

BottomLine



THE VOICE OF MIDWEST INDEPENDENT RETAILERS // VOL. 30, NO. 7 // JULY 2019



2-TIME NBA CHAMPION AND DETROIT PISTONS BAD BOY | ISIAH THOMAS AND MIRA SCHOLARSHIP RECIPIENTS

The Value of Membership

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■ Building a Foundation for Success // PAGE 20

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BottomLine

THE VOICE OF MIDWEST INDEPENDENT RETAILERS
VOL. 30, NO. 7 // JULY 2019

features



FROM MIRA TO THE MICHIGAN CHAMBER OF COMMERCE

Change is imminent. This is a fact that is not lost on the Midwest Independent Retailers Association (MIRA). Much of MIRA's work is centered around change and helping members figure out how to navigate change.



COVER STORY // THE VALUE OF MEMBERSHIP

The membership with MIRA is both tangible and intangible. "Members see the programs and rebates, but they don't always have a clear view of all the things we do behind the scenes," said Ed Weglarz, Director of Petroleum. "They don't see most of the lobbying work or government relations efforts in each state we represent. We are constantly keeping track of legislation that could affect the industry. So often we are stopping these measures without the members even hearing about it."



BUILDING A FOUNDATION FOR SUCCESS

He has experienced success as both an athlete and an entrepreneur and the Detroit legend credits the adults he met along the way who helped build his foundation for success. "I didn't get here by myself in terms of success," said Isiah Thomas, keynote speaker at the 11th Annual MIRF Scholarship Luncheon.



president's message

AUDAY P. ARABO, ESQ. // MIRA PRESIDENT & CEO

Enjoy the Moment

I wanted to share my message to the scholarship recipients and their families:

MESSAGE TO SCHOLARSHIP WINNERS:

The other day my two-year-old was singing “Row, row, row your boat, gently down the stream. Merrily, merrily, merrily, merrily, life is but a dream.” It made me think about so many things including when I was sitting in those seats you are in today as an award recipient. It was in a different state, receiving different accolades with my parents and loved ones nearby. Thinking I was just getting started and I would help change the world and receive a lot more recognition along the way. And I did receive several awards and accolades. Twenty plus years later, the one thing I reflected on the most is how I really did not take a deep breath and pause to enjoy the moment. The moments with my family and loved ones, many of whom have passed on. So many of us, when we are young, are in a such a hurry to grow up. However, my advice to you is to please stop and slow down to smell the roses of your accomplishments, but more so the bouquet of flowers that is your family. Every one of you here today are here because someone believed in you, someone pushed you, someone sacrificed for you because they love you and want a better life for you. Did I ever change the world? I do and continue to one person at a time. A little hello, a smile, kindness and simple courtesy does make a difference and does change this fast-paced instant access social media frenzy we live in today. I know each one of you here today will continue to change the world in your own way and make a difference in your community, your state and the world, but remember where it all started. It started within your family!

To the scholarship recipients, this period in your life marks a key transition as you pursue your college education. We hope your college education provides you with the necessary skills to make a difference in the world. You will be called upon to use your God given talents in your specific field to not only be great, but more importantly do good. Whatever field of study you may choose, excel in it and commit to professionalism at all times. Always push the limits of education and your ability to learn and absorb.

MESSAGE TO PARENTS:

Parents, your efforts and sacrifices have contributed directly towards your child's success. You should be proud of yourselves – not only for raising such a great son or daughter, but also for valuing education and for doing your best to see that your children are provided with the endless opportunities higher education offers. Every parent wants their children to have a better life than they had, and today you see some of the fruits of your hard work and sacrifice.

MESSAGE TO SPONSORS AND SUPPORTERS:

Sponsors and supporters, thank you for the generous contributions you have given to these young bright minds here today. I know that you do so because of your belief that the way to improve the quality of life is through education and hard work. Today, twenty-nine students are being presented with scholarship awards, allowing them to pursue undergraduate studies at various universities, colleges and trade schools. These annual scholarships are made possible because of you, who value the importance of education! We thank you for helping these young people advance in life.

Again, congratulations to the scholarship winners and to their parents, and thank you to all of the sponsors for valuing and committing to education. Good luck to you all in your future endeavors and God Bless! Remember, “Life is but a dream” and it flies by very fast so enjoy every minute!

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c-store news & views

JIM GREEN // MIRA VICE PRESIDENT, PROGRAM DEVELOPMENT

Two Strategies That Can Have A Dramatic Effect

Even though the State of the Industry (SOI) 2019 looks good, there are concerns especially for the Midwest region. The Midwest is the only region that was down in all four of the following key categories: fuel gallons, cigarettes, foodservice and inside sales. Even more alarming, the Midwest was the only region down in food service sales. This is reflective of the regions slow transition to a expand food service to meet ever increasing consumer expectations. This is in an environment when the convenience store foodservice continues to gain on quick-service restaurants. In my article last month, I mentioned that transactions were down, but we are selling more stuff to less customers. Fuel customer conversion rates have also hit their lowest levels in recent years. Technomics listed several reasons for this. Two of them were increased competition from other channels and fewer smokers. With federal, state and local efforts to increase age of purchase to 21 intensify, this will get magnified even more.

With all the information and changing landscape retailers continually ask what they should do to address these challenges. Everyone is looking for the next new thing to drive sales. CBD's is the talk of the industry and I believe this will be a viable category. However, I don't believe it will fix long term issues associated with declining sales of cigarettes and fuel gallons. There are two things convenience store operators can do relatively quickly that will address some of these negative trends.

The first is to expand their Other Tobacco Products (OTP) offerings, especially e-cigarettes.

OTP customers have one of the highest market baskets of goods when shopping your stores. It's critical that you attract as many of these customers as possible. I recommend examining your price strategy and consider being a price leader in the OTP category to draw more of these high value customers to your stores. Reviewing NACS numbers from the association's recent SOI Summit this past spring, OTP, led by e-cigarettes, have become the fastest-growing segment of the category. OTP grew both in dollar sales (20.5%) and gross profits (26.4%) in 2018 vs. a year ago, according to NACS, while cigarettes fell in both areas, down 3.1% in dollar sales and 4.4% in gross profits.

The second thing retailers can do is freshen up your grab-n-go. Prioritize more convenient grab-n-go items and focus on executing on a high level. Even intentionally moving to shorten the lifespan of products on the shelf to show freshness. Fifty-two percent of grab-n-go purchases are planned, according to a recent Technomics C-Store Foodservice Study. The most in demand timeframes for c-stores are lunch (51%), afternoon snack (49%) and breakfast (31%). This fresh grab-n-go trend is also seen in Dollar General's latest GCX C-Store in Cleveland. The new store offers consumers immediate consumption, including coffee, soda fountain, fresh sandwiches, salads and fruit. These other channels are going to continually look to attract these consumers because they see how C-Stores food service is growing faster and more consistently than quick service restaurants and they want a piece of it.

Expanding OTP and freshening up your grab-n-go are two things you can do very quickly. If you are not using S. Abraham and Sons, Team Sledd or McAneny Brothers as your convenience store supplier, I urge you contact them so they can provide you the solutions necessary to grow these two crucial categories very quickly. ■



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TOOLS

SALES SUPPORT

MIRA rebate program details:

- Minimum order of \$800, must purchase weekly to qualify.
- We service PA, OH, MD & NY.
- 2% Non-tobacco / non cigarette rebate.
- Plus and extra 1% if purchasing energy supplements
- Plus an additional 2% if purchasing foodservice products
- Plus an additional 2% if purchasing supplies

Customer must purchase these categories to qualify:

- Cigarettes
- Smokeless & other tobacco
- Energy supplements
- Coffee

Subject to pre-qualification by McAneny Brothers



petroleum news & views

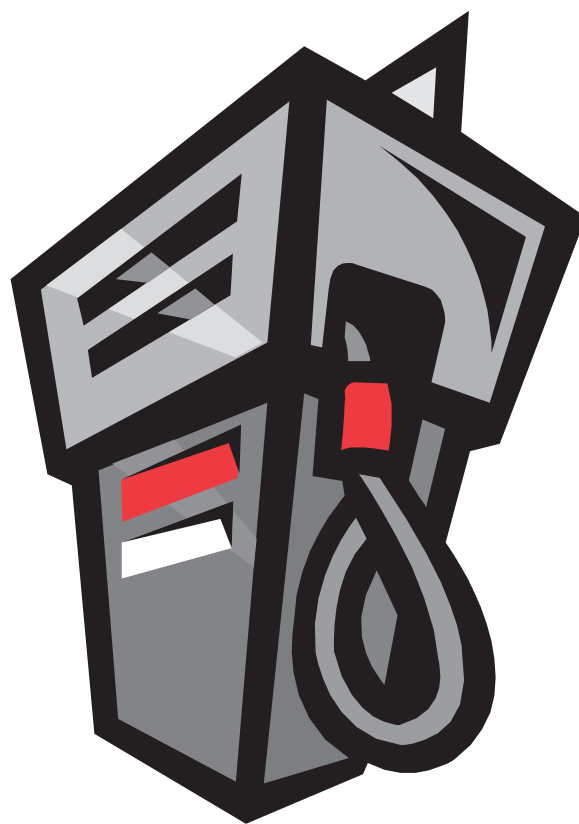
EDWARD WEGLARZ // MIRA DIRECTOR, PETROLEUM

Routine Meter Maintenance: Why it is Important to Michigan's Gasoline Stations and Their Customers

We've all heard the adage of "If it isn't broke, don't fix it", particularly when it comes to the maintenance of gasoline metering equipment (meters). Such thinking can be understandable, especially considering rising costs of service, and when inventory fluctuations are not obvious or otherwise alarming to the operator. But, like so many things in business these days, what seems OK at first blush can really conceal potentially far reaching consequences that place customer confidence, quality assurance, inventory control, regulatory compliance, and the company's good name all at risk.

Routine maintenance involves more than changing filters, replacing damaged hoses, malfunctioning nozzles and repairing leaks; it should also include verifying the accuracy of the meter itself (the calibration). Why is that important? Every year operator's who've decided to forego verifying metering accuracy either find themselves dealing with lost revenues, because their meters were "giving" product away or perhaps the meters were "shorting" their customers. The case against allowing the former circumstance to continue is fairly obvious, while the later circumstance may result in consumer complaints and possible regulatory intervention.

The Michigan Department of Agriculture & Rural Development's Weights and Measures Program has sole jurisdiction and statewide responsibilities for all commercial transactions involving products sold by weight, measure or count, including all advertisement. Of the thousand plus consumer complaints investigated annually, the majority of complaints involve retail gasoline outlets, and the



majority of those, involve allegations of inaccurate measure. During a consumer complaint investigation or a field audit, non-compliant dispensers are condemned for repair or removed from service. Often the operator must pay extra to get a service company to enact repairs immediately. Here we have both a loss of revenue and customer confidence.

In recent years the lack of "routine maintenance" has resulted in a specific type of violation, one that often results in enforcement action. What does it mean when you are told that your station is in violation because the dispensers are "predominantly negative"? Simply stated, more than fifty percent of all dispensers or of one particular grade (Unleaded Regular for example) are delivering less than the quantity represented (short measure). The Michigan Weights and Measures Act of 1964, Act 283 as amended, sets the rules and regulations by which all a gasoline dispenser maybe installed, used and maintained. The National Institute of Standards and Technology, Handbook 44 contains the specifications, tolerances, and user requirements in which weighing and measuring devices are permitted to operate. For the typical retail gasoline dispenser, the tolerance



is + or – 6 cubic inches. One specific requirement enforced frequently because of the lack of routine maintenance is:

Maintenance of Equipment: (excerpt)...

“Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device user shall not be considered “maintained in proper operating condition”.

Penalties for such violations also include the economic benefit received during the period of the violations, which can range from hundreds of dollars to tens of thousands of dollars.

Many owners and operators of weighing and measuring devices contact the Office of Weights and Measures daily to seek guidance and technical information that may not only allow them to achieve and maintain compliance, but often the information assists in the improvement of one’s business. In April of 2002, MDA with the support and encouragement of industry members worked with state legislatures to implement into law a “Voluntary Registration Program for Service Agencies and Persons”. This program assists operators to better meet their service and maintenance needs by ensuring the technicians have the basic technical knowledge, as well as that of the state law. It also, ensures that the agency has certified equipment to accurately test devices in the field. Another advantage is that a “registered service person” can legally and immediately place a new device or a device condemned by a state official, into service. For detailed information regarding this program, including a list of registered agencies, along with other weights and measures information, please visit our website at www.michigan.gov/wminfo . The use of registered service personnel is strongly encouraged whenever, installing new devices or adjusting current calibrations.

Here we’ll review some frequently asked questions related to the maintenance of equipment:

Q: I’ve never adjusted the meters since they were installed and had no idea that they were all delivering short. So, I’m not responsible under the law, right?

A: Wrong. Under the law, the device owner/operator is responsible for the proper maintenance of all equipment, to ensure accurate measurement. The applicable “Criminal Penalties” can range from Misdemeanor Charges of \$10,000 per violation and or one year in prison; to Felony Charges

of \$20,000 per violation and or one year in prison. The economic harm to consumers and the costs of the investigation may also, be assessed.

Q: I can’t afford to have a service company test all my dispensers; will the state do it for free?

A: No, anytime a firm requests a state inspection, applicable fees are assessed.

Q: I have a contract with a “Registered Service Agency”, so they are responsible for any violations or penalties assessed?

A: Yes and No.... First, the operator retains responsibility for the devices and any economic harm which may result from inaccurate meters. As to the registered service agency, they are liable for their actions under the law, and in certain circumstances may be the only party penalized for violations observed. Using a non-registered agency means the operator is responsible for the actions of all parties.

Q: I’m new to the petroleum industry and was not aware of my responsibilities under the law, will I receive a “warning” first?

A: Not necessarily, and unlikely when shortages are involved

Q: If I have my dispensers tested once or twice a year, am I likely to avoid a situation involving “predominantly negative” devices.

A: Yes, properly tested and adjusted meters will enhance your business and help you achieve and maintain compliance.

Q: Are there any records I should maintain in order to assist with weights and measures issues?

A: Definitely, maintaining good inventory records on site and all documents related to the installation or maintenance of equipment will prove invaluable when evaluating your operation.

