.

*Buy the policy and get the agent. Burns Insurance is the "Right Choice" for your insurance needs.*

## Program Highlights:

- Competitive prices
- High Liability Limits
- New Business Accepted
- No "Prior Insurance" Requirement
- Assault & Battery Sub-Limit available
- Liquor liability
- Employee Dishonesty
- Business Income & Extra Expense
- Employers Liability
- Stop Gap
- Employments Practices Liability

## Coverage Options Available Include:

- Accounts Receivable
- Personal Effects & Property of Others
- Property in Transit
- Electronic Data Processing Equipment & Media
- Property off Premises
- Fine Arts
- Valuable Papers & Records
- Theft, Disappearance & Destruction
- Sewer & Drain Backup
- Signs



*The Right Choice!*

# BURNS INSURANCE

Cathy Griffith: [cathyg@burnsia.com](mailto:cathyg@burnsia.com)

307-634-5757 or 800-360-2103

[www.burnsia.com](http://www.burnsia.com)



## An Overview of the New Wyoming Liquor Warehouse

By Greg Cook, Administrator of the Wyoming Liquor Division

*Greg Cook, Administrator of the Wyoming Liquor Division, Cheyenne*



**T**he Wyoming Liquor Division (WLD) is pleased to announce we will be moving to a new warehouse facility during the year 2011. Before the current recession the state liquor business was growing at a pace which, if it continued much longer, would have inevitably caused adverse effects on customer service such as: limited new product availability, increased out of stocks, earlier cut off time, and cut backs on the number of delivery days.

Each year, especially during the holiday season, it becomes increasingly difficult to create enough space to store an adequate level of product to prevent outages for shorter periods of time. Our current warehouse has 100,000 square feet with seven dock doors. The new facility will have approximately 145,000 square feet and 17 dock doors.

This additional space will finally allow separate receiving and shipping areas, which is a fundamental component of a well-structured warehouse operation and has not been accessible to the WLD in the past.

Other benefits to the additional square footage include: room for more “Push Back Racking,” a split case picking line, a pick-to-voice “paperless” computerized pick ticket system, and a 60 seat conference room. This will be very useful for TIPS training.

This new warehouse may be good news for the WLD, but it’s even better news for the Wyoming Liquor Retailers. With this information comes the assurance that we will not only have the ability to keep the quality of customer service at the current level, but we are proactively looking ahead at the years to come.

We plan to continue seeking out fresh and innovative ways to improve upon the quality of service, increase the availability of new and exciting products as sales demand rises, and keep the Wyoming Liquor Division efficiently serving as a contributor of profits to the General Fund for the people for Wyoming. ]

## Wyoming Retailers Improve at Passing “Stings”



**W**hether you call it a “sting” or a compliance check, Wyoming liquor and tobacco retailers are getting better at passing them every year. The proof that we saw this year was in the form of numbers from the Wyoming Association of Sheriffs and Chiefs of Police (WASCOP) for the Wyoming Department of Health.

Of the nearly 1000 alcohol compliance checks conducted by Wyoming law enforcement officers in 2009, 85 percent of liquor stores refused to sell alcohol to underage persons. This is a significant increase from a 79 percent compliance rate in 2008.

Of the more than 730 tobacco compliance checks, 84 percent of establishments refused to sell tobacco to underage youth in 2009. For 2008, more than 680 tobacco checks were completed for an 83 percent compliance rate.

“These numbers reflect a growing awareness among Wyoming’s retailers of the importance of keeping alcohol and tobacco out of the hands of our kids,” said Dr. Brent Sherard, Wyoming Department of Health director and state health officer.

Sherard said research shows that delaying a young person’s first use of tobacco and alcohol can significantly decrease health-related problems later in life. “The ongoing efforts in Wyoming communities to help reduce underage drinking and tobacco use are a critical element of our overall efforts,” Sherard said.

Compliance checks are funded by the Wyoming Department of Health, who pass the monies through WASCOP to coordinate compliance check efforts across the state. Failure to pass a compliance check for alcohol can result in an up to \$750 fine for the employee and can even result in jail time. ]

Add some mischief  
to your stockroom.

The new Mischieve campaign from Hornitos™ Tequila is stimulating a lot more than sales, it's changing the way people think about tequila. Mischieve is a way of life that's playful, bold, provocative, and above all, mischievous. It's the flirt, the affair and the idea that seems good at the time. Wherever there is mischief Hornitos isn't far behind.

