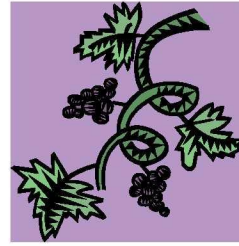


Grapevine



Happy New Year and Welcome 2011!

2010 we had **PASSED**, **FAILED**, and **FUTURE**....this all has to do with Legislative Updates for this year. **PASSED:** HB 10-1099—Consumption of alcohol on state fair grounds. The act authorizes a person who purchases an alcoholic beverage at the Colorado State Fair to consume and possess the drink anywhere within the state fairgrounds area, Effective 8/11/10. Effective April 12, 2010; HB 10-1170—Luxury Boxes at Venues. This permits the sale or provision of alcoholic beverages in sealed containers to adult occupants of luxury boxes located in stadiums, arenas, and similar sports and entertainment venues with a seating capacity of at least 1,500 seats. Occupants are not permitted to leave the luxury box with an alcohol beverage in a sealed container. Effective August 11, 2010; SB 10-083—Credit Restrictions on Alcohol Beverage Sales/Reporting of alcohol content for beer products. This requires the State Licensing Authority to enforce the federally regulated prohibition against the extension of credit for more than 30 days. Clarifies that the State Licensing Authority cannot adopt rules restricting sales of alcohol beverages on a cash-on-delivery basis to a retailer who is or may be in arrears on prior alcohol beverage sales. Requires the State Licensing Authority to adopt rules by January 1, 2011, regarding alcohol content testing of malt liquor and fermented malt beverages sold by persons licensed under the “Colorado Beer Code” or the “Colorado Liquor Code”. **FAILED:** HB 10-1086—Creation of Malt Liquor Store License; HB 10-1150—Creation of Caterer’s Liquor License; HB 10-1279—Authorizing Liquor licensed Drug Store Licenses in Grocery Stores. **FUTURE:** These are topics that will be back....The 3.2% Beer vs. Malt Liquor in Grocery and Convenience Store Battle; a local option to allow the local Authority to issue Special Events. The new provisions will be available in the near future in the updated Liquor Code Book.

BEER...BEER...OR MORE BEER



Restaurants and bars in Colorado may be breaking state law for selling certain beers. Liquor licenses only allow bar and restaurants to sell wines, spirits, and “malt” liquors, which are defined as beers with greater than 4 percent alcohol by volume.

Beers with less than 4 percent alcohol by volume are considered “fermented malt beverages” which are also known as “3.2 beers” or grocery store beer. Many low-calorie beers or light beers may fall into the 3.2% beer category and shouldn’t be sold at bars and restaurants. Because of the state law passed by the legislature in 2010, (SB 10-083) the state liquor authority must adopt a new rule by January 1 that requires all beer makers to verify the alcohol strength of the beer sold in Colorado. Once the State knows the alcohol by volume level of all beers, it will know which beers bars and restaurants shouldn’t be allowed to sell. There is an “unofficial list of beers by alcohol content” listed on the internet. For purposes of consistency, calories and carbs are based on 12-ounce servings. Alcohol content is listed by volume (a beer that is 4.5% by volume is about 3.2% by weight).



When to say when..... Although some customers complain, the Vermont Pub & Brewery in Burlington, Vt., limits customers to two pints of beer an hour, knowing full well alcohol has a cumulative effect.

The fact is, alcohol affects individuals differently. Your blood alcohol level will be influenced by your age, gender, physical condition, amount of food consumed and any drugs or medication. The altitude where you are drinking makes a difference, as does the strength of the beer.

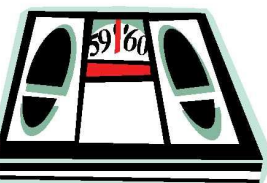
Those factors all complicate the ongoing debate about how much you can drink before it is unsafe to drive. However, in most states, if your blood-alcohol limit is above .08% then it is not legal for you to drive. We present these charts below with that in mind. We also return our thoughts to the

Vermont Pub & Brewery. In its pub area, there is a Ben Franklin saying, "All things in moderation," etched beautifully in glass. That is worth remembering whenever you drink.

These charts offer approximate blood alcohol percentages that would be expected for men and women of about these weights and for various amounts consumed. Remember, in most states .08% is the number to remember. One drink is considered 1.25 ounces of 80 proof spirits, one 12-ounce serving of "regular" (5% abv) beer or 5 ounces of table wine. Also, subtract .01% for each 40 minutes of drinking.