The Weights and Measures Program and Staff take pride in taking a proactive approach when discussing the concerns of consumers and industry. Contact our office at 517-655-8202 with questions of a technical nature or anything related to your compliance needs and the service registration program. Compliance through cooperation is the goal, and the benefits of routine maintenance certainly are not a myth. ■



government relations report

JUAN ESCAREÑO // MIRA DIRECTOR, GOVERNMENT RELATIONS & COMMUNITY OUTREACH

A Wind of Costly, Unequal and Restrictive Regulations

*"Ill blows the wind that profits nobody."
–Shakespeare*

A strong wind that threatens to hurt our members in Chicago continues to grow and if unchecked, will one day begin to howl at our doors in other municipalities and states. This wind of costly and restrictive regulation is called the Fair Work Week ordinance. An idea concocted to tie the hands of independent retailers needing to schedule their employees. An idea meant to force our non-unionized members to compete on the same playing field as some of the big box retailers.

A retailer will be required to post a two (2) week schedule that guarantees the employees hours and shifts. A guaranteed schedule that can only be amended if the employee agrees, regardless of the needs of the business. If you deviate from the schedule, you will be fined by the city. If you call your employee to fill a vacant shift, you may be required to pay overtime, even for part-time employees. You need more employees tomorrow to restock your shelves due to unforeseen circumstances? Expect higher cost now to restock those shelves. You want to hire more employees? Not until you maximize all the hours of your current employees under this ordinance. The ability of your employees to have a flexible schedule will be gone. Sacrificed for the cries of a few special interest groups. The ability to work with your employees to find a mutual understanding will be nixed. The employee will now dictate to you when they are needed.

This thrust in Chicago assumes that all businesses

are equal. That you can schedule hundreds of employees at one store like the big boxes. It assumes that you can pay the extra overtime cost on your margins. It assumes you have the technology and manpower to coordinate a complex schedule to appease a few progressive special interest groups in Chicago. It places an unnecessary burden on finding help to stock the shelves and care for the customers, the one area big box retailers can't compete against.

This howling gale in Chicago is not dissipating once this ordinance is passed. They want to speed up the minimum wage increases in the city. They want to see a \$15 minimum wage by the end of the year. Where will they go next? This wind is intent on whittling down the family owned business so that they can live in a utopia where all aspects of the economy are controlled by the ones with the most organized money and people. The philosophy of the few with no experience in running a business will dictate to the many store owners in Chicago how to run their businesses.

This philosophical wind blowing in Chicago must be checked. MIRA is the counter-wind that checks their advance. We are working with some aldermen to introduce exemptions for family owned businesses. We are hitting the streets everyday talking to non-members to educate them on the impact of this legislation on their business. Store owners are calling their alderman to urge a reasonable compromise.

Our aim is to organize, educate and act against this prevailing wind. MIRA's counter-wind is our government relations efforts in the City of Chicago, and in other places, to remind elected officials that bad regulations hurt good businesses.

Your collective effort in MIRA is the power needed to push back against the Fair Work Week ordinance; or the lack of a half mile rule in Michigan; or the tax dodgers in Ohio. Your continued membership is the first defense against this howling wind. Participate, Act! Our unified voice will mute the howling winds. ■

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Details:

New & current customers are eligible for the following rebates:

- 2% Non-Tobacco/Non-Cigarette
- Additional 1% on Energy Supplements (Total of 3%)
- Additional 2% on Foodservice products (Total of 4%)
- Additional 2% on Supplies (Total of 4%)

Requirements:

Customer must purchase the following categories:

- Cigarettes
- OTP
- Energy Supplements
- Supplies
- Coffee (If offered by retail operator)

Customer needs to average \$3,500 in total weekly purchases

Customer needs to purchase 12 out of the 13 weeks per quarter

Customer must maintain good credit standing

• TOTAL VALUE TO YOU •

\$1,350 Estimated Rebate*
(Annual Total Paid Quarterly)

\$2,000 Est. MIRA Member
Program Savings

\$3,350 Total Member Benefits
PER LOCATION

* Based on \$1,000 non-tobacco purchases weekly

For more information on Team Sledd, call the office at **800.333.0374**
or E-mail Sheila Reilly at SReilly@TeamSledd.com



ohio lobbyist report

TERRY FLEMING // TC FLEMING & ASSOCIATES

Assembly Tackles the Biennial Budget

The Ohio General Assembly, as of this report, was working on passing the two-year General Revenue Budget HB166. Under current law, LLC's, Sole Proprietors and Partnerships don't pay income tax on the first \$250,000 and all income; after that they get a 40% reduction. House Speaker, Larry Householder, cut it to \$100,000 and eliminated the 40% reduction because he reasoned that these people were not creating jobs but putting the money in their own pocket. The Senate agreed with Governor DeWine and restored the original tax language. Both the House and Senate cut income taxes. The House put in a 6% cut and raised the amount where you start paying income taxes to \$22,500 for individuals; the Senate did a straight 8% cut on all brackets. Another difference between the two bodies is the House eliminated the tax credit for movies made in Ohio with the Speaker saying he was for "Buckeye Bob from Beverly and not Bobby DiNero from Beverly Hills", but the Senate restored the cut. School funding was also a major difference between the two bodies. The House saying the Senate version would rob from the poor and give to the rich. The House had no tax increase on tobacco or vapor products but the Senate originally proposed a 17% increase on all vapor products, but due to the work of a coalition of retailers, of which MIRA is a part of, we were able to change the tax to one 1¢ per milliliter of consumable material included in the product. Both Houses increased the age to buy tobacco products including vapors to 21. The House rejected Senate changes and a conference committee of the two bodies will meet to settle the differences. Once the conference



committee agrees on final version of HB166, it goes back to both bodies where its either a yes or no vote, amendments at that point are not allowed. The bill then goes to the Governor who has line item veto authority. After the Governor signs the bill, all non-revenue issues will become effective on October 1, 2019 and fiscal changes immediately.

Legislation to ban cities from making plastic bags illegal has been introduced in response to some Ohio cities already having passed such bans. Many retail groups, including MIRA, have signed on in support of this bill as it would be a nightmare for retailer having to use different bags in different locales. As soon as the budget is passed the legislature will recess for the summer, coming back in August or September, although hearings will be held throughout the Summer months. MIRA will introduce a bill to make September 22-28, 2019 as Food Retailer week.

MIRA had a very good meeting with Ohio Attorney General David Yost to discuss many issues dealing with gasoline marketing. The discussion covered many subjects, including below cost selling, selling of unbranded fuel at branded stations, tax evasion and cheating at the pump. Mr. Yost indicated his office would investigate the many issues MIRA brought up and get back to us with his opinion. ■

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michigan lottery report

BRIAN O. NEILL // MICHIGAN LOTTERY COMMISSIONER

CashBot Offers a New and Exciting Way to Play Pull Tabs

Pull Tabs debuted in October 2003 and offer players a fun play experience while spending time with friends at restaurants, bars, and other establishments across Michigan. In 2018, Pull Tabs posted record sales of about \$33 million with nearly \$2.5 million in commissions to Lottery retailers. So far in 2019, strong player support has pushed up Pull Tabs sales by 2.2% – \$511,140 – compared to last year.

To generate excitement and boost sales, the Lottery continues to create new ways for players to enjoy Pull Tabs. The newest game, CashBot, reflects that by adding technology to extend Pull Tab play. This game is set to launch on July 9th.

To play CashBot, players will open all five tabs on

the ticket to reveal the symbols. If they uncover three consecutive winning symbols in any horizontal row and reveal CashBot in another window, they then will text the SMS number to start using CashBot to reveal the multiplier for their ticket. Multipliers will be 2X, 5X, or 10X the prize revealed. CashBot will offer players a chance to win prizes ranging from \$1 up to \$10,000. Texting is not required to play CashBot. Winning CashBot tickets may be cashed at any Lottery terminal for the full multiplied winning amount.

NEW BIG SPIN INSTANT GAME EXPECTED TO BOOST SALES

The Big Spin® instant game also will go on sale July 9th. Each \$10 Big Spin ticket offers players a chance to win prizes ranging from \$10 up to \$1 million. This instant game features a second chance game that offers players a chance to win prizes from \$100,000 up to \$2 million. Players may enter non-winning Big Spin ticket Spin Codes at www.MIBigSpin.com to be entered in a drawing for the opportunity to appear on a televised show. Each of the 20 winners will have the opportunity to spin the Big Spin wheel to win at least \$100,000 and up to \$2 million. ■

INSTANT TICKETS // PULL TAB TICKETS

NEW INSTANT TICKETS:

On sale July 9th:

- IG 313 – Bonus Cashword – \$3
- IG 305 – 24 Karat Gold – \$5
- IG 303 – The Big Spin – \$10

INSTANT GAMES SET TO EXPIRE:

Expiring July 1st:

- IG 207 – Bring On the Bens – \$5
- IG 772 – Deluxe 7's Playbook – \$20
- IG 779 – Hot Fortune – \$20
- IG 785 – \$500,000 Bonus – \$5

Expiring August 5th:

- IG 231 – Golden Ticket – \$10

Expiring August 6th:

- IG 222 – Double Bonus Cashword – \$5

NEW PULL TAB TICKETS:

On sale July 9th:

- MI 552 – CashBot – \$1
- MI 544 – Great Lakes Loot – \$2

PULL TABS SET TO EXPIRE:

Expiring July 16th:

- MI 514 – Triple Diamonds – \$2
- MI 516 – Bank Buster – 50¢
- MI 517 – Polar Dough! – \$1

Expiring August 13th:

- MI 508 – Money Bags Multiplier – \$1

TICKET ACTIVATION: Retailers are reminded to activate all game tickets before putting them on sale to ensure winning tickets may be redeemed by players.



**MICHIGAN
LOTTERY™**

About 97 cents of every dollar spent on Lottery tickets is returned to the state in the form of contributions to the state School Aid Fund, prizes to players and commissions to vendors and retailers. In the 2018 fiscal year, the Lottery provided more than \$941.3 million for Michigan's public schools, its fourth record contribution in row. Since it began in 1972, the Lottery has contributed more than \$22 billion to support public education in Michigan. For additional information, follow the Michigan Lottery on Facebook, Instagram, Twitter and online at www.michiganlottery.com.

A SECOND CHANCE AT FUN

**YOUR CUSTOMERS COULD WIN
\$1,000,000 INSTANTLY!**

**PLUS: SECOND CHANCE
PRIZES FROM
\$100,000 TO
\$2,000,000!**



**THE BIG
\$PIN**
WIN UP TO \$1,000,000!



MIBIGSPIN.com

The Big Spin players have the chance to win up to \$1,000,000 instantly. It also gives players a second chance to win an appearance on the Big Spin TV show, hosted by basketball star John Salley, where they can win a guaranteed prize from \$100,000 up to \$2,000,000!

With so many chances to win, The Big Spin tickets will be rolling off the shelves.



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The \$1,000,000 The Big Spin Instant Game prize winners, and the \$1,000,000 and \$2,000,000 Big Spin event prize winners will receive their prize in annual payments over a 30-year period, unless within 60 days from the date they claim their prize, they request the Cash Option method of payment. Knowing your limits is always the best bet. Call the Michigan Problem Gambling Helpline for confidential help at 1-800-270-7117.





The Chameleon of Corner Stores

■ BY ASHOURINA SLEWO // DENHA MEDIA GROUP

Getting its start in May 1990, Bubba's Corner in Orient, Ohio had what some would call a rough start. A mere nine months after Valerie and Clarence Cardwell opened the convenience store, an unfortunate fire destroyed the meager business in February 1991.

Taking the destruction of their first ever business in stride, the Cardwells rebuilt. In addition to rebuilding what they lost, the Cardwells took the unfortunate incident as an opportunity to expand upon the original 1,000 square foot store which reopened later that year in October.

"The business has been in operation ever since, undergoing several building expansions, adding more refrigeration equipment, and additional fuel islands," explained Valerie Cardwell.

Taking the unconventional route, the Cardwells had no prior experience in the industry when they decided to buy Bubba's Corner. In fact, they chose their location for no reason other than how convenient it would be for them to run the store because of how close it was to their home.

"We don't recommend this method in selecting a business, but this is how we did it," explained Cardwell. "The location was directly across the street from our home. We thought we could run the store better; therefore, we bought it. We had zero, nada, zip, zilch knowledge of the convenience store industry. We didn't even know anyone who was remotely connected to the industry."

Purchased for its convenient location, the Cardwells ultimately made a great choice as more than 8,000 cars drive by their store each day.

Despite being novices in the industry, Valerie and Clarence have been successful in their endeavor as they have created a lucrative business model and cultivated a substantial and diverse customer base.

"Our customer base has two components. Our repeat customers come from the surrounding local rural communities," said Cardwell. "Our location has 8,000 vehicles passing daily which translates into a high



percentage of transient customers. This location is not as dependent on the sales from the general rule of thumb "rooftop" customers."

In their, 4,800 square foot space, Bubba's Corner offers an extensive selection of items to assuage the needs or cravings of their customers.

"We are a 4,800 sf IGA Express convenience store selling fresh meats and deli products, a limited selection of fresh vegetables, dairy and frozen products," said Cardwell. "We have Sunday sales for our extensive selection of craft beers and wines. Also, we offer the Ohio lottery, an ATM and serve as the Community Post Office."

Over the course of 29 years, Bubba's Corner has thrived due to the Cardwells' strong business sense. As the industry shifts, so does their store.

"We take a 'chameleon' like approach to business," explained Cardwell. "We have a highly developed ability to sense changes in market trends in the convenience industry. We have shifted focus from cigarettes to craft beer and wine. We focus on energy drinks and isotonic in our cold vault as carbonated beverages are losing market share."

Even as they offer a variety of items at Bubba's Corner, the Cardwells specialize in something a little less tangible than any product in their store. Time. At Bubba's Corner, a customer's time is taken seriously.

"[At Bubba's Corner] a customer can purchase a gallon of milk and be back in their vehicle before they can reach the dairy section in a 'big box' store," said Cardwell, who enjoys and appreciates her relationship with customers above all else. "The most enjoyable aspect of our business is the relationships we have with our customers and employees. As the adage goes, 'Not all families are related by blood.'"

As any store would, Bubba's Corner has gone through several changes since its doors were first opened to the public. One of the biggest changes coming less than a year after opening. The convenience store has expanded to include the local community's post office while the offerings have evolved to match customer taste.

Their business acumen, paired with the help of the Midwest Independent Retailers Association (MIRA), has helped Bubba's Corner thrive.

"MIRA is important as it keeps us connected to the industry with substantial savings through their vendor programs," said Cardwell. "We found our Third-Party Administrator (Workmen's Comp) through MIRA which resulted in reduced costs."

The biggest benefit, says Cardwell, is the unified voice that retailers have through MIRA.