Always Mischieve Responsibly.™  
Hornitos™ Tequila, 40% alc./vol. ©2009 Sauza Tequila Import Company, Deerfield, IL.

Mischieve™



# Tips on Preventing Underage Sales... and Passing Stings!

By Mike Moser

One of the greatest threats to our livelihoods is the attempted underage purchases of alcohol, which not only are harmful for the attempted purchaser and the community, but can be tragic in the consequences to our businesses as well.

Also, alcohol compliance checks, or “stings” as most of us call them, are a reality in the retail liquor industry, and will likely remain that way. Failing a sting is not only expensive for the employee, but is a hit against your business.

The following are some of the best tools that I have found being utilized by Wyoming retailers to improve their ability to handle these issues:

**Watch the darn video.** The Wyoming Liquor Division sent all retailers a twelve minute “Liquor Awareness Video” on DVD format a couple years back. If you don’t know where yours is, or you used it for a coaster instead of training, I highly recommend that you call the Liquor Division on your next order and have them send you another copy. You can afford it... they’re free.

This DVD was produced by the Liquor Division with the support and input of us (the WSLA) and the Wyoming Association of Sheriffs and Chiefs of Police (WASCOP) to give retailers a quick overview of Wyoming law, carding procedures, dealing with troublesome situation and a lot else.

This video should be #1 in your training process. It is not a replacement for an alcohol server training class (such as TIPS) but is a great way to get everyone off on the right foot.

**Employee Agreements and Policy Manuals.** Retailers that are affiliated, or part of, corporate businesses are likely to already have Policy Manuals which outline the expectations and regulations for employees. Unfortunately, independent businesses usually don’t have those assets.

Employee Agreements accomplish much the same purpose of a Policy Manual and can fit on a single page. On employment, management and/or owners go through the Employee Agreement and have the new staffer sign the agreement, which can go through sales and carding procedures, not selling to visibly intoxicated customers, and so on. It helps clarify to the employee the parameters of the job, and helps cover the business from liability in the event that they don’t perform it correctly.

Existing employees can sign an Employee Agreement as well, however, they need to do it in conjunction with a pay raise or an employment change (such as a promotion) since signing it is essentially a new requirement (or contract) of their job.

If you haven’t the foggiest how to do one, or you need some help, the WSLA has a template Employee Agreement that I can send to

members. However, it is a prototype, and you’ll want to tweak it and have an attorney breeze through it just to be safe. I am not your attorney, and any advice given can’t be construed as legal advice.

**TIPS and other alcohol training.** Although I’m not a fan of mandatory server training (I’m not a fan of mandatory anything, for the most part) there is no greater advocate of this training than myself or the WSLA. I’ve trained almost 6,500 people personally, and the WSLA TIPS training program, with funding from the Wyoming Liquor Division, has trained over 13,000 over the last eight years.

No employer- run training can equal the effectiveness of this training, and TIPS training can also qualify your business for a discount on its insurance, and is one of the most effective ways to avoid a lawsuit. Combine that with greater profitability through responsible service and a better educated and more aware staff, and training such as TIPS is a win-win for everyone.

Although the “Liquor Awareness Video” mentioned earlier is a great way to break employees in to responsible and legal service and sales, nothing compares to a TIPS class.

**Have the current “50 States” ID Book.** Your Anheuser Busch or Miller beer distributor should be able to furnish you with these important ID books free. Make sure they are current (they expire yearly) and ensure all employees have access to them, especially during tourism season when we can get lots of different ID’s.

**Drill, baby, drill!** When I was learning (courtesy of the U.S. Army) to parachute out of airplanes, we were drilled incessantly on the procedure... step up, hook up, and all that. The goal was to make the mechanics of parachuting so automatic that your brain could focus on other things, such as ensuring that your ‘chute opened and you didn’t end up bouncing on the ground like an oversized camouflaged rubber ball.

The same process works for carding. Develop a ritual of checking ID’s, such as 1) Ask for the ID. 2) Ask the customer if they are over 21 while they hand you the ID while maintaining eye contact 3) Inspect the ID to ensure the picture is correct, there are no flaws or problems, and ask for a second ID or ask them a few quick questions if there are any doubts. 4) Check to see, on a Wyoming ID, if the picture is on the left side on the old ID’s, or if the ID is vertical on the new ones, which would flag that it was issued while under the age of 21. 5) Check the year (and day, on the new ID’s) they turn 21, and if it’s the current year on the old ID’s, check the birthday.