Taking preventative steps

- Begin by considering your height, weight and personal tolerance for alcohol when drinking.
- Drink a glass of milk to start the evening. It will retard the absorption of alcohol, and protect your stomach against irritations.
- Never drink on an empty stomach. Food helps to absorb some of the alcohol and aids the body in digesting it faster. Consider eating starchy foods to slow the alcohol absorption.
- Limit yourself to less than one drink per hour.
- Drink a glass of water between each drink you order.
- Back in the '60s, a navy subcontractor provided "hangover shots," vitamin B injections, in the infirmaries of its many large U.S. centers. The shots were massive replacements of the water-soluble vitamins the previous night's massive consumption of alcohol had dehydrated right out of people. A good dose of water mixed with brewer's yeast (which is full of Vitamin B) before going to bed is a poor man's option.
- Even if you pass on the Vitamin B, drink lots of water before going to bed.
- **How to use this chart:** If your BAC level is in the gray zone, your chances of having an accident are 5 times higher than if you had no drinks, and 25 times higher if your BAC level falls in the black zone.



How do you measure up?

Article in part from:



BAC Zones: 90 to 109 lbs.		110 to 129 lbs.		130 to 149 lbs.		150 to 169 lbs.		170 to 189 lbs.		190 to 209 lbs.		210 lbs. & Up																												
TIME FROM 1st DRINK	TOTAL DRINKS								TOTAL DRINKS																															
	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8	1	2	3	4	5	6	7	8
1 hr																																								
2 hrs																																								
3 hrs																																								
4 hrs																																								

2011 "FREE" Training Schedule

The City of Grand Junction along with the Police Department offers a fun and informative method of educating anyone who dispenses alcohol and how they can protect themselves and the establishment. The dates (subject to change) for 2011 are:

Tuesday, February 1, 2011, 8 a.m. to noon

Wednesday, April 27, 2011, 5 p.m. to 9 p.m.

Thursday, June 30, 2011, 1 p.m. to 5 p.m.

Wednesday, August 31, 2011, 8 a.m. to noon

Tuesday, October 18, 2011, 5 p.m. to 9 p.m.

Thursday, December 8, 2011, 1 p.m. to 5 p.m.



This training will be in the City Hall Auditorium, 250 N. 5th Street.

Flyers will be sent out electronically approximately a month in advance, but you can register anytime by calling 244-1510 or emailing juanitap@gjcity.org.

Warehouse Storage:

Colorado Retail licensees may apply for and receive a retail storage warehouse permit to allow storage of alcohol beverages at one location other than the main licensed premises. On-premises licensees (hotel and restaurants, taverns, etc.,) may store wine and liquor products indefinitely, but may only store beer for a period not to exceed 10 days from the date of delivery. Off-premises licensees (retail liquor stores, etc) may only store wine and liquor. No beer products may be stored at an off premises retail storage warehouse location. Copies of the storage permit must be conspicuously posted on the licensed premises and at the storage facility. (See Reg. 47-410).

Caffeinated Alcoholic Beverages:

What is a manufacturer's responsibility for ensuring that its products are safe? A manufacturer is responsible for ensuring that the products it markets are safe and otherwise in compliance with applicable laws. Regarding caffeinated alcoholic beverages, FDA has not issued a food additive regulation to approve the use of caffeine in alcoholic beverages, and FDA is not aware of a basis to conclude that this use of caffeine is GRAS (Generally Recognized As Safe) or is the subject of prior sanction. By law any person may make a GRAS determination, but that determination must satisfy the legal criteria for general recognition of safety.

What have manufacturers done to make sure products are safe? Anheuser-Busch and Miller-Coors reformulated their products (Tilt, Bud Extra, and Sparks) by removing the added caffeine and agreed to not produce any caffeinated alcoholic beverages in the future.



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ba-
a



Allowable items to be sold in a Liquor Store Regulation 47-416.

No person licensed to conduct the business of a retail liquor store shall sell, offer or expose for sale or distribute within the State of Colorado any commodities, items, or articles of commerce except the following:

- A. Malt, vinous and spirituous liquors, soft drinks, milk, mixers, and mixes, all in sealed containers for consumption off the premises.
- B. Cigarettes, cigars and other tobacco and tobacco products intended for human consumption or use.
- C. Smoking supplies, including: mechanical lighters and fluid, wicks, flints and other replacement parts for mechanical lighters; ashtrays, matches and containers for matches; cigarette rollers; cigarette and cigar holders, filters, and replacement parts for such holders and filters; cigar cutters and punches; cigar humidors, humidification solution and sponge blocks; pipes and pipe cleaners, filters, reamers, and other accessories and replacement parts for pipes.
- D. Pumps, pumping devices, taps, or any equipment or devices; which are to be used only in connection with, and for the sole purpose of, dispensing malt liquor from sealed containers. Cartridges containing carbon dioxide gas or other propellants necessary for the use of pumps, pumping devices, or taps.
- E. General bar equipment, portable bars (home use only), bartender guides, bar towels, blenders, fruit squeezers, bottle openers, can openers, coasters, cork screws, drink shakers, drip rings, party clips that attach wine glasses to plates, shot measures, soda siphons or soda mixers, stir sticks, trays, glass washing equipment, ice, buckets, ice crushers and ice machines.
- F. All types of dispensers, decanters, pitchers, flasks, glasses, glass holders, mugs, coolers, and liquor travel cases.
- G. Beverage publications, books, or magazines, where the use or content is focused primarily on alcohol beverages or the alcohol beverage industry. Electronic versions of the same are acceptable if they are read-only and not reusable.
- H. Beer brewing kits that contain brewing equipment and/or commercially packaged, pre-mixed, self contained, add-water only ingredients. Wine making kits, wine racks, wine storage units (home use only) wine inventory/cataloging systems, and related accessories.
- I. Bottle neck greeting cards, gift baskets, synthetic packaging material for gift baskets, gift wrap, and ribbons.
- J. Olives, cocktail garnishes as authorized pursuant to 12-47-407, C.R.S. fresh lemons, fresh limes, and maraschino cherries.
- K. Liquor-filled candy, hangover remedies that are specifically labeled as a hangover reliever, herb bitters, and breath fresheners that are specifically labeled as a remedy to remove alcohol breath.
- L. Devices purposed to measure the alcohol content of the breath or blood.
- M. Automated cash machines that are provided solely for the convenience of retail liquor store customers.
- N. Other non-food items related directly to the consumption of alcohol beverages as approved by the State Licensing Authority, by rule or otherwise. **NOTE: "Pong Party Pack" (Beer Pong and other games) is a position statement and not part of the regulation.**



ZERO INVOICE MEANS NO SALE!!!

We have had several inquiries from licensed establishment regarding use of their facility for events that would serve alcohol on the licensed premise. Such as...renting a banquet room at a hotel and using this room for your event. First we would ask what type of liquor license the hotel had and if the room is on the licensed premises. If their licensed premises would include this room, the person renting the facility would not be able to bring any alcohol into the facility. The alcohol would need to be provided by the holder of the licensed facility. If you are a non-profit organization or similar group, on a retailer's licensed premises, alcohol beverages may be invoiced to the retailer at no cost by a licensed distributor or retailer (subject to limitations). The invoice for said products must detail the products provided and the group for whose benefit it is provided. At the conclusion of the organization's event, any unused product must be returned to the manufacturer, wholesaler, or brewpub, or invoiced at a minimum of cost to the retailer...***The alcohol cannot be sold!!!*** This is the question that always confuses people...so always call before you get too far into planning your event.

A supplier can conduct sampling, at no charge, on a licensed premises for the purpose of sales promotion for the retailer's employees.

We have had numerous questions on "special events permits". Keep in mind requirements are under Article 48—Liquor—Special Event Permits of the *State of Colorado, Department of Revenue, Liquor Enforcement Division, Colorado Beer, Liquor, Special Event Code, and Code of Regulations*. The City Clerk's office has "Special Event Permit Packets" available in our office or see the website below in the yellow box to download a Code Book to reference the above article.

How current is your *State of Colorado Department of Revenue Colorado Beer, Liquor, Special Event Codes and Code of Regulations Book*? This should be updated each year and the easiest way is to download from the website: www.revenue.state.co.us then click on Liquor Enforcement Information, Laws and Rules, Liquor, and at the bottom of the page click on Codebook which is a pdf. file. Print it or call 303.370.2165 to purchase additional code books.



Numbers

City Clerk's Office
244-1510

Division of Liquor Enforcement
(303) 205-2300

Local State Liquor Enforcement
Investigators
Brian Turner and Shanna
Frank
(970) 248-7133

City of Grand Junction Liquor
Enforcement
PST Lisa Maestas
(970) 244-3612

City Sales Tax
(970) 244-1521

Recap of 2010

Here's what transpired in liquor licensing in 2010. There were 5 new applications processed: 3-Hotel/Restaurant and 2-3.2% Beer Retail (Off-Premises). There were also 6 transfers of ownership, 8 changes in corporate structure, 10 modification of premises, 12 registrations of new managers, 3 trade name changes, 6 tasting permits, 3 art gallery permits, 12 special events permits, 8 show cause hearings, and 148 renewals processed. Six outdoor dining leases and six tasting permits were issued also.

Seven Alcohol Server Responsibility Training sessions were held with a total number of 307 attendees.

A special thank you to PST Lisa Maestas for all her work she does on these trainings.

Next publication coming to you July, 2011

Newsletter prepared by:
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