"The greatest benefit is the voice and representation MIRA gives independent business owners in state and local governments," she explained. "Their lobbying efforts are critical to our well-being and success." ■

RETAILER: BUBBA'S CORNER

Locations: Orient, Ohio

Founded: 1990

Employees: 17

MIRA Member Since: 1999

Slogan: "When challenges and problems occur, you need to act like a duck and let them roll off your back. It is not personal."



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From MIRA to the Michigan Chamber of Commerce

■ BY ASHOURINA SLEWO // DENHA MEDIA GROUP

Change is imminent. This is a fact that is not lost on the Midwest Independent Retailers Association (MIRA). Much of MIRA's work is centered around change and helping members figure out how to navigate change.

Over the course of the association's more than century long history, many things have changed. From the very name of the association to the names and faces behind it. Each change leaves a lasting mark on MIRA. This is especially true of individuals like Daniel Papineau, who had the opportunity to work with MIRA, which was then the Associated Food and Petroleum Dealers (AFPD).

Despite having been with MIRA for almost a year and a half, Papineau was able to leave a lasting impression on the association. In his post as the Director of Government Relations, the East Lansing resident had the opportunity to work as an advocate for the diverse membership.

While advocating for the interests of MIRA members in Michigan, Ohio, and Illinois, Papineau also took the time to build relationships and maintain connections that would prove beneficial for members.

"[I built] relationships with state legislators, legislative staff, the Governor's office, and others to effectively communicate the Association's positions on key legislative issues including but not limited to tax, labor, and finance as well as regulatory issues such as, alcohol, food safety, and petroleum," he explained.

His previous work as the Chief of Staff for State Senator Jack Brandenburg shone through as he navigated the world of politics for his work with MIRA.

In addition to advocating and communicating for the association, Papineau was directly involved with the association's PAC and building coalitions.

During his time at MIRA, Papineau has learned and can attest to the strong work ethic of the association's members. For this, he knew that his work was imperative. Members' livelihoods depended on the work he did.

"MIRA members work hard! They are some of the hardest working people I know. They are also loyal, respectful, and entrepreneurial," he explained. "Representing them and working to protect their interest was my utmost responsibility. A natural disaster or criminal act could wreak havoc on MIRA members, but government could cause just as much damage if not more by adopting policies contrary to the interest of MIRA members. Ensuring government does not ruin the livelihoods of MIRA members was important."



After leaving MIRA in 2017, Papineau made his way to the Michigan Chamber of Commerce where he currently serves as the Director of Tax Policy and Regulatory Affairs. While the title may differ, Papineau finds himself doing work similar to that which he did at MIRA.

In his position at the Michigan Chamber of Commerce, Papineau continues to be a fierce advocate for members. "With MIRA, I worked on a lot of regulatory issues – especially dealing with alcohol," he said. "While I still lobby some regulatory issues, I now focus the vast majority of my time purely on tax policy. This is the biggest difference: the issues I lobby. The strategy, networking, educating, etc. is still the same."

Preparing him in more ways than one, Papineau's brief tenure at MIRA lends itself to his current position as he draws on past experiences and lessons.

"MIRA prepared me both professionally and personally," he explained. "From dealing with members, a board, high ranking executives in large companies, demanding entrepreneurs, to being humble and respectful."

Moreover, Papineau looks back at his time at MIRA fondly as he recalls getting to know and advocate for the diverse membership.

"MIRA members are the best around and having the opportunity to really get to know a lot of them and learning about their backgrounds and businesses alongside Auday and Ed was one of the most rewarding and gratifying things I could have ever asked for," he said.

Working alongside the folks at MIRA were a formative time in Papineau's career.

"Working with Auday and Ed at MIRA was one of the best things that could have happened to me in my professional career," he explained. "The MIRA membership as well as Auday and Ed challenged me every day, taught me so much and I say without hesitation that I would not be who I am today without them." ■



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THE VALUE OF MEMBERSHIP

The membership with the Midwest Independent Retailers Association (MIRA) is both tangible and intangible. “Members see the programs and rebates, but they don’t always have a clear view of all the things we do behind the scenes,” said Ed Weglarz, Director of Petroleum. “They don’t see most of the lobbying work or government relations efforts in each state we represent. We are constantly keeping track of legislation that could affect the industry. So often we are stopping these measures without the members even hearing about it.”

There were recent dues increases within the association and the prices vary depending on the level of the membership and the number of locations. “A lot of people don’t realize the dues that they pay are less than a dollar a day and don’t cover the costs of services at the high level the association provides,” said Auday Arabo, President & CEO. “Supplier members subsidize dues for retailers. Retailers really should thank the suppliers for their membership and support the supplier programs. The suppliers keep the dues low.”

The association brings in about \$600 to \$700 thousand in dues, yet the administration costs are more than



\$1.3 million. The difference comes from events and publications. “If the association didn’t have its trade shows, golf outings and the magazine, the dues would be more than double,” said Arabo. “The overall association budget is \$2million, which has grown from less than \$800,000 just 10 years ago.”

“Members don’t see the tangibles of the association,” said Joe Abro, CPA and MIRA Board Member. “They are dealing with products; they know the value of physical things but when it comes to intangibles like a service, they don’t always understand the value. If members truly want to see the benefits of the membership, then they need to get involved. They need to ask questions. They need to attend events.”

From a government relations perspective, services run slowly at the state level. “We have been working on some issues like the Bottle Deposit Bill in Michigan for years,” said Weglarz. “In Ohio, we spent three years on the Petroleum Activity Tax and we were successful in establishing a level playing field for gasoline retailers. The wheels at the state level move slowly. Members don’t see our persistence.”

There are several issues across the country that MIRA has tackled for members including additional permits required of businesses, sales taxes and any tax increases. “Legislators think adding permitting fees may be no big deal but when a store needs 11 permits at \$100 each, it adds up,” said Weglarz. “We are constantly monitoring these types of issues.”

Weglarz details several of the issues MIRA has worked on over the years for members. In the state of Illinois, they are dealing with the Fair Work Week. Employers must give employees their schedule two (2) weeks in advance. There are similar laws in other states like New York and Oregon. “If a business owner schedules an employee for 30 hours for a two-week period and doesn’t actually need them for those 30 hours, he will be penalized and have to pay the employee one-half time the employee’s rate, if the shift is canceled with less than a 24-hour notice,” said Weglarz. “You can’t run a business like this, because you don’t always know if you are going to have a mad rush of business or be very slow due to circumstances beyond the owner’s control.”

In 2018, MIRA took on the soda tax in Chicago. This was a proposal for a per ounce tax on soft drinks. “It had so many holes in it,” said Weglarz. “How can you impose this tax on the retailer? How do you tax this on restaurants or at a bar that pours drinks,

or places where refills are free? Law makers will put out proposals and introduced bills without talking to stakeholders first. We have to go in and explain after the fact why this doesn’t work.”

The MIRA team is monitoring issues across the country. “What our members don’t see often is the defense we play,” said Weglarz. “The things we try to keep from happening. The constant educating taking place, so lawmakers know how our industry operates.”

In Ann Arbor there is a city ordinance stating that in order to purchase tobacco you must be 21 years of age or older. “So now tobacco users will go outside of Ann Arbor to nearby cities to purchase tobacco,” said Weglarz. “If a business owner has multiple locations with employees rotating from business to business and one city has one ordinance and another city has a different one, you are bound to make a mistake. This is not a good way to do business. These are issues lawmakers don’t seem to always understand.”

MIRA today is the largest independent retailers’ organization in the country. “We have more reserves and are bigger than ever,” said Arabo. “We created Benchmark which is becoming profitable and we own our own building. We are using the dues very responsibly in a time when other associations are going out of business or dying out.”

MIRA has six pillars of service: Publications, Events, Government Relations, Compliance and Training, Community outreach and Vendor Programs. Members often wonder what they get for their money. “Past AFD and AFD members don’t understand the deal they are getting,” said Arabo. “Members in Pennsylvania, West Virginia, and Illinois do not second guess the dues. They often say it is too good to be true.”

Under the pillar of Compliance and Training, MIRA offers several classes and courses for businesses to be in compliant with policies, laws and regulations. “This is all part of the membership’s value,” said Weglarz.

Today with the recent name change, “no one talks about the name being an issue anymore,” said Arabo.

Abro ties success to technology and information. “The businesspeople who are truly successful keep up with the industry,” said Abro. “You need to have access to email, website, social media. You need to know what is going on to stay informed. If you are doing business from 30 years ago, you will not be successful. It just doesn’t work.” ■



11TH ANNUAL SCHOLARSHIP LUNCHEON

Building a Foundation for Success

Detroit legend delivers keynote address at the 11th Annual Scholarship Luncheon

BY DENHA MEDIA GROUP

He has experienced success as both an athlete and an entrepreneur and the Detroit legend credits the adults he met along the way who helped build his foundation for success. “I didn’t get here by myself in terms of success,” said Isiah Thomas, keynote speaker at the 11th Annual MIRF Scholarship Luncheon. “There was always someone along the way helping me. You never know who you are reaching out to and who that little kid is going to be. I got here through a lot of charity work in terms of people, organizations, teams and schools I attended. Some of those people wrote checks and they never knew who I was, and I was the beneficiary of those people’s good will. Being here today is about giving back and to help other kids.”

As the youngest of nine kids, Isiah grew up being known as “junior” wearing his sister’s clothes as hand me downs. That little boy living in Chicago never foresaw the path his life would take as an NBA Champion to the owner of Cheurlin Champagne. “I was a little kid who was just looking for food. I was trying to find something to eat. There was the poverty line and the line below poverty and that was us. We were below the poverty line. I was always scrounging looking for something to eat. You meet good people along the way. Paths open up in life. I am glad to have these multiple opportunities in life and these lines to go down.”

That was part of his message to the 29 scholarship winners, their sponsors and families. He shared his

story and left students with a message of appreciation, hope, preparedness and success. “Always live with joy and find the happiness in whatever you do,” he said. “Smile and be happy even though there will be bad times. There is always that silver lining you can find.”

He shared some disappointments he experienced on the court and games he lost, as well as opportunities in businesses he ventured into. “I didn’t know anything about Champagne” said Isiah, “but do you know what I did?” He asked the students. “I did my research. I did my homework, much like what you are doing today. I learned what I needed to know and today I am able to stand up here and tell you a lot about grapes and champagne because I studied.”

Haitham Thomas from Heather’s Liquor Land in Redford attended the event for his daughter Christina, recent Mercy High School graduate who is heading to Oakland University in the fall. “Isiah Thomas has always been my favorite athlete, so whatever he would say would be perfect,” said Haitham. “I loved how he told the kids about research and how he knew nothing about Champagne, but he talked to people, he networked and learned about champagne. He was basically telling these kids that they can do whatever they want if they put their minds to it. He was an inspiration.”

Isiah not only enjoys the business of the bubbly but truly savors the quality of his product. “What I love about our champagne is that there is no or very little sugar in it. I can drink it without getting a headache. Most champagnes are high in sulfates and sugar,” he said. “I can drink our champagne and enjoy it.” ■

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"D&B sponsors this, because it is the best event MIRA has ever created. It is an honor to see these bright young minds - not only in our industry but other industries - succeed. It is a pleasure to support these students and it is a testament to the organization."

– **BOBBY HESANO** // D&B WHOLESALE & DISTRIBUTORS



"It supports the community and hopefully encourages young people who might end up in our industry, to support our industry. It is really all about the next generation to have the opportunity and tools we had coming up. It is our way to give back."

– **TOM LIPARI** // LIPARI FOODS



"ACC, as a non-profit foundation and human services organization, we get a lot of support from organizations and we would like to do the same. We want to give to others. As a former grocer, I serve on the foundation board for MIRA, I support these activities. It is a great way to give back and to receive, because you see so many people you don't always get to connect with on a regular basis."

– **NABBY YONO** // ARAB AMERICAN CHALDEAN COUNCIL



"Ever since my father, Michael George, passed away we just love helping kids and my dad always told me anytime you can help, donate to education, it is very important."

– **SCOTT GEORGE** // MICHAEL J. GEORGE CHARITY



"I sponsor it for the kids. I see them go up there and accept their award and hear about the accomplishments, it is wonderful. They are excited. They tell their stories. I have three kids of my own. I know how important it is to support these kids. College is so important and supporting this scholarship program is just great."

– **SAAD ABBO** // U.S. ICE



"Dad preached education. An A minus was not acceptable. Through this donation and through this investment back into our children, we can make our dad proud. These kids are our future. We are helping shape the world we are going to live in."

– **ANGELA ARCORI-THOMAS & MARISA ARCORI-THOMAS** // FRANK G. ARCORI FOUNDATION



"We are always looking forward to the future. Education is the foundation to grow as a company. The only way we can prosper and make a difference is to give back to the community. Through education is how we mold and shape future leaders and productive members of society."

– **MIKE CAVIN** // REPUBLIC NATIONAL DISTRIBUTING COMPANY

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KRISTEN AGUILAR

Kristen is a freshman at Columbia College Chicago studying creative writing with a concentration in fiction. She graduated from Hoffman Estates High School, where she participated in the performing arts as an actress, tech crew member, and as an official member of the Thespian Honor Society. Her senior year, she was elected as an officer for her schools Thespian Troupe and participated in the annual Powderpuff game between the senior and junior classes.

"Stay gold, Ponyboy." – S.E. HINTON, THE OUTSIDERS

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RAHAF ASSOFI

Rahaf is a junior at Oakland University studying biology in hopes of attending medical school. In addition to her studies, she spends a majority of her time working as a medical scribe in the emergency department at Providence Park, in addition to being a research associate at Henry Ford Hospital in Detroit. In Rahaf's free time, she tutors students ranging from 6th grade to 12th grade, mainly in math and science. All in all, she makes certain that she remains dedicated to her studies and work, as she continues to further her education in hopes of becoming a physician.

"I can do all this through Him who gives me strength." – PHILIPPIANS 4:13

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SUBMITTED THROUGH: CASA DE DECOR





CARMA ATEN

Carma is a freshman at Northwestern Michigan College, studying web development in the CIT Developer degree program. She graduated from Kingsley High School, where she focused on her voice and programming skills. Carma was in Choral Fusion, a small audition choir, for 2 and a half years. She also went to the TBAISD Career-Tech Center to learn more about web design and game making after taking an interest in it through a web design class at her high school. There, she was a member of the National Technical Honor Society.