Drill the procedure into your staff by practicing the steps to proper carding. The more often you repeat it, the more proficient they

will become. If you have access to any ID's that are under 21, let the staff practice with those. Some establishments even pool resources to have an underage person do "self stings" for each other. An ounce of prevention is worth avoiding up to \$750 in fines, so it's worth it.

**Alert fellow retailers when something fishy is going on.** Whether you are great friends with all surrounding retailers or not, we all sink or swim together. If you get a suspected underage purchaser or another version of possible illegal activity, call the surrounding establishments to warn them. If you don't sell, he'll likely try the next place. More organized warning systems can be built through your county or city liquor association if you have one. If not, you can organize your own.

**You can confiscate fake ID's... and help law enforcement bust them.** I've always been a little disgusted by the fact that if a retail employee fails a sting, they can be fined up to \$750, but if there is an attempted underage purchase of alcohol, they'll possibly get off the hook or just get a slap on the wrist.

Law enforcement is our partner in helping to stop underage purchases, and if you confiscate an illegal ID, or strongly suspect another form of illegal activity, contact the cops. Also, work with them in helping prosecute, and follow up on the case to make sure the slime ball that tried to put your job and business on the line by illegal activity suffers the same pain as if you would have if you would have sold to them.

**Carrots work better than sticks.** If an employee fails a sting, they are likely going to have hell to pay, by either getting chewed out or even fired. However, when they pass a sting, they'll often just get a pat on the head. We need to reward excellent performance, not just expect it.

Some retailers give a monetary award for employees that pass stings. Although a good idea, it may not work for everyone. There are other things you can do for recognition. A free taco or burger with a Gift Certificate feels good as a reward. Even a sign in the break room that congratulates and thanks them for successfully passing stings can be effective.

**An ID isn't always a good ID.** Post the valid ID's recognized in Wyoming somewhere they can be easily found, and quiz employees on what is valid and not valid. Wyoming law specifies the following ID's are acceptable: A motor vehicle driver's license issued by any state, territory or possession of the United States or by an official governmental agency of Canada or Mexico, a permanent resident card issued by the United States citizenship and immigration services, an identification card issued to a member of the armed forces, an internationally accepted passport document with a discernible date of birth and photograph or an identification card issued by the department of transportation.

One question I frequently get is whether we can take Wyoming driver's licenses that are stamped "VOID". The only way we can take those ID's is if the customer has the white paper from the DOT that is good for the time it takes to get their new license; without it, the license is indeed void.

**Don't make employees do math in their head.** Having pulled my fair number of shifts bartending in my own bar, I have found that when you're busy, with customers four deep and cocktail waitresses giving you drink orders at the same time, doing math when you're checking an ID is not easy. In my conversations with WASCOP, it was estimated that up to a third of failed stings actually checked ID's... they just screwed up the math or read it wrong.

Here are some tools to help your staff out. Although the "Born Before" calendars may not be practical in a bar or restaurant, for package liquor store they can be a lifesaver. You have to buy them, but they're pretty affordable, and having one at every POS (point of sale) is very effective. You can order them from different places, but the one I usually recommend is WeCard, which sells calendars for both alcohol and tobacco, or both, and their website is: [www.wecard.org](http://www.wecard.org). No, I don't get money if you order from them, but they have good prices and product.

ID scanners are another useful tool, especially for package liquor or for bars with door guys. There are a bunch out there, starting at a couple hundred bucks and up. However, don't use these as your only tool, since they don't pick up if someone is using another person's legitimate ID, but they work well in spotting underage ID's or fakes.

And remember, Wyoming's new ID's (and almost every other state) not only give the birthdate, but give you the year and day the potential customer turns 21. Wyoming's old ID's (over three years old) at least give the year they turn 21. That's a lot easier to spot and figure out than trying to subtract 1989 from 2010!

**Be a carding fanatic.** Nowadays, people get carded for lots of things, from movies, to video games, to tobacco and liquor. Make it standard to card everyone that appears under 30... or 35. If an employee hasn't served a customer that has been served by somebody else, have 'em card them again. Some businesses actually card everyone, but that's a judgment call. 20 year males can have full beards and 20 year old females can look much older sometimes, even without a beard. When in doubt, whip it out.