"Dare to differ." – MATTHEW GOLDFINGER

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SUBMITTED THROUGH: NORTHLAND FOOD CENTER



AUTUMN BARBOUR

Autumn is a sophomore at Grand Valley State University, studying medical laboratory science. Her ultimate goal is to be involved in the hands-on aspect of cancer research. She graduated from Fowlerville High School where she was the Sports Editor for her senior yearbook, a member of the National Technical Honor Society and served as one of the Captains of the Varsity Volleyball team. Autumn also played 6 years of competitive year-round club volleyball. While attending high school, she was an active volunteer with the Big Brothers Big Sisters program and Interact Club. Autumn currently volunteers in the emergency department at North Ottawa Community Hospital in Grand Haven, Michigan, as well as the Kids in Motion program sponsored by Grand Valley State University.

"Every day may not be good, but there's something good in every day." – ALICE MORSE EARLE

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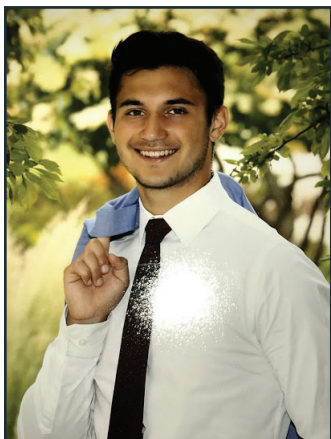


HAILEY BIVENS

Hailey is a freshman at Grand Valley State University, studying exercise science and allied health science. She graduated from Thornapple Kellogg High School with the highest honors. Hailey played two years of junior varsity soccer and one year of varsity soccer. She was a National Honor Society member and volunteered at various athletic, church, and school events.

"I have not failed. I've just found 10,000 ways that won't work." – THOMAS EDISON

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ANDREAS ELIOPOULOS

Andrew is a freshman at the University of Illinois Urbana-Champaign, studying chemical engineering. He graduated from Lake Park High School, where he was a 4-year member of the varsity soccer team, Captain of the Rube Goldberg national qualifying team, member of National Honor Society, 5.0 GPA club, and many more. Andrew volunteers with his church, St. Demetrius of Elmhurst, and also with programs through his school.

"It ain't about how hard you hit, it's about how hard you can get hit and keep moving forward..." – ROCKY BALBOA, ROCKY

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SUBMITTED THROUGH: BROOKHAVEN MARKETPLACE





ALLISON GRAY

Allison is a sophomore at Grand Valley State University studying clinical exercise science. Outside of her studies, she worked on campus and was a part of Campus Ministry. Allison graduated from Midland High School, where she was a member of National Honor Society. She also played on the Midland High School varsity softball team, serving as the team Captain and ran on the track team. Allison has also participated in the Midland County Youth Leadership program, Blessed Sacrament Outreach Team, and Business Professionals of America. She volunteered regularly throughout high school and continued that passion during her first year of college.

"Don't tell me how you can't, show me how you can." – DAVE GRAY

SPONSORED BY: REPUBLIC NATIONAL DISTRIBUTORS COMPANY (RNDC)
SUBMITTED THROUGH: EXPRESS MART FOOD STORES



ALEXIS JENSEN

Alexis is a sophomore at Eastern Michigan University, studying applied computer science and philosophy. She graduated from Belleville High School where she was a member of Student Council and band. Alexis volunteered for three years at her local animal rescue shelter. She currently works at Benito's Pizza and Our Father's Child (a local daycare) to earn money to further her education.

"I will walk by faith even when I cannot see." – CORINTHIANS 5:7

SPONSORED BY: REPUBLIC NATIONAL DISTRIBUTORS COMPANY (RNDC)
SUBMITTED THROUGH: BENITO'S FIVE STAR MARKET



OMARI JOHNSON

Omari is a freshman at the University of Michigan-Dearborn. He graduated from Renaissance High School in Detroit, Michigan where he made honor roll for 8 semesters. During high school, Omari participated in extracurricular activities such as soccer, Suits for Success, DAPCEP, Urban League College Club and summer golf. He also worked for his school media and counseling centers.

"It's not who I am underneath, but what I do that defines me." – BATMAN BEGINS

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SUBMITTED THROUGH: FAYGO BEVERAGES



GRACE KANE

Grace is a freshman at Saint Louis University studying aviation flight science with a minor in business. She graduated from Mercy High School as Magna Cum Laude, where she was on the varsity volleyball team, a member of Spanish Honor Society, National Honor Society, and Student Government. Grace was also a member of the St. Fabian Youth Group and participated in two mission trips. She enjoys being involved in Women in Aviation and recently received her Private Pilot License, as she dreams of becoming a commercial pilot.

"A mile of highway will take you a mile. A mile of runway will take you anywhere!" – ANONYMOUS

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SUBMITTED THROUGH: PARKWAY FOODS





JADE KASSAB

Jade is a freshman at Oakland University studying pre-law. She graduated from Saint Catherine of Siena Academy, where she was on the honor roll for all four years. Jade helped to start and played on the varsity lacrosse team and was the president of CASA Club. She also volunteers at PB&Js, Gleaners, and attended a mission trip to Washington D.C. to serve people experiencing homelessness.

"For I know the plans I have for you...plans to prosper you and not to harm you, plans to give you hope and a future." – JEREMIAH 29:11

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KEVIN KATHAWA

Kevin is a freshman at the University of Detroit Mercy in the 7-year dental program. He graduated Summa Cum Laude with a cumulative GPA of 4.581 and ranked first in his graduating class as the Valedictorian. Kevin participated in the rigorous International Baccalaureate Diploma Program (IBDP) at De La Salle Collegiate, logging over 200 hours of service for local organizations, such as Project Healthy Community, Brilliant Detroit and Summer in the City. In the fall of 2017, he attended an IBDP immersion trip to the De La Salle Blackfeet School in Montana.

"Don't ever let somebody tell you, you can't do something. You got a dream, you gotta protect it. People can't do something themselves, they wanna tell you, you can't do it. If you want something, go get it. Period." – CHRIS GARDNER, THE PURSUIT OF HAPPYNESS

SPONSORED BY: MICHAEL J. GEORGE CHARITY
SUBMITTED THROUGH: MEMPHIS PARTY STORE



The Michael J. George Charity



MALLORY KEENOY

Mallory is a sophomore at Indiana University Bloomington and is double majoring in media and history. She graduated from Okemos High School, where she was a four-year starter for the varsity lacrosse team. She also spent much of her time volunteering through National Honor Society and MIRA's High-Five Turkey Drive. At Indiana University, Mallory is a part of the media scholars program and has worked on countless student film projects. Her goal is to become a documentary filmmaker, in order to bring light to social issues and serve others through her work.

"Don't settle for nice, for pleasant, for familiar. Keep looking until you find something that really moves you, that resonates with your core. And I mean this for people, for interests, for hobbies, for your possessions, clothes, music, books, art. Everything. Curate every aspect of your life, as much as you can. It's in the things that deeply inspire us that we find ourselves. Surround yourself with truth and you will build yourself a heaven." – UNKNOWN

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SUBMITTED THROUGH: DIAGEO



MAVERICK LAWRENCE

Maverick is a freshman at Indiana University Bloomington, studying neuroscience with hopes to move on to medical school. He graduated from Highland High School where he participated in the National Honor Society, Spanish Honor Society and Key Club. Maverick likes to be active and spend time with family and friends in his free time.

"You can't ever reach perfection, but you can believe in an asymptote toward which you are ceaselessly striving." – PAUL KALANITHI

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SUBMITTED THROUGH: SHERWOOD FOOD DISTRIBUTORS





LAUREN MADAMBA

Lauren is a junior at the University of Illinois Urbana-Champaign, majoring in human development & family studies and minoring in psychology. At school, she is part of a mentoring club and serves on the executive board of her sorority. She graduated from Waubonsie Valley High School, where she was active in both band and gymnastics.

"She believed she could, so she did." – R.S. GREY

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SUBMITTED THROUGH: PETER RUBI PRODUCE



JULIANA MALINOWSKI

Juliana is a sophomore at Michigan State University, studying materials science and engineering with a biomedical concentration. She graduated from West Ottawa High School, where she was involved in Science Olympiad and a student-led organization that sent hundreds of computers to Cameroonian schools. She enjoyed volunteering at the Community Action House and being involved in the local music scene. This upcoming year, Juliana is looking forward to continuing her studies, living in a student housing cooperative and volunteering at her University's radio station.

"Educating the mind without educating the heart is no education at all." – PROVERB

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SUBMITTED THROUGH: DOWN THE HATCH LLC



ALTHEA MCGREEHAN

Althea is a freshman at Grand Valley State University. She graduated from New Buffalo High School, where she was a member of National Honor Society and Spanish National Honor Society. Althea danced for a company for 15 years and was on the competitive team for seven of those years. She currently volunteers at her dance studio, teaching pre-teens the art of dance. Althea spends her free time with her friends and family. She also loves to go to live music concerts and festivals.

"The key to life is dancing your way through it."

SPONSORED BY: BLUE CROSS BLUE SHIELD OF MICHIGAN
SUBMITTED THROUGH: SAWYER GARDEN CENTER



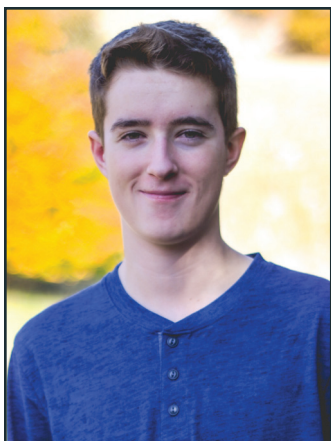
MAITHILI PATEL

Maithili is a freshman at Rutgers University, studying neuroscience and business administration. She graduated from Lake Ridge Academy in Ohio, where she served as National Honor Society President, President of Humanitarian Aid Society, President of Future Business Leaders of America, Treasurer of the student body. Maithili also hosted blood drives for the American Red Cross, as well as bone marrow donor searches for the Be The Match Foundation. She currently volunteers at Shiva Vishnu Temple, the Animal Protective League, Montefiore Nursing Home, Louis Stokes Cleveland Veterans Hospital, Cuyahoga County Library and at STEM Camps for at-risk youth. She is passionate about literature and dance.

"If I have seen further, it is by standing on the shoulders of giants." – ISAAC NEWTON

SPONSORED BY: BORDEN DAIRY
SUBMITTED THROUGH: SNACKBOX FOOD MART





EVAN ROGALLA

Evan is a sophomore at Grand Valley State University, studying business. He graduated from Western Michigan Christian High School. Evan loves hunting and fishing, because it's such a blessing to be able to spend time outdoors in God's creation. He is a member of a non-profit organization called the West Michigan Wildlife Association. Evan enjoys going to church and spending time with friends and family.

"I have been crucified with Christ and I no longer live, but Christ lives in me. The life I now live in the body, I live by faith in the Son of God, who loved me and gave himself for me." – GALATIANS 2:20

SPONSORED BY: GREAT LAKES COCA COLA
SUBMITTED THROUGH: FRUITPORT ORCHARD MARKET



MARTIN RZEPPA

Martin is a freshman at Macomb Community College, studying applied technology and skilled trades. He graduated from Center Line High School, where he was co-captain of the bowling team, played baseball, and was also active in the marching band playing percussion. While in high school, Martin volunteered at Center Line Public Safety, Turtle Creek farm and the Renaissance Festival on behalf of various athletic organizations. He also worked for Value Fresh.

"Whether you think you can, or you think you can't- you're right." – HENRY FORD

SPONSORED BY: MERCANTILE BANK OF MICHIGAN
SUBMITTED THROUGH: VALUE FRESH MARKETPLACE



MITCHELL SCHOENJAHN

Mitchell is a junior at Grand Valley State University studying supply chain management. He graduated from Lake Orion High School, where he ran track and played varsity football, both his junior and senior years. Mitchell was a scholar athlete in both sports and was captain of the track team his senior year. He is also a member of Trinity Lutheran church and has volunteered for Make a Difference Day at Grand Valley State University.

"Sometimes you win and sometimes you learn." – JOHN C. MAXWELL

SPONSORED BY: BLUE CROSS BLUE SHIELD OF MICHIGAN
SUBMITTED THROUGH: BLUE CROSS BLUE SHIELD OF MICHIGAN



HANNAH SHEEDY

Hannah is a freshman at Grand Valley State University, studying finance. She graduated from Salem High School with a 4.07 GPA, where she was a varsity swimmer for four years and was also a Link Crew leader. Hannah participated in several community service programs, such as the Plymouth Rotary Club Annual Chicken Barbeque. She also assisted in organizing a sock drive at her high school, raising over 500 pairs of socks to donate to those in need in downtown Detroit.

"There is still a lot to learn and there is always great stuff out there. Even mistakes can be wonderful." – ROBIN WILLIAMS

SPONSORED BY: FRANK G. ARCORI FOUNDATION
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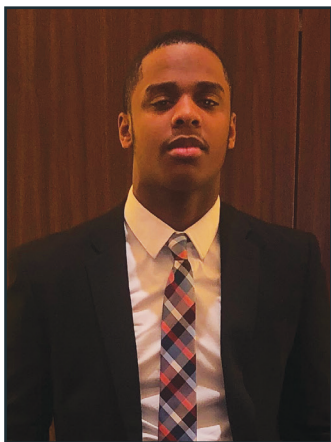


DALE SMITH

Dale is a sophomore at Bluffton University, majoring in special intervention and minoring in psychology. At Bluffton, he is on the men's basketball team and is a part of the Bridge Literary Journal. He graduated from Western Reserve High School, where he was the captain of the basketball and football team.

"Everything in life is what you make it." – COACH STOLL

SPONSORED BY: BORDEN DAIRY
SUBMITTED THROUGH: BORDEN DAIRY



LEONARD SMITH

Leonard is a sophomore at Michigan State University on the pre-med track with a minor in business and entrepreneurship. In his free time, he enjoys doing graphic design and his long term goal is to one day open his own aesthetic practice in Los Angeles.

"You can never tell how close you are. It may be near when it seems so far. So stick to the fight when you're hardest hit. Rest if you must but don't you quit."

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SUBMITTED THROUGH: GREAT LAKES WINE & SPIRITS



GREAT LAKES
Wine & Spirits



CHRISTINA THOMAS

Christina Thomas is a freshman at Oakland University, studying pre-med. She graduated from Mercy High School as a Valedictorian/ Salutatorian finalist and was Magna Cum Laude. Christina was a member of National Honor Society, Spanish Honor Society and Link Crew. She was also a student government class officer and a science club officer. Christina volunteered throughout high school with various organizations, one being the Chaldean Angels.

"Success doesn't just come and find you, you have to go out and get it." – ANONYMOUS

SPONSORED BY: ARAB AMERICAN CHALDEAN COUNCIL (ACC)
SUBMITTED THROUGH: HEATHER'S LIQUOR LAND



**Arab American and
 Chaldean Council**



JUSTINE THOMAS

Justine is a freshman at the University of Michigan, studying chemistry with a minor in business. She graduated from Detroit Country Day Upper School, where she was a member of the Cum Laude Society and received the academic status of Summa Cum Laude three of her four years. Justine was a member of Country Day's Conservatory Program of Fine Arts, where she completed a portfolio with a concentration in jewelry and received Scholastic regional awards for her portfolio and individual works. She also completed science research in 10th-12th grade, with her work being selected for presentation at the Junior Sciences and Humanities Symposium at Wayne State University in 2017 and placing 4th in her category of microbiology at the Science and Engineering Fair of Metro Detroit in 2018. Justine is a National Merit Finalist and currently volunteers at St. Joseph Mercy Oakland Hospital and with the Chaldean Angels.

"Be fearless in the pursuit of what sets your soul on fire." – JENNIFER LEE

SPONSORED BY: JANE SHALLAL SCHOLARSHIP
SUBMITTED THROUGH: HARTLAND MOBIL



KYLIE VELDMAN

Kylie is a junior at St. Clair County Community College, studying business and accounting. She graduated from Yale High School with honors and a member of National Honor Society. She also played Varsity Golf and continues to play golf in her spare time. Kylie has participated in her local 4H program, as both a member - showing sheep, cattle, and swine - as well as volunteer to help younger members, for over 12 years. She was also an avid 4H shooting sports member, shooting as part of the 2018 first place Skeet Team in the State of Michigan. Kylie currently continues to volunteer for her local 4H program, her community and helps on her family farm.

"Life moves pretty fast. If you don't stop and look around once in a while, you could miss it."

– FERRIS BUELLER, FERRIS BUELLER'S DAY OFF

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SUBMITTED THROUGH: JOHNSTON'S MEATS

DTE Foundation



JONATHAN YOUSIF

Jonathan is a freshman at the University of Detroit Mercy in the 7-year dental program with hopes of studying dental medicine. He graduated from West Bloomfield High School, where he was a member of National Honors Society, Chaldean American Student Association and the Future Health Professionals of America club. Jonathan ran on the varsity cross country and track & field teams and was named Cross Country Rookie of the Year his Freshman year. He volunteered through multiple clubs and religious groups throughout the community.

"Hard work beats talent when talent fails to work hard." – KEVIN DURANT

SPONSORED BY: WILD BILLS TOBACCO

SUBMITTED THROUGH: SHOPPERS VALLEY MARKET

WILD BILLS
TOBACCO



JESSIE YOUSIF-DICKOW

Jessie is a sophomore at Wayne State University, studying electrical engineering and is very involved in the engineering program. She is a student assistant for a 3D printing CAD class and the treasurer of the IEEE branch at her school. Jessie graduated from North Farmington High School, where she was one of three girls involved in the automotive program. In her senior year, she won first in the state for automotive electrical along with other awards and certificates.

"The saddest thing in life is wasted talent and the choices you make shape your life forever." – SONNY LOSPECCHIO, A BRONX TALE

SPONSORED BY: LEE & MAXINE PECK FOUNDATION

SUBMITTED THROUGH: TEL WARREN CONVENIENCE

A man with a beard and mustache, wearing a dark t-shirt with the 'Florentine' logo, stands in a commercial kitchen with his arms crossed. The background shows stainless steel kitchen equipment and a tiled floor.

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owner of Florentine Pizzeria, for example. DTE worked with him to make some small changes that led to big savings. Simply installing a programmable thermostat, sink aerators, LED lights and a pre-rinse spray valve in the kitchen saved John around 10% a month on his energy bill.

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Potent Pot, Vulnerable Teens Trigger Concerns in First States to Legalize Marijuana

■ BY JENNIFER OLDHAM // THE WASHINGTON POST

The first two states to legalize recreational marijuana are starting to grapple with teenagers' growing use of highly potent pot, even as both boost the industry and reap huge tax windfalls from its sales.

Though the legal purchase age is 21 in Colorado and Washington, parents, educators and physicians say youths are easily getting hold of edibles infused with tetrahydrocannabinol, or THC, the psychoactive component that causes a high, and concentrates such as "shatter," a brittle, honey-colored substance that is heated and then inhaled through a special device.

Each poses serious risks to adolescents' physical and mental health.

"Underage kids have unbelievable access to nuclear-strength weed," said Andrew Brandt, a Boulder, Colo., software executive whose son got hooked while in high school.

With some marijuana products averaging 68% THC - exponentially greater than the pot baby boomers once smoked - calls to poison control centers and visits to emergency rooms have risen. In the Denver area, visits to Children's Hospital Colorado facilities for treatment of cyclic vomiting, paranoia, psychosis and other acute cannabis-related symptoms jumped

to 777 in 2015, from 161 in 2005.

The increase was most notable in the years following legalization of medical sales in 2009 and retail use in 2014, according to a study in the *Journal of Adolescent Health* published in 2018.

"Horrible things are happening to kids," said psychiatrist Libby Stuyt, who treats teens in southwestern Colorado and has studied the health impacts of high-potency marijuana. "I see increased problems with psychosis, with addiction, with suicide, with depression and anxiety."

It is unclear whether all of this means years of generally stagnant pot use among children are coming to an end. Surveys finding little change with pot since 2014 "may not reliably reflect the impact of legalization on adolescent health," the authors of that 2018 study concluded.

Washington's latest Healthy Youth Survey showed 20% of eighth-graders and nearly half of seniors "perceive little risk of regular marijuana use." Many teens consider it less risky than alcohol or cigarettes.

As more than a dozen states from Hawaii to New Hampshire consider legalizing marijuana, doctors warn of an urgent need for better education - not just of teens but of parents and lawmakers - about how the products being marketed can significantly affect young people's brain development.

The limited scientific research

to date shows that earlier and more frequent use of high-THC cannabis puts adolescents at greater jeopardy of substance use disorders, mental health issues and poor school performance.

"The brain is abnormally vulnerable during adolescence," said Staci Gruber, an associate professor of psychiatry at Harvard Medical School who studies how marijuana affects the brain. "Policy seems to have outpaced science, and in the best of all possible worlds, science would allow us to set policy."

The critics also insist that more must be done to maintain tight regulation of the industry. That's not been the case so far, they argue, with dispensaries opening near high schools in Seattle and with retail and medical pot shops in Denver outnumbering Starbucks and McDonald's locations combined.

The bills that passed this spring in each state's legislature, with bipartisan support, aimed mostly for industry expansion or deregulation. Washington lawmakers lightened the consequences of administrative violations, allowing for written warnings in lieu of fines. Colorado lawmakers approved broader investment in marijuana businesses and home delivery for medicinal users - followed by delivery for recreational users in 2021. Colorado also gave the go-ahead for consumers to use the drug in



licensed dispensaries, restaurants and theaters.

Some physicians liken the states' actions to a public health experiment, one that supports the cannabis industry's interests, while ignoring the implications for adolescents' health.

"I hope we don't lose a generation of people before we become clear, we need to protect our kids' brains," said Leslie Walker-Harding, an adolescent medicine specialist who chairs the pediatrics department at Seattle Children's Hospital. It also is seeing more teens with marijuana-related symptoms.

The industry disagrees that potent products like crumble, budder and crystalline are a danger, saying additional studies are needed. Existing data are "inconclusive about whether the changes that have been linked to early cannabis use are damaging in the long term," Morgan Fox, media relations director for the National Cannabis Industry Association, said in an email. "There also needs to be more research on whether potency actually has an impact on consumers."

What's not disputed is how much is on the line financially. Ten states and the District of Columbia - with Illinois poised to be next - allow recreational marijuana use for adults, and 34 permit medical marijuana. Washington's commercial market posted a record \$978 million in retail sales in fiscal 2018, data show, which meant \$358 million in excise

tax for state coffers. Colorado's pot industry racked up even higher sales in calendar 2018: a record \$1.54 billion, which brought in \$266 million in marijuana taxes, licenses and fees.

Colorado state Rep. Jonathan Singer, a Democrat from the community of Longmont, north of Boulder, expects the new delivery law to help block teens from buying marijuana via online and other easy sources. "We are in many ways stamping out a black market that doesn't care whether they sell to kids," he said in an interview.

Yet many educators and parents worry the opposite will occur: that the most recent measures will make it even easier for adolescents to get cannabis.

"It seems like everyone is looking the other way, and meanwhile kids are ending up in hospitals," Brandt said in detailing the struggles over his son's marijuana use. After the 20-year-old college student's grades plummeted in the fall, his father enrolled him in a private treatment program costing thousands of dollars a month.

The popularity of cannabis concentrates - which bear no resemblance to the plant from which they're derived - is linked to teens' burgeoning use of electronic cigarettes, according to school officials. Some e-cigarette devices work with marijuana as well as nicotine. Unlike a burning joint, the vaped pot is odorless and smokeless.

The crossover is evident in Montrose, a recreation hub nestled in the Uncompahgre Valley on

Colorado's western slope. A 2017 national survey ranked Colorado at the top of 37 states for high-schoolers' use of e-cigarettes, with a state survey that same year finding that more adolescents here vape than in any other region.

Vaping is an escalating disciplinary issue for Principal Scot Brown, a burly, no-nonsense administrator who has led Olathe Middle and High School for 11 years. He keeps the evidence in his "confiscation drawer."

In western Colorado, Olathe Middle and High School Principal Scot Brown holds vaping devices recently confiscated from students.

"This is from a four-day period," he said recently, yanking open the drawer to reveal about a dozen vape pens and other devices. One was an angular gold-and-black teardrop-shaped gadget he found in a kid's wallet. "Almost 50% of my students have vaped, whether it's nicotine or marijuana. It's an epidemic."

Brown is hardly the only Montrose educator alarmed about students vaping cannabis. Matt Jenkins, who coordinates special education programs for the school district, mobilized after seeing students "going into the stratosphere, getting beyond way too high." He obtained a \$750,000 grant, funded by state marijuana tax revenue, to hire two social workers and a nurse to help with "the Pandora's box we opened."

Jenkins quips that the district is

POTENT POT

continued on page 49.



Police ‘Unprepared’ for Pot-Impaired Drivers in Illinois, Law Enforcement Leaders Say

■ WWW.HERALD-REVIEW.COM

Illinois law-enforcement officials are “incredibly unprepared” for the potential upswing in impaired driving that could result from legalization of recreational use of marijuana.

That view of the impact of House Bill 1438 came from a Chicago-area police officer spearheading a pilot program to develop a roadside chemical test for marijuana.

Sgt. Brian Cluever, director of traffic safety at the Carol Stream Police Department, said technology to accurately check saliva for cannabis-related impairment and support driving-under-the-influence cases in courts is months and potentially years away in Illinois and other states.

And unlike alcohol, there’s no breath test for marijuana.

In addition, Cluever said it’s unclear how much it will cost and how long it will take to train more Illinois police officers on how to interview people and conduct field sobriety tests for marijuana. The field tests for pot are different from alcohol but still can be used to arrest and charge drivers with marijuana-related DUI.

Those various challenges will put police in a “tough spot,” Cluever said last week. “We won’t be ready by January 1, 2020.”

His statements reflected many of the concerns raised by police, prosecutors and even the speaker of the Illinois House before and since passage of HB 1438 last month. The legislation would make Illinois

the 11th state to legalize use, possession and sales of marijuana involving people 21 and older.

The work being done in Carol Stream to develop a non-invasive chemical test was described by supporters of the bill during debate in the General Assembly as a sign that technology is moving forward to identify and prosecute cannabis-related impaired driving.

But the saliva testing program that the Carol Stream Police Department began using in early 2018 for marijuana, cocaine, methamphetamines, opiates and other drugs has slowed because problems with the testing equipment prompted the department to change suppliers, Cluever said.

Testing with equipment from a new supplier began only this year, and the equipment isn’t sensitive enough to detect the presence of tetrahydrocannabinol, or THC, down to the legal limit in Illinois - 10 nanograms per milliliter in saliva, he said. The equipment is sensitive only to 40 nanograms, he said.

Illinois’ legal limit for THC in blood for drivers is 5 nanograms/ml.

A trial of saliva-testing equipment in Michigan could detect THC no lower than 25 nanograms/ml. A February report on the Michigan pilot program said results were encouraging but that more study was needed.

“This is why I asked the legislature to slow down and get these public-safety components in place before the bill moved forward,” Sangamon County Sheriff Jack Campbell said. He

testified in front of lawmakers on behalf of the Illinois Sheriffs’ Association.

Concerns raised by Campbell and others weren’t enough to stop progress of the legislation, which is expected to be signed into law by Democratic Governor J.B. Pritzker so it can take effect January 1st.

Heather Steans, D-Chicago, chief sponsor of HB 1438 in the Senate, said impaired driving related to marijuana is taking place now, and law-enforcement groups probably will never support legalizing cannabis, so their request for more study wasn’t persuasive.

“I don’t think waiting is a compelling argument,” she said.

Legalizing adult use probably won’t lead to a “significant” increase in impaired driving, Steans said, so the wisest move would be to create a streamlined path for Illinois to implement the latest testing technology as it’s developed and, at the same time, fund more training for police.

The bill would create a “DUI Cannabis Task Force,” made up of lawmakers and representatives from the Illinois State Police, Secretary of State’s Office and advocates promoting civil rights and safe driving.

The task force would be required to make recommendations to the governor and General Assembly by July 1, 2020, on “best practices” in impaired-driving law enforcement and “emerging technology in roadside testing.”

Steans noted the bill calls for 8% of tax revenue generated by sales of recreational marijuana to be distributed to local law-



enforcement agencies. Based on her estimates for sales, the 8% could total \$4.5 million in fiscal 2020, \$11 million in fiscal 2021 and up to \$40 million a year once the state's recreational pot market is fully developed.

Whether marijuana is making roads less safe in Illinois and the rest of the country is unknown. Also unknown are ways of measuring marijuana's influence on impaired driving and fatal crashes, but officials in Illinois and other states say there are troubling signs that require more research.

House Speaker Michael Madigan, D-Chicago, didn't vote when the House approved the legalization bill on a 66-47 vote. He issued a statement afterward that he has taken no stance on the issue.

"The lack of adequate field sobriety testing that our police need to identify and stop impaired drivers remains of concern," Madigan's statement said.