**Know the Law.** Stings are regulated by Wyoming State Statute 12-6-103. On the WSLA website, [www.wyoliqor.org](http://www.wyoliqor.org), we have a summary and explanation of that Statute under "Common Questions". Make sure you know the law, whether it is in an attempted underage purchase or a sting. In the case of stings, there are very important facts retailers should know, such as that a law enforcement person needs to be within sight or sound of everything that happens, management or ownership need to be notified immediately when a sting occurs and the underage person doing the sting can't lie. Knowing the law can save you a lot of grief down the road.

**Let me know what else works!** If you have developed a tool, or have ideas that have worked in helping you become more proficient at preventing underage sales, please let me know. The WSLA office prides itself, among other things, in being a resource for our members to help them become more profitable while promoting responsible and legal sales and service of alcohol. As noted elsewhere in the newsletter, my e-mail is [moser@wyoliqor.org](mailto:moser@wyoliqor.org), and the WSLA office phone is 307.634.6484. ]

## Women Who Drink Alcohol Are Less Likely to Gain Weight

**F**irst, a disclaimer... we at the WSLA Leader are not promoting tee-totalers to start drinking (unless they want to), and we don't condone alcohol abuse. But it is comforting to know that the calorie count many of us worry about from a cocktail may be better for watching your weight than we thought... and the calories may not count the same, either.

New research suggests that women who regularly consume moderate amounts of alcohol are less likely to gain weight than non-drinkers, and are at lower risk for obesity. If you're looking to lose weight, most folks will tell you to cut out alcohol and other beverages considered to have empty calories. But it turns out that a wee dram on a regular basis might be beneficial to shedding pounds.

In the study, researchers at the Harvard School of Public Health and Brigham and Women's Hospital, in Boston, Massachusetts, surveyed 19,220 healthy, normal-weight women about their diet and drinking habits. Nearly 40 percent of the women didn't drink at all, and a very small number -- just 3 percent -- consumed more than about 2.5 drinks a day. Over the 13-year study period, 4 out of 10 women became overweight or obese.

Women who consumed between 1.5 and 3 drinks daily had a 27 percent and 61 percent lower risk of becoming overweight or obese, respectively, than women who didn't drink at all, according to the study, which was published in the Archives of Internal Medicine.

The women who drank cut down on their calorie intake from food, especially carbohydrates, the study showed. However, total calorie intake did inch up as alcohol consumption increased; women who drank at least 2.5 drinks a day averaged about 1,800 calories a day, compared with 1,670 for teetotalers.

Red wine proved the most effective, but all kinds of alcohol were included in the study, and all showed similar results. And although alcohol also seems to slow down men's appetites, the study suggests that moderate drinking appears to give a slight boost to a woman's metabolism.

However, the researchers point out that excessive alcohol use can lead to health problems and "psychosocial problems," they point out, and they caution that appropriate alcohol intake differs for each individual and depends on a range of factors. Alcohol consumption isn't risk free, and includes a small increase in the risk of breast cancer.

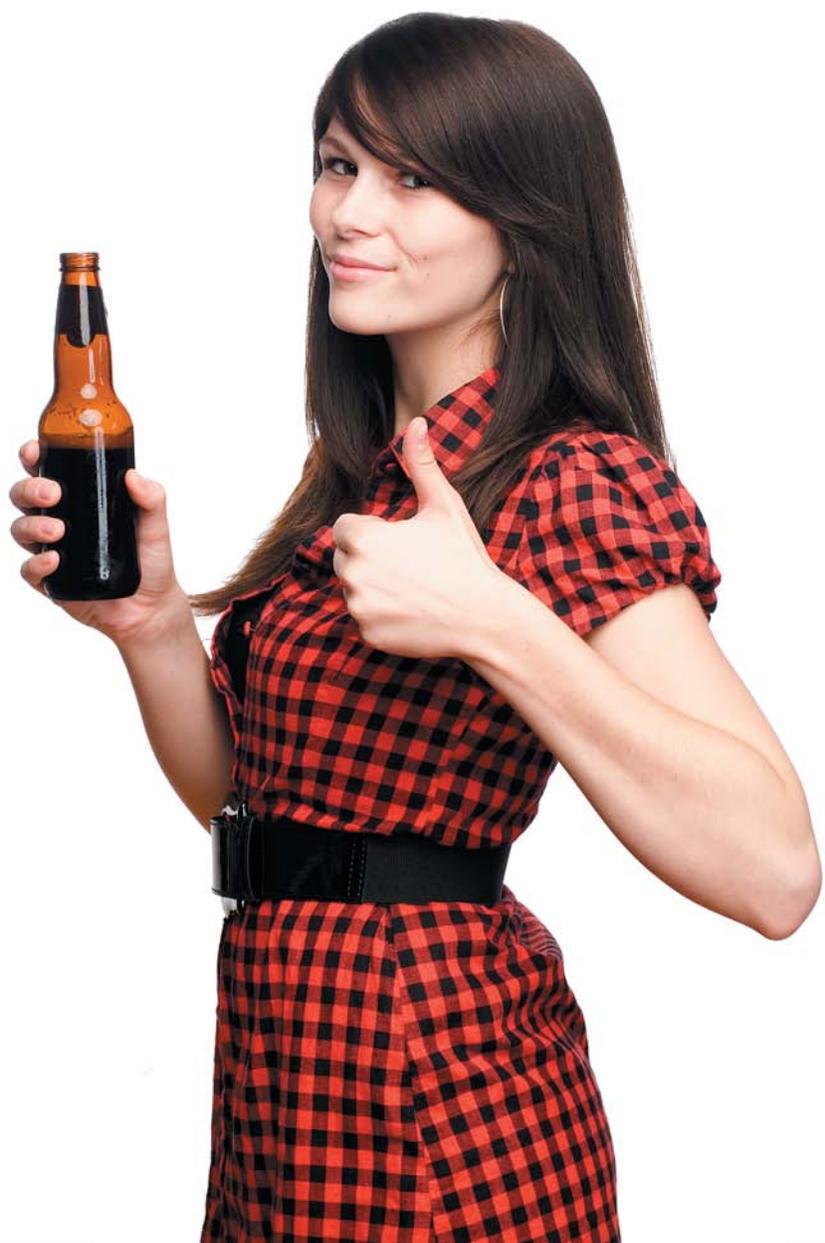
Experts recommend that women drink no more than one to two alcoholic beverages a day, and that men limit themselves to two to four, depending on who you ask, and also include factors such as an individual's body size, metabolism, physical condition and activity.

R. Curtis Ellison, M.D., the director of the Institute on Lifestyle and Health at the Boston University School of Medicine, says this study is the strongest evidence to date that calories from food and alcohol are not created equal.

"Many other studies that are not nearly as well done or as large as this suggest that calories from alcohol are metabolized differently," Ellison says. "The alcohol calories probably don't count as much as calories from a Hershey's bar."

Kahan says that the findings challenge the conventional wisdom about calories from alcohol. "The way that the body handles those calories very possibly might be very different from carbohydrates, fats, and proteins," he says. "It makes you wonder if we've been thinking about alcohol as a nutrient a little bit incorrectly."

For most women, he adds, these benefits will outweigh the small increase in breast cancer risk associated with alcohol consumption. ]



# **NEW** Products

FROM Young's Market Company



**1800 ULTIMATE MARGARITA**

1.75 L /59154/\$14.99

**EL JIMADOR BLANCO**  
**TEQUILA**

750 ML /87586/\$15.32



**CAZADORES ANEJO**  
**TEQUILA**

750 ML /89136/\$31.50



**360 DOUBLE**  
**CHOCOLATE VODKA**

750 ML /41019/\$15.06



**PINNACLE VODKA**

1.75 L /34578/\$14.51



**KRAKEN SPICED RUM**

750 ML /46504/\$13.99

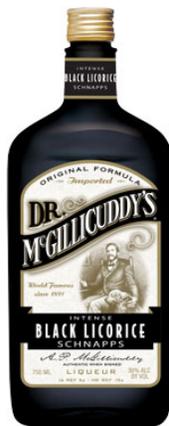
**STOLI GALA APPLIK**  
**VODKA**

750 ML /35501/\$16.15



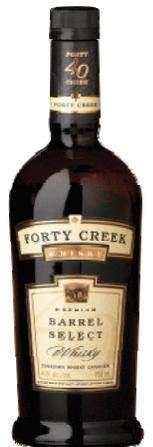
**DR. MCGILICUDDY'S**  
**LICORICE SCHNAPPS**