Jim Kaitschuk, executive director of the sheriffs' association, said police are worried legalization will lead to more use of marijuana and more people driving after they smoke it or use marijuana-infused edibles. Without a chemical test or adequate police training, some impaired drivers could go unpunished and remain on the road, he said.

"We're already depleted with resources on the street," he said.

A 2017 report from the National Highway Traffic Safety Administration highlighted the challenges facing law enforcement.

The report said surveys show there was a 48% increase in the prevalence of drivers testing positive for THC at any level from 2007 to 2013-14, with 8.6% positive in 2017 and 12.6% positive in 2013-14.

At the same time, the report said

the percentage of drivers testing positive for alcohol at any level declined from 12.4% in 2007 to 8.3% in 2013-14.

The report pointed out that the driving risks posed by alcohol use have been well known for decades, while "relatively little" is known about the risks posed by marijuana and other drugs.

There's evidence that marijuana "impairs psychomotor skills, divided attention, lane tracking and cognitive function," but "its role in contributing to the occurrence of crashes remains less clear," the report said.

THC levels in blood are highest in people right after they finish smoking marijuana, and THC levels decline significantly in the next hour or two, the report said.

Experts say the THC decline can pose problems for police who want to take a blood test for THC but could face delays associated with bringing a driver to a hospital or summoning a phlebotomist for a blood draw.

There also could be delays in obtaining a search warrant for a blood test if the driver refuses to give consent.

The report pointed out more problems with police relying on THC levels. The few studies looking at the relationship between THC in the blood and level of impairment showed that peak impairment usually doesn't occur at peak THC levels, the report said.

And impairment can vary by person at the same THC level, the report said.

The AAA Foundation for Traffic Safety analyzed the available studies and said specific THC threshold levels for legal impairment "cannot be scientifically supported" even though the foundation is concerned that marijuana may be contributing

to fatal crashes.

AAA spokesman Nick Jarmusz said there's a mistaken perception in the public that marijuana isn't as dangerous as alcohol when it comes to driving.

In Colorado, the number of DUI citations by the Colorado State Patrol in which police listed marijuana or marijuana in combination with alcohol or something else as the impairing substance increased from 12% of all DUIs in 2014 to 15% in 2017.

Legal recreational use of cannabis in Colorado began in 2012, and legal sales began in 2014.

However, Colorado officials said the state's increase in police trained in recognizing drug use could have played a role in the higher marijuana detection rates.

"Training is key," said Sgt. Blake White, spokeswoman for the Colorado State Patrol.

Cluever, the Carol Stream police officer, said police who are trained as "drug recognition experts" or who have gone through "advanced roadside impairment drug-enforcement" training learn how to spot the telltale signs of marijuana impairment that are different from indicators of alcohol intoxication.

The clues for cannabis impairment can include body tremors, dilated pupils and fine-motor exaggerations, he said.

Having a reliable roadside chemical test, as well as a chemical test that's admissible in court, would only help police and prosecutors secure convictions, Cluever said.

The lack of a roadside chemical test makes training for officers even more important, he said.

"These people are just as dangerous, sometimes more dangerous, than the alcohol-impaired driver," he said. ■



CBD-Infused Food and Beverages Are Still Illegal Under U.S. Law. So Why Are They Everywhere?

A new line of beverages containing “active hemp extract” debuts in stores, which may push the FDA closer to establishing a regulatory framework



■ BY LAURA REILEY // THE WASHINGTON POST

In 2017, no one knew what CBD oil was. In 2018, folks stumbled saying “cannabidiol” (that’s CBD oil) out loud. In 2019, it’s everywhere, and everyone wants in on it.

In flavors like “cucumber mint refresh” and “watermelon renew,” a new line of CBD-infused waters and teas hit major grocery stores in California and Colorado in June, each 16-ounce bottle containing 20 milligrams, or trace amounts, of “active hemp extract.”

These beverages by the Oki company are among the first wave of large-production, mainstream products that are taking CBD out of the neighborhood head shop, dispensary or hippie health

food store and into mainstream commerce.

It fits into a new conception of health, wellness and functional foods that includes the nonintoxicating benefits of this chemical compound without the psychoactive THC found in marijuana.

But at the federal level, CBD in food and drink is still illegal. The Federal Food, Drug, and Cosmetic Act prohibits adding even approved drugs to human or animal food in interstate commerce.

The 2018 Farm Bill legalized hemp, but the legal status of hemp-derived cannabidiol remains in limbo. This is largely because CBD can be derived from hemp or cannabis, but if a hemp plant contains more than 0.3% THC (the active “high” ingredient in marijuana) it is then technically a “marijuana” plant. It’s confusing. Experts say drafting and implementing regulations could take years.

Amy Abernethy, the FDA’s principal deputy commissioner, has taken the lead on clarifying the agency’s position on regulation of CBD-infused products, using Twitter as a primary mechanism for conveying the agency’s thought process.

On June 16th, the FDA released a document called “What You Need to Know (And What We’re Working to Find Out)” that states: “We are aware that there may be some products on the market that

add CBD to a food or label CBD as a dietary supplement. Under federal law, it is currently illegal to market CBD this way.”

When asked which instances of CBD sale might prompt legal action, the FDA said it had no additional comments but that the agency had opened a docket for the public to submit comments through July 2nd. There are 2,554 comments thus far, and that date has been extended to July 16th.

Brands as diverse as Ben & Jerry’s and Coca-Cola are chomping at the bit to launch CBD-infused products, and stores like Walgreens, Kroger and CVS have vowed to sell them. More than 1,000 CBD-infused products are now available online.

Why the rush?

Money.

Oki beverages have a suggested retail price of \$5 per 16-ounce a bottle; a 16.9-ounce bottle of Nestlé water, by comparison, is about 54¢. Boris Savransky’s Beezy Beez, which produces honey from a network of more than 200 bee farms in New York and New Jersey, started producing Hempme CBD-infused honey a year ago. Twelve ounces of his regular honey costs \$5.99 to \$6.99; six ounces of CBD-infused honey is \$55. For honey, that’s a sweet markup.

Until now CBD products have been mostly tinctures, lotions and capsules, local or regional mom-and-pop items sold at dispensaries and often offshoots of



the marijuana industry. Oki, with 360,000 bottles produced so far, aims bigger.

“Many of these companies stay intrastate because of bandwidth and financial resources,” said Garrett Graff, managing attorney at Hoban Law Group in Denver, which calls itself the nation’s premier “cannabusiness” law firm and represents more than 200 cannabis and hemp companies, including Oki.

Very few of the companies Graff’s firm works with have the ability to scale up to meet the ongoing supply needs of a major grocery chain or big-box store, yet market research firm Brightfield Group predicts the CBD oil business could balloon to a \$22 billion market by 2022. Being among the first “marquee” national brands has the potential to be very lucrative.

In 33 states and D.C., medical marijuana is legal. In 10 of those states (plus D.C.) recreational marijuana is legal.

Amid that legal patchwork, each state is adopting its own strategies for dealing with CBD in food and beverages. Indiana, Utah, Texas and Florida require a QR code that allows consumers to look up batch numbers, potency and other ingredients. In May, Oklahoma Gov. Kevin Stitt (R) approved a bill to establish labeling requirements for CBD and hemp extracts. In Florida, a state hemp program went into effect July 1st establishing licensing requirements and a framework for dealing with violations, corrective measures and enforcement in the sale of CBD products.

So far, the FDA has looked the

other way for intrastate commerce in CBD foods (Carls Jr. rolling out a CBD-infused “special sauce” burger in Denver for “4/20 Day,” say).

But interstate sales are thornier. Many banks, insurance companies and merchant service companies are leery of providing services for national CBD companies and of the FDA stepping in to see whether the claimed CBD levels are present in the products (spoiler: they frequently aren’t) and issuing warnings to companies making “egregious and unfounded claims that are aimed at vulnerable populations,” claims that it cures Alzheimer’s, cervical cancer, fibromyalgia and more.

Jim Bailey, the chief executive of Oki’s parent company Phivida, said there’s enormous potential in CBD - even though Oki labels make no mention of CBD, preferring to advertise “active hemp extract” to satisfy skittish retailers.

“Define what luxury means to you today. It’s health and wellness, and there’s a movement back toward plant-based foods and functional foods. We started looking at CBD uses for anxiety and insomnia,” Bailey said.

Oki water labels and marketing materials make no claims beyond, “feel calm, feel balanced.”

But the sheer scale of Oki’s launch might arouse the FDA’s ire. Produced and bottled outside of Dallas, waters from the Vancouver-based company are likely trucked through states like New Mexico, where marijuana remains illegal, before reaching their final retail outlet - the very definition of interstate commerce.

Industry experts predict the launch of scalable commercial

CBD products will force the FDA to expedite a federal regulatory framework.

“States are confused and lost and seeking guidance,” Graff said. “Even bullet points like ‘comply with good manufacturing practices’ and ‘don’t make impermissible health claims.’ If you had that interim guidance, you’d see huge relief among states.”

Graff and other experts are confident the FDA will soften its stance that CBD is not “safe as a food additive,” perhaps taking cues from Canada, where new rules governing the production and sale of edibles go into effect October 17th. But questions remain about what CBD does, how safe it is and whether companies and even consumers open themselves up to legal action in partaking before a regulatory framework has been hashed out.

Because hemp has historically been coupled with marijuana, there has been little scientific research into safe dosages, drug interactions and the long-term effects of CBD use.

The University of Mississippi is the only federally authorized researcher of marijuana. Otherwise researchers must obtain materials through the National Institute on Drug Abuse. Graff said many companies have sought to do research with universities but have been stymied by red tape.

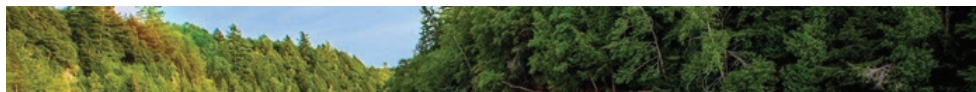
Graff said that many companies embrace third-party testing of products and “sensible” inspection.

“We all want the same thing in terms of consumer safety. That’s the same for any other product out there. Hemp should be treated equally under the law.” ■



Egle Kicks Off Know It Before You Throw It Education Campaign in State's First-Ever Effort to Promote Cleaner Recycling

Effort aims to reduce contaminated materials going into recycling bins and double state's recycling rate to 30% by 2025



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY



■ BY JILL A. GREENBERG // EGLE PUBLIC
INFORMATION OFFICER

The Michigan Department of Environment, Great Lakes, and Energy today announced the launch of Know It Before You Throw It, a first-ever statewide education campaign to better inform Michiganders on what can – and cannot – be recycled and how to recycle correctly.

EGLE's goal is to promote awareness of cleaner recycling practices to reduce the amount of contaminated materials improperly going into recycling bins. The state also wants to double Michigan's recycling rate to 30% by 2025 and ultimately reach 45% annually. Michigan's current 15% recycling rate is the lowest in the Great Lakes region and ranks among the nation's lowest.

The Know It Before You Throw It campaign launches as communities across Michigan and the U.S. are struggling with international market shifts, resulting in higher costs for some local governments that fail to meet new industrywide cleanliness

standards for recyclable materials.

"We want to inform and inspire more people than ever before in Michigan about how to recycle better," said EGLE's Materials Management Division Director Jack Schinderle. "This campaign is a first of its kind for Michigan that offers multiple benefits. Increasing recycling and improving the quality of materials we're recycling saves energy, reduces water use, decreases greenhouse gases, conserves resources and translates into local jobs."

EGLE officials were joined during today's news conference at a Lansing recycling transfer station by East Lansing Mayor Mark Meadows; Lansing Deputy Mayor Samantha Harkins; state Sen. Curtis Hertel Jr., D-East Lansing; state Rep. Sarah Anthony, D-Lansing; state Rep. Kara Hope, D-Lansing; state Rep. Julie Brixie, D-East Lansing; Michigan Recycling Coalition Executive Director Kerrin O'Brien; and Michigan Waste and Recycling Association Board Chair Kevin Kendall.

"We thank Gov. Whitmer, the

Michigan Legislature and EGLE for their leadership and for working together to develop a strategy that will help improve and sustain Michigan's environment now and throughout the 21st century," Meadows said.

Recycling in Michigan is receiving a major boost as state legislators in an overwhelmingly bipartisan move have increased EGLE's funding for recycling from \$2 million last year to \$15 million in 2019. The extra funds will support development of recycling markets, increase access to recycling opportunities and reinforce planning efforts to grow recycling at the local level.

"What's really great about EGLE's campaign is that we've spent the past decade or more stressing the importance of putting more resources into recycling education and supporting local communities' programs," Hertel said. "Michigan is now putting words into action."

To kick off the campaign, EGLE introduced the Michigan Recycling Raccoon Squad, a six-member team of recycling champions who will serve as EGLE's education ambassadors. EGLE-commissioned research shows that education is key for residents to learn how to properly

EGLE CAMPAIGN

continued on page 49.



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MIRA MEMBER EXCLUSIVE



More Research Links Potent Marijuana To Psychosis



■ BY JAZZ SHAW // WWW.HOTAIR.COM

Back in March, we looked at some statistics out of Great Britain suggesting that incidents of psychosis were anywhere from three to five times higher among regular consumers of THC than in the general population. That study came with a few caveats, suggesting that more research would be required to nail down precisely what was going on. But now that pot has been legal in Colorado and Washington state for a few years, additional troubling statistics are cropping up. It's particularly problematic with teens, who are not supposed to be able to buy THC products but seem to be getting their hands on them easily. Mental health professionals are seeing more medical issues

arising and they blame it on the high concentrations of THC in edibles and vaping compounds. (Washington Post)

With some marijuana products averaging 68% THC - exponentially greater than the pot baby boomers once smoked - calls to poison control centers and visits to emergency rooms have risen. In the Denver area, visits to Children's Hospital Colorado facilities for treatment of cyclic vomiting, paranoia, psychosis and other acute cannabis-related symptoms jumped to 777 in 2015, from 161 in 2005.

The increase was most notable in the years following legalization of medical sales in 2009 and retail use in 2014, according to a study in the *Journal of Adolescent Health* published in 2018.

"Horrible things are happening to kids," said psychiatrist Libby Stuyt, who treats teens in southwestern Colorado and has studied the health impacts of high-potency marijuana. "I see increased problems with psychosis, with addiction, with suicide, with depression and anxiety."