750 ML /69626/\$11.65



**FORTY CREEK**  
**WHISKEY**

750 ML/10890/\$14.82



For more information about these products contact your **Young's Market Company** representative:

ANDREA MITCHELL ~ State Manager

Cell: 307-631-1029

JILL JARRARD ~ Sales Representative

Cell: 307-760-4685

TODD HILL ~ Sales Representative

Cell: 307-630-4897

RHETT THORBURN ~ Sales Representative

Cell: 307-690-8123

# Montana shows 2009 liquor sales decline; Smoking ban, economy blamed



Combining the bad economy with a state-wide smoking ban can have a negative impact... just ask our neighbors in Montana. Liquor sales grew just 1.9 percent in 2009 after growing at least 5 percent a year during the past decade, according to sales figures from the state Department of Revenue's Liquor Control Division.

The year's worst month for liquor sales was October when the Montana bars went smokeless under state law. Sales were off more than \$1.5 million compared to the same month in 2008 and liquor case sales fell by 8,430.

"It's undeniable across the board that the smoking ban had a negative impact on licensed premises," said Mark Staples of the Montana Tavern Association. "Let's not fool ourselves. We said it was going to happen and it happened."

The drop in liquor sales after the beginning of the Oct. 1 smoking ban was noticeable in 37 of 49 counties where liquor is sold to bars through agency stores. In Yellowstone County, sales were off 20 percent compared to the same month in 2008.

Jim Grubbs, owner of the Amvets Club 90 in Billings said that although smokers are now getting used to going outside, having a cigarette, and then returning to the bar business hasn't returned to the way it was before the smoking ban.

Doug Kirby, who owns state agency Liquor Store 196, said the smoking ban didn't exactly drive bar patrons into Kirby's liquor store for sales to go. The weather did. "I didn't notice it so much when it was still warm out, but once it got really cold, I could tell," Kirby said. "People didn't want to go outside to one of those smoking areas" that have become common sites outside smoke-free bars.

Other factors contributed to the weak sales, according to Kirby. Sales were down 6.3 percent from December 2008, partly because of weather and smoking ban, but also because of a recession-related decline in office Christmas parties. The Bureau of National Affairs reported that 67 percent of surveyed companies had year-end parties compared to 81 percent in 2008. It was the lowest number reported since 1992. ]

**SVEDKA**  
VOTED #1 VODKA OF 2033

**\$9.97**  
Everyday Price  
Young's Market Company

<p>Product of Sweden 40% ALC BY VOL (80 PROOF)</p> <p>34820</p>	<p>Product of Sweden LEMON FLAVORED VODKA 35% ALC BY VOL (70 PROOF)</p> <p>34839</p>	<p>Product of Sweden CLEMENTINE FLAVORED VODKA 35% ALC BY VOL (70 PROOF)</p> <p>34823</p>	<p>Product of Sweden RASPBERRY FLAVORED VODKA 35% ALC BY VOL (70 PROOF)</p> <p>34812</p>	<p>Product of Sweden VANILLA FLAVORED VODKA 35% ALC BY VOL (70 PROOF)</p> <p>34815</p>
---	--	---	--	--

*For more information, contact a Young's Market Company Representative  
Rhett Thorburn ~ Cell: 307-690-8123 Todd Hill ~ Cell: 307-630-4897 Jill Jarrard ~ Cell: 307-760-4685*