I was already beginning to have my doubts about this, but the more research we see coming out, the more I wonder if I missed the boat on the issue entirely. For a long time, I held a rather *laissez-faire* attitude toward pot legalization, but then I'm a boomer who grew up in the sixties and seventies. While my own understanding was totally anecdotal, I don't recall ever hearing about people becoming addicted to marijuana (though it can certainly turn into a habit) and the health effects appeared to

be minimal at best. Of course, if you turned into a stoner who sat around getting high all day, you probably weren't going to be able to get a job or make much of your life, but that's just the consequences of your own choices, right?

Now, however, things seem to have changed. I had no idea that the concentrations of THC in some of these products were more than 60%. Most of the skunk weed that was floating around back in the day would barely get people stoned (or so I've heard. ahem). I'm guessing that the concentrations were only a tiny fraction of what we're seeing now. So while I'm not a doctor and claim no medical expertise in this field, it seems obvious that if you upgrade the concentration of any drug to a sufficient level, the effects on the human body, including the brain, are going to be amplified as well.

People being regularly treated for "cyclic vomiting, paranoia, psychosis, and other acute cannabis-related symptoms" on a regular basis should be enough to give us pause. It's not as if we don't already have enough problems with mental illness, depression, and suicide in this country. We don't need to be breeding an entire generation of kids that wind up being even more susceptible. As I said above, I haven't traditionally been an opponent of marijuana legalization, and I still think there are probably some useful pain relief applications for medical marijuana, but I'm beginning to believe legalization for recreational use might have been rushed through too quickly. ■



Millions of Americans Admit to Driving While High, New Survey Says

■ WWW.LOSANGELES.CBSLOCAL.COM

Marijuana is becoming legal in more cities across the U.S. than ever before, and now more people are admitting to getting high before getting behind the wheel.

A new survey from AAA's Foundation for Traffic Safety found that nearly 15 million drivers said they've gotten behind the wheel within an hour of using marijuana.

According to the AAA report, nearly 70% of Americans believe it is unlikely that people driving under the influence of marijuana will get caught.

However, AAA pointed out that police are now more keen on catching people driving high.

"You can get caught if you are driving under the influence, regardless of whether marijuana is legal in your state, it's not legal for you to get behind the wheel impaired," said AAA spokesperson Rachel Sturm.

Drug-related DUI arrests in Los Angeles shot up 32% in the first six months following the legalization of marijuana for recreational use last year.

According to Officer Kamaron Sardar, a drug recognition expert with the LAPD, marijuana



"affects depth perception, it affects memory and concentration."

The LAPD advises drivers to wait eight hours after smoking marijuana before getting behind the wheel. ■

China Blames Legalization of Marijuana in US, Canada for Increase in Smuggling

■ BY CHRIS MILLS RODRIGO // WWW.THEHILL.COM

China's drug enforcement body recently blamed the legalization of marijuana in Canada and parts of the U.S. for a spike in smuggling into China, CNN reported.

Liu Yuejin, deputy director of the China National Narcotics Control Commission, said at a press conference that the number of cannabis users in the country grew by more than 25% in 2018, rising to about 24,000 people.

"In two years, we have found increasing cannabis trafficked from North America to China," he added, per CNN.

Liu noted that 115 packages sent through international postal parcels, containing a total of "55 kilograms of cannabis and cannabis products," were intercepted in 2018.

Most of the suspects connected to the seized parcels were foreign students or students who had come home after working abroad, Liu reportedly said.

Anyone found with more than 50 grams of a controlled substance, including marijuana, can face the death penalty in China.

The country's restrictionist stance on marijuana contrasts with the increasingly more relaxed



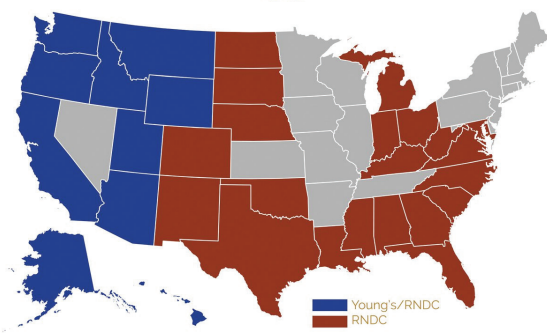
policies in North America.

In 2018, Canada legalized the drug nationwide, while many states in the U.S. have made purchasing and possession of the drug legal. ■



Exclusive: RNDC and Young's Join Forces, Creating an \$11 Billion Powerhouse With A 33-Market Footprint

Expanded Partnership Will Serve Suppliers and Customers in 33 U.S. Markets



Republic National Distributing Co. (RNDC), the U.S. market's second-largest spirits and wine distributor, is joining forces with fourth-ranked Young's Market Co. Pending regulatory approval, the two sides will form a joint venture to operate in all markets where Young's is now present. The RNDC-Young's combination will create an \$11 billion wholesale giant with a 33-market footprint.

RNDC will lead operations in all 33 markets and become managing partner of the joint venture for the Young's states, which will continue to be called Young's Market Company. Key executives for the joint venture will be: President & CEO Tom Cole, COO Bob Hendrickson, and CFO Nick Mehall, all three holding the same titles at RNDC. A board of directors comprised equally of executives from both sides—including current Young's Market Co. CEO Chris Underwood—will

oversee the joint venture. The other Young's Holdings companies, including Wilson Daniels and Infinium Spirits, aren't included in the deal.

The agreement represents a major advance from RNDC and Young's existing joint venture partnership in Arizona. "We've been engaged in our Arizona partnership for seven years, where we've had an opportunity to build a business together, build a warehouse, and make buying decisions," RNDC's Tom Cole told SND. "This is a natural evolution of that partnership."

Young's operates in 10 markets including Arizona, while RNDC is in 23 markets with Arizona included. Based on 2019 projections by Impact Newsletter, the agreement will unite RNDC's \$8 billion in annual sales with \$3 billion from Young's, creating an \$11 billion powerhouse.

RNDC's 13.7% market share will now combine with Young's 5.1% share to reach nearly 19% of the U.S. spirits and wine distribution market. By comparison, top-ranked Southern Glazer's Wine and Spirits (SGWS), has annual revenues of \$19 billion and a 32% U.S. market share.

Both Young's and RNDC are optimistic that government approval will proceed expeditiously. "We don't see any hurdles," said Chris Underwood of Young's. "Since we're already partners in Arizona, and we don't have any other states that overlap, we would view this as pro-competitive."

Indeed, the RNDC-Young's deal is a strong strategic fit precisely because there's no overlap. Arizona aside, RNDC is present in Alabama, Colorado, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Virginia, West Virginia, and Washington, D.C. Young's, meanwhile, operates in the Western states of California, Washington, Oregon, Alaska, Idaho, Montana, Utah and Wyoming, as well as Hawaii. The only two major markets where the combined RNDC-Young's won't be present are New York and Illinois.

The move represents something of a bounce-back for RNDC, following the recent termination of its proposed merger with Breakthru Beverage Group. The two companies announced a merger deal in November 2017, but after a long period of foot-dragging by the Federal Trade Commission (FTC) in the approval process, they decided to abandon the plan this past April.

At the time of that announcement, Breakthru and RNDC said it was possible the merger talks could be reopened at some point in the future. If that were to occur and the effort succeeded, the RNDC-Young's revenue of \$11.1 billion would combine with Breakthru's \$5.4 billion to hit \$16.5 billion—not so far off from SGWS's \$19 billion. ■



Supreme Court Rules in Retailers' Favor in SNAP FOIA Case

Ruling gives businesses stronger protection from forced public disclosure of confidential data

■ BY NACS ONLINE

In a win for retailers, the U.S. Supreme Court recently ruled 6-3 against a South Dakota newspaper seeking records under the Freedom of Information Act (FOIA) on stores' Supplemental Nutrition Assistance Program (SNAP) sales data, finding that the data are confidential and sharing them could harm the companies. NACS members can read a memorandum on the decision here.

"NACS has been fighting this since 2014 and is gratified that the Supreme Court agreed with our contention that store-level data is proprietary," said Lyle Beckwith, NACS senior vice president, government relations.

The Argus Leader in 2011 filed a FOIA request with the U.S. Department of Agriculture (USDA) asking for five years of store-level redemption data on SNAP for more than 300,000 retailers, but the agency denied the request, saying it was protected confidential business information.

Retailers have argued that store-level SNAP sales data essentially amount to a trade secret, and releasing them would harm their businesses, providing an unfair advantage to their competitors—plus infringe on their customers' privacy.

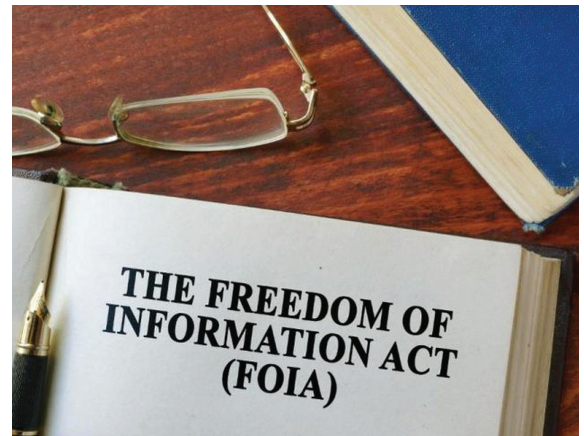
The USDA fulfilled part of the newspaper's FOIA request by supplying store names and

addresses, but the agency declined to provide the SNAP data under Exemption 4 of FOIA, which blocks agencies from handing over "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential."

The newspaper sued to obtain the records and originally secured lower court rulings in its favor. In 2017, the USDA decided not to appeal a judge's ruling that the government had failed to show that releasing the data would cause real competitive harm to retailers. At that point, the Food Marketing Institute (FMI), which represents grocers, stepped in and succeeded in getting the Supreme Court to take the case. NACS filed an amicus brief in support of FMI's position, along with the National Grocers Association and The National Retail Federation.

In June, the Supreme Court sided with the Food Marketing Institute and reversed the lower courts' rulings. The Court concluded that the store-level SNAP data qualify as "confidential" under this standard.

Writing for a six-justice majority, Justice Neil Gorsuch wrote, "At least where commercial or financial information is both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy, the information is 'confidential' within the meaning of Exemption 4."



The opinion reverses a 1974 interpretation of that term, first articulated by the D.C. Circuit, which determined private information would not be deemed "confidential" under the FOIA unless its disclosure would cause "substantial competitive harm."

Joining the majority were Chief Justice John Roberts and Justices Clarence Thomas, Samuel Alito, Elena Kagan and Brett Kavanaugh. Dissenting were Justices Stephen Breyer, Ruth Bader Ginsburg and Sonia Sotomayor. They said FOIA's principles of public access should apply unless there was "some genuine harm" to a company's economic or business interests.

"FMI is grateful that the Court clarified FOIA's Exemption 4 to prevent the disclosure of confidential commercial information that would put businesses at competitive disadvantages," FMI said in a statement following the ruling. ■



Convenience Stores Get a Makeover

From kombucha on tap to delivery of snacks, c-stores are adapting to the changing consumer landscape

■ BY NACS ONLINE

U.S. convenience stores continue to evolve into more than a place to grab some salty snacks and fill up your gas tank, CNN Business reports. For example, this week, 7-Eleven announced it would deliver to “hot spot” public locations through its 7-Now delivery app, while chains like Wawa and QuikTrip are branching out to online delivery, craft beer and meal kits.

“It’s a huge switch from what we would have historically thought

to see in [convenience] stores. It’s more than just your salty snacks and a can of soda,” said Catherine Lang, who analyzes the convenience store industry at Kantar. “Now I can go in and get a meal on my way home from work. I can also grab private-label wine.”

Kantar data found that nearly a third of millennials stop by a convenience store weekly, and that trend has more retailers adding healthier items to meet the needs of those consumers. Meanwhile, convenience stores are feeling the pressure from outside retailers, such as Amazon, Dollar General,

Hy-Vee, Kroger, Target and Whole Foods, and which are opening smaller stores or mini-markets.

With NACS counting more than 153,000 convenience stores in the U.S. market, convenience stores work hard to differentiate themselves from the competition by offering fresh foodservice and private label goods. Chains and independent retailers alike are spiffing up their stores to create a warmer and more inviting atmosphere. “No more outdoor restrooms, dimly lit aisles and seedy characters,” Lang said. ■

Millennials Outspending Other Generations on Food

The country’s low unemployment rates may be the contributing factor to higher spending on food and beverage

■ BY NACS ONLINE

According to the IRI Consumer Connect Survey, food and beverage sales among millennials were 21.5% higher in March 2019 compared to March 2018. That number fell 3.8% among retirees and baby boomers.

“Younger millennials have been lulled by the historically low unemployment rates, which is boosting their overall confidence and loosening their wallets,” said Joan Driggs, vice president of content and thought leadership for IRI. “At the other end of the spectrum, many baby boomers, retirees and seniors are concerned about their retirement savings

due to the volatile stock market this year and are watching their expenses more carefully.”

Grocery Dive reported on the insights too, saying that historically low unemployment rates may be the driving factor. The survey found that beverage and liquor were top-performing departments in Q1 2019.

Although the younger generations are spending more, all generations are using money-saving tactics. About 77% of millennials and 78% of retirees buy private label, and 77% of millennials and 69% of retirees reported trying a new, lower-priced brand.

The report also looked into emerging trends in sustainable

and plant-based offerings. They’re gaining momentum as nearly 60% of consumers are interested in eating less meat and 80% are eating meat alternatives.

“The latest generational spending habits combined with increased interest in plant-based and sustainable products, opens up an array of new opportunities for CPG marketers,” added Driggs. “This doesn’t mean marketers should lose sight of older consumers, who still have the greatest purchasing power, but marketers must be very savvy and develop personalized, targeted marketing campaigns that appeal to the various generations of shoppers.” ■



Health Groups Want Alcohol Labels to Warn of Cancer Risk

Consumers and health advocates are pressing for an update on labels established in 1988

■ BY MARK HUFFMAN // WWW.CONSUMERAFFAIRS.COM

A coalition of consumer and public health organizations is asking the U.S. government to change warning labels on alcoholic beverages to tell consumers of potential cancer risks.

Alcoholic beverages already carry a warning not to consume alcohol if you are pregnant or operating a motor vehicle.

In a letter to the Alcohol and Tobacco Tax and Trade Bureau (TTB) -- part of the Treasury Department -- the groups asked TTB to begin the process of amending the health warning statement currently required to appear on all alcoholic beverage labels.

The groups cite a 2016 report from the U.S. Surgeon General that documented a link between even light alcohol consumption and several common types of cancer. The groups say that the finding coincides with research from other organizations, such as the National Cancer Institute, which says “there is a strong scientific consensus that alcohol drinking can cause several types of cancer.”