## The Wyoming State Liquor Association would like to thank our Allied members for their support:

### Gold members:

Burns Insurance Agency

Beam Global

R.J. Reynolds

Young's Market Company of Wyoming – Spirit

### Silver Members:

Southern Wines / Spirits West

Anheuser-Busch

Distilled Spirits Council of the United States

Wine Institute

Heartland Payment Systems

North Park Transportation

Altria Client Services

### Wyoming State Liquor Association Officers and Board, 2009-2010

President: Trudy McCracken, Laramie

Vice President: Scott Ostlund, Gillette

Secretary: Hank Pridgeon, Wright

Treasurer: J.J. Moran, Cheyenne

Legislative Chairman: Pat Sweeney, Casper

Executive Director: Mike Moser, Cheyenne

ABL Board of Directors: Peter Cook and Mike Moser

### WSLA Board of Directors:

Stephan Abrams, Jackson

Rick Miller, Cheyenne

Hank Pridgeon, Wright

Scott Ostlund, Gillette

Duane Schaneman, Torrington

Gunter Orband, Douglas

Pat Sweeney, Casper

Van Galloway, Casper

Bob Woodward, Riverton

Trudy McCracken, Laramie

J.J. Moran, Cheyenne

Judd Campbell, Saratoga

Mike Reid, Casper

Peter Cook, Jackson

Dennis Davis, Parkman

Cathy Griffith, Cheyenne

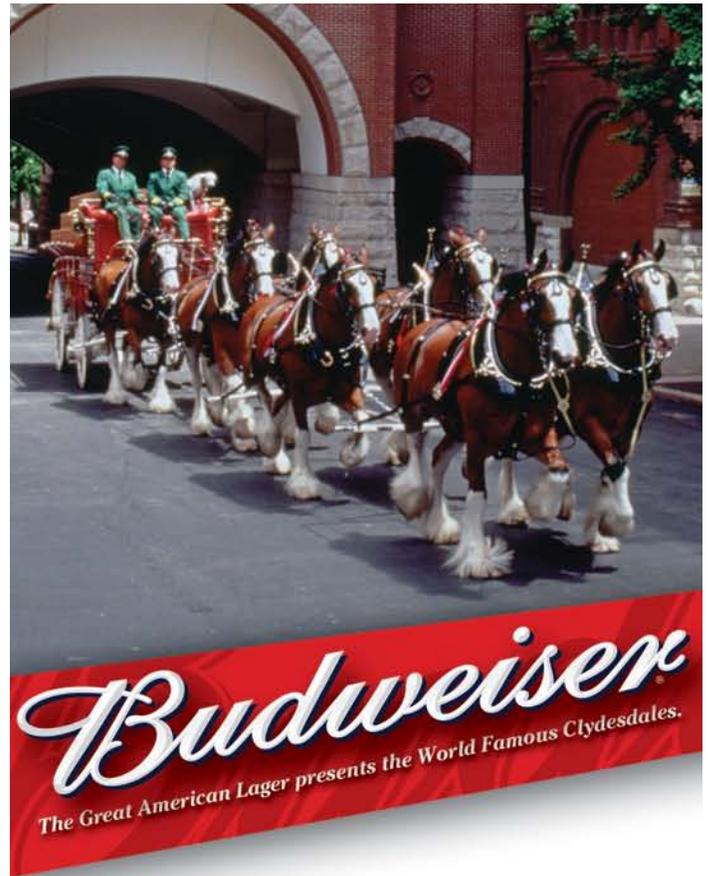
Brian "Alf" Grzegorzczak, Cheyenne

Marty Flowers, Rawlins

Trent Pexton, Cheyenne

Production: U Creative Group, LLC [www.UCreativeGroup.com](http://www.UCreativeGroup.com)

The Wyoming State Liquor Association is managed by the Association and Advocacy Group, Inc., Mike Moser, President. For more information, feel free to call the WSLA/AAG offices at 307.634.6484. This publication, the WSLA Leader, is copyright 2010, unless otherwise noted, by the Wyoming State Liquor Association and any unauthorized republication is prohibited. Furthermore, any opinions set forth in the WSLA Leader are strictly that... opinions... so if you disagree, feel free to contact the WSLA office or write your own darn newsletter! Thanks, Mike



RESPONSIBILITY MATTERS®  
©2008 Anheuser-Busch, Inc. Budweiser® Beer, St. Louis, MO

**wsla**



**Wyoming State Liquor Association**

P. O. Box 1894  
Cheyenne, Wyoming 82003-1894

Presorted  
Standard  
U.S. Postage  
**PAID**  
Cheyenne, WY  
Permit No. 104

# WATCH FOR THESE NEW ITEMS

**Crown Royal Black**

**#10836**

**Captain Morgan Lime Bite**

**#43415**

**Ciroc Red Berry**

**#64764**

**Nuvo**

**#66052**

**Jeremiah Weed Sweet Tea Vodka**

**#41076**

**Captain Morgan Parrot Bay Orange**

**#43219**

**Smirnoff Passion Fruit**

**#40939**

**Smirnoff Pear**

**#41000**

**Smirnoff Pineapple**

**#40917**



**AVAILABLE  
MAY 1ST**



Please Drink Responsibly