The current warning label was established by a law established in 1988. The groups -- the American Institute for Cancer Research, the American Public Health Association, Breast Cancer Action, the Center for Science in the Public Interest, and the U.S. Alcohol Policy Alliance -- said



the warning can be expanded to include cancer by amending the current statute.

SUGGESTED WARNING

In their letter to TTB, the groups suggest that the following warning be added to alcoholic beverage labels:

GOVERNMENT

WARNING: According to the Surgeon General, consumption of alcoholic beverages can cause cancer, including breast and colon cancers.

The groups say the added warning is needed because most consumers are unaware of any link between alcohol and cancer.

“The disconnect between alcohol’s impact on cancer and the awareness of that impact should raise alarm bells,” said Thomas Gremillion, director of food policy at the Consumer Federation of America (CFA).

one of the organizations that signed the letter. “The industry has succeeded in putting a health halo around alcohol. The government has the responsibility to give consumers the scientific information they need to make informed decisions about alcohol, just as it does with tobacco.”

The warnings have come at a time when alcohol consumption is increasing in the U.S., with more and more consumers coming to accept it. But a 2018 study published in *The Lancet* found that no amount of alcohol consumption is safe.

The World Health Organization (WHO) first documented the link between alcohol and a number of different cancers in 1987. According to the groups urging a new warning label, cancers associated with alcohol consumption affect nearly 90,000 Americans each year. ■



Supreme Court Takes the Last Teeth Out of the 21st Amendment

■ BY BEER BUSINESS DAILY

The Supreme Court has delivered its opinion on the big Tennessee Wine and Spirits Retailers Assn. vs. Thomas case.

The case as you may recall involved Tennessee retailers and out-of-state retailer Total Wine, and sought to clear up whether Tennessee's two-year residency requirement for liquor store owners is unconstitutional.

The Court said that it believes it is.

In the majority opinion (7-2) penned by Justice Samuel Alito, the Supreme Court ruled the state's residency requirement unconstitutional, as it "blatantly favors the State's residents and has little relationship to public health and safety."

So if you thought the 21st Amendment gave states virtually complete control over how they want to structure their beverage alcohol laws, well, you thought wrong.

The Supreme Court says the 21st Amendment gives "each state leeway in choosing the alcohol-related public health and safety measures that its citizens find desirable," it "is not a license to impose all manner of protectionist restrictions on commerce in alcoholic beverages."

And that's why an 80-year-old law like Tennessee's residency requirement, is no more. Because it is one that "expressly discriminates against nonresidents and has at best a highly attenuated relationship to

public health or safety."

The Supreme Court said they were all ears on why the Tennessee residency requirement should stand, but the Tennessee Wine and Spirits Retailers Association "relied almost entirely on the argument that Tennessee's residency requirements are simply 'not subject to Commerce Clause challenge,' and the State itself mounted no independent defense."

And because they put all their eggs into this defense, "the record is devoid of any 'concrete evidence' showing that the 2-year residency requirement actually promotes public health or safety; nor is there evidence that nondiscriminatory alternatives would be insufficient to further those interests."

Therefore, the Supreme Court holds "that this provision violates the Commerce Clause and is not saved by the Twenty-first Amendment."

THE DISSENTING OPINION

As noted up top, there were two Justices (Gorsuch and Thomas) that had a different opinion on the matter.

This dissenting opinion, penned by Justice Gorsuch, argues that states have always been able to "impose residency requirements on those who seek to sell alcohol within their borders to ensure that retailers comply with local laws and norms. In fact, States have enacted residency requirements for at least 150 years, and the Tennessee law at issue before us has stood since 1939."

Yet, "for the first time, the Court claims to have discovered a duty and power to strike down laws like these as unconstitutional. Respectfully, I do not see it," Justice Gorsuch wrote. "A residency requirement may not be the only way to ensure retailers will be amenable to state regulatory oversight, but it is surely one reasonable way of accomplishing that admittedly legitimate goal."

Justice Gorsuch, the same Justice who voiced his concern during oral arguments in January that the outcome of this case could become a slippery slope to Amazon direct delivery, once again questioned whether this ruling would open up Pandora's Box.

"What are lower courts supposed to make of this?" he asked. "How much public health and safety benefit must there be to overcome this Court's worries about protectionism 'predominat[ing]'?"

"Does reducing competition in the liquor market, raising prices, and thus reducing demand still count as a public health benefit, as many States have long supposed?" he added.

"And if residency requirements are problematic, what about simple physical presence laws? After all, can't States 'thoroughly investigate applicants' for liquor licenses without requiring them to have a brick-and-mortar store in the State?"

Indeed, retailers shipping products from one state into another looks to be the next



battlefront. Alex Koral, regulatory counsel at Sovos, told sister publication *Wine & Spirits Daily* that the decision “opens up the question of whether alcohol retailers will soon be able to enjoy the same direct-to-consumer benefits that wine producers have enjoyed for years. However, it will require time and dedication by interested parties to further expand the market for direct-to-consumer shipments by retailers beyond the dozen states that currently allow it.”

Alex added that “while the recent ruling by the Court presents the possibility of more entrants to the direct-to-consumer shipping market, we will have to wait and see how states actually react, whether they will expand those permissions.”

MIXED REACTION FROM NBWA AND WSWA

The NBWA and the WSWA - the two trade orgs representing beer wholesalers and wine and spirits wholesalers, respectively - both put out statements in light of the Supreme Court’s decision.

NBWA chief Craig Purser more or less said they were alright with the ruling, mainly because there was no ostensible harm done to the three-tier system.

“The Court was deliberate in clarifying that this case was not a ruling on the three-tier system,” Craig said. “It reaffirms that the basic model and essential features of the three-tier system are legitimate. It recognizes that requiring industry participants to be physically present in the states where they operate - something

NBWA believes to be essential to the three-tier system - is legitimate as well. More broadly, the court’s decision establishes a framework for state regulators and responsible industry participants to advance and support legitimate state laws that are essential to an orderly alcohol marketplace.”

Adding, “We are confident based on the Supreme Court’s comments reaffirming the public interest in state-led alcohol regulation that effective state alcohol laws will continue to withstand legal scrutiny.”

Michelle Korsmo chief of the Wine & Spirits Wholesalers of America, on the other hand, said their group “disagrees” with the decision, as it “erodes the Twenty-first Amendment and primary state authority.” However, WSWA does “agree with the Court that the promotion of public health and safety is a primary function of alcohol regulation, with the three-tier system being paramount to the creation of the safest alcohol market in the world.”

BOTTOM LINE

This ruling by the highest court in the land was definitely a blow to the primacy of the 21st Amendment over the dormant Commerce Clause, as now retailers have the same rights to ship directly to consumers as wineries do. It’s been a long legal process: First Costco, then Granholm, now Total Wine. Each one chipping away at the 21st Amendment. While I don’t agree with this decision, it remains to be seen what sort of practical effect it will have on beer and bev-alc direct

sales in general, as there still has to be somebody at home to show identification, and remember beer is cheap relative to its weight.

But still, with Amazon having licensed brick-and-mortar stores in most states (Whole Foods), they already could deliver bev-alc to many households legally, as they buy the product from licensed distributors. The real issue, then, becomes can Amazon and others challenge state laws requiring they purchase from in-state wholesalers, (if there is even wide consumer demand for it). Remember, even online grocery deliveries and click and pick are so far slow to catch on.

LOTS OF CASES, MORE TO COME

There have been lots of court cases over the years, and as we explained in an issue nearly ten years ago, the cases can be put into four main buckets:

- 1 Granholm Copycats - where suppliers are suing states to fix a dormant Commerce Clause issue, like laws that treat in-state entities differently than out of state entities.**
- 2 Granholm Mutants - where retailers are suing states to get Granholm-styles rights to ship directly to consumers (this case falls into this category).**
- 3 Federal Antitrust challenges - most pronounced in the Costco and TFWS cases.**
- 4 Federal Preemption cases - where an entity sues the state declaring that a federal law trumps state alcohol law, most recently in the USAir case against New Mexico.**

In other words, while direct shippers got a clear win, this ain’t over. ■



Industry Sounds Off On Supreme Court Ruling

■ BY WINE & SPIRITS DAILY

On June 27, 2019, the US Supreme Court struck down Tennessee's residency requirement to obtain a liquor license in the Tennessee Wine and Spirits Retailers Association v. the Tennessee Alcoholic Beverage Commission (and Total Wine & More) case.

TRADE GROUP RESPONSES A MIXED BAG

The Wine & Spirits Wholesalers of America said they disagree with the ruling, but are glad that the opinion advocated for the importance of the three-tier system and the role it plays in public health and safety. Your editor got on the horn with WSWA chief Michelle Korsmo to discuss it further.

"WSWA's position has long been that the states have the authority to determine how best to regulate alcohol within their borders," Michelle tells WSD, adding that Tennessee's two-year residency requirement was "within the state's authority" because "that was part of what the 21st Amendment was about. The opinion that came down from the court looked at it differently."

"In the next few years, we'll go through that process of figuring out what it all means and how it applies to specific situations," she says, adding that in the dissent, penned by Justice Neil Gorsuch, he "really questioned whether or not the court was helping bring clarity to the system."

When asked what her biggest takeaway from the ruling is, she said, "for me, the critical aspect of health and safety in the states' regulations of beverage alcohol."

"It takes time for it to all work out and it's an evolution," she says, "I think that it's reasonable for us to assume that this is a new lens and a new filter through which beverage alcohol regulation is judged."

Similarly, the American Beverage Licensees also disagrees with the ruling. "It is disappointing that the Court did not recognize the full weight of the Twenty-first Amendment and the societal intent of the Tennessee residency laws when balanced against the Dormant Commerce Clause," says ABL executive director John Bodnovich in a statement.

ABL notes that the majority opinion did acknowledge the limit of its ruling: "Because we agree with the dissent that, under [Section 2], States 'remain free to pursue' their legitimate interests in regulating the health and safety risks posed by the alcohol trade, each variation must be judged based on its own features."

"In light of the ruling, and as we look to what the future may hold for the retail alcohol community, accountability, transparency and compliance will be of the utmost importance," says John.

Meanwhile, the National Beer Wholesalers Association did not explicitly say whether or not they

agree or disagree with the ruling. Rather, the group focused on the fact that the court pointed out the importance of the three-tier system.

"The Court was deliberate in clarifying that this case was not a ruling on the three-tier system. It reaffirms that the basic model and essential features of the three-tier system are legitimate," says NBWA chief Craig Purser. "It recognizes that requiring industry participants to be physically present in the states where they operate - something NBWA believes to be essential to the three-tier system - is legitimate as well. More broadly, the court's decision establishes a framework for state regulators and responsible industry participants to advance and support legitimate state laws that are essential to an orderly alcohol marketplace."

On the other hand, the National Association of Wine Retailers is over the moon with the ruling.

"The decision is a historic wine for both free trade and wine consumers across the country," says NAWR executive director Tom Wark. He goes on to say that "while we expect the opponents of free trade and supporters of protectionism to fight this evolution in the American marketplace, we are equally confident that this Supreme Court decision will lead to greater access to the hundreds of thousands of wines many consumers do not currently have access to due to protectionist wine shipping laws." ■

**POTENT POT***continued from page 33.*

“using weed money to tell the kids not to use weed” - and to prevent or reduce substance abuse. Its strategies include events that bring together students, parents, public health officials and even former users, as happened on a misty morning last month at Olathe.

In the school’s cavernous gym, back-to-back assemblies were introduced to a 40-year-old author, speaker and drug-treatment consultant named Ben Cort. Clad in a blazer and jeans, he paced the floor and talked about how he’d kicked his marijuana habit as a teen - and why that was so important.

Cort explained which part of the

brain controls which function. He focused on the frontal lobe, the area instrumental in problem solving, memory, language and judgment. Not until a person’s mid-20s is it fully developed, he stressed.

“Think about it this way: Your brain is my phone - it’s still growing and getting strong enough to handle everything the world will throw at it,” he said, lifting his black cellphone high over his head. “When you put THC in it,” Cort paused and flung the phone to the floor, eliciting gasps.

What will happen? he asked. His audience shouted the answer: “It will break!”

“Right,” he responded. “The bottom line is, weed ain’t for kids in any form - eating it, vaping it,

smoking it. It’s not okay.”

The students bombarded him with questions: Is weed addictive? Is what it does to a teen’s brain actually visible on a scan? Can you overdose on it? His answer, again and again and again: yes.

Cort conceded afterward that his talks with young people are often the hardest. They think they know so much more than they do, he said, and don’t realize how vulnerable they are in a world of ever-more-powerful pot. The same applies to any state where pot is legal, he maintains.

“We are holding on to a construct of marijuana which today is antiquated,” he said. “Ten years from now, there’s going to be a reckoning.” ■

EGLE CAMPAIGN*continued from page 38.*

recycle. For example:

- 50% of Michigan residents mistakenly believe they’re allowed to recycle plastic bags in their curbside recycling, which is prohibited by most municipalities.
- 76% of Michiganders are unaware that failing to rinse and dry items before putting them in the recycling bin poses a risk of contaminating everything in the bin.

“Some of the material being disposed of through landfills and incinerators could be recycled or composted in most metropolitan

communities without great difficulty,” Kendall said.

Michigan recycles more than 90% of bottles and cans, but bottles and cans represent only 2% of all the waste Michiganders recycle every year. Almost 53% of the state’s municipal solid waste goes to landfills instead of recycling facilities. Lansing and East Lansing, for example, recycle nearly 7,500 tons of waste annually. While the cities have a relatively low contamination rate of 8%-10%, that number is on the rise, according to data provided by both municipalities.

“By encouraging people to focus on the basics and think about what they’re recycling before they toss it, we can improve our environment

and build stronger communities,” Harkins said.

Five decades have passed since Michigan’s historic accomplishment with the bottle deposit legislation earned the state national recognition as an environmental champion.

“Over that time, Michigan has gotten complacent,” said O’Brien. “We can – and must – become America’s leaders again in recycling. The EGLE campaign is a tremendous opportunity for Michigan to advance to the next level of performance in protecting our environment.”

More information about the Know It Before You Throw It campaign is available at www.recyclingraccoons.org. ■

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NOVEMBER 21 & 22, 2019

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As the holiday season approaches, the Midwest Independent Retailers Foundation turkey drive committee has pledged to put a turkey on the Thanksgiving table of over 6,000 needy families throughout Michigan, Ohio and Illinois that may not otherwise enjoy this special meal.

Michigan // Ohio // Illinois

publishers statement

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