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ROLL NUMBER

DESCRIPTION

3062

2007 HOUSE HUMAN SERVICES

HCR 3062

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3062

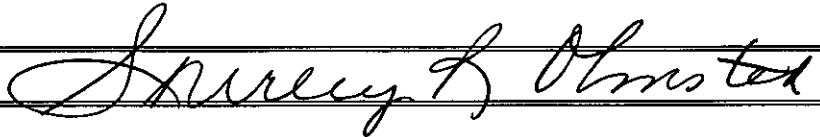
House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: February 26, 2007

Recorder Job Number: 3840

Committee Clerk Signature



Minutes:

Chairman Price opened the hearing on HCR 3062 and the clerk read the title.

Representative Kenton Onstad from District #4 came forward as a sponsor of HCR 3062.

This resolution is before you and I hope that you can look favorably at this resolution and look at the problem. If you look at North Dakota compared to other states, we lead in several categories. Some are good but this is a statistic that is not very reflective and not a very good position for North Dakota. I hope that you would all agree. This resolution came forth from the task force that is in Mountrail County looking at several social issues with domestic violence, drinking as minors, and so on. I hope that the resolution would give presence to the fact that we need to look at further education. We need to look at penalties and what other states are currently doing. In the resolution it makes reference to Tennessee. Tennessee has some of the lowest statistics for minors and drinking in the nation and what they have done to correct that problem, what are they are doing currently, having raised their penalties and tied those penalties to something else and they do something for education. There are others that are going to speak to this matter and I hope the members of the committee will be open to that. I am open for any questions.

Chairman Price asked if they had considered revoking the licenses of adults that provide alcohol to minors. Has there been any research into that?

Representative Onstad said he was sure that was a unique situation and that is probably true. One of the things that the task force looked at was tying the minors in position to loosing their license completely. I think that is part of the discussion. It would be tying a lesser offense in with a penalty that really doesn't tie to each other. Is it deterrence? This is what has happened in Wisconsin as far as contributors. They have to get it somewhere and it usually comes from adults.

Representative Kaldor said to follow up on that he has visited with a few states attorneys who have said that our contributing laws are more lax than many of the states and they say that this is one of the big issues. It is a little bit too easy to get by when you contribute and then another thing happens to be the challenge that you face when someone is drinking underage. They are not going to rat on their supplier. If this study were to pass it is just a study for the solutions to the problem of underage drinking. You would think that including all those other aspects would be alright.

Representative Onstad said absolutely. You have to look at all those things. I believe it was introduced into the senate to look at the penalty for the people that are underage in the liquor establishments. It seems that the owners are penalized but it is just a slap on the hand of the person that enters and they are the one that broke the law in the first place. I think we do have to look at that and other avenues. It is an age old problem but if we take it to a new level, I will tell you that as the students in high school and classmates would probably come back to a five or ten year reunion and start talking about this and you were not even aware of that. Today in those high schools what

happened on Friday night everybody knows on Monday. I think that is a problem in itself. I hope you look favorably at this resolution.

Ms. Alecia Pulver of the Mountrail County Task Force came forward in support of this resolution. She is here to request an interim study on raising underage drinking punishment. See written testimony marked as Item #1.

Chairman Price asked for any additional testimony in favor of HCR 3062. Hearing none, she asked for any opposition.

Ms. Valerie Fischer of the Department of Public Instruction came forward to provide neutral testimony. See attached written testimony marked as Item #2.

Representative Conrad asked if the local response teams are coordinated through the Health Department.

Ms. Fischer said the local response teams receive funding from the Department of Human Services.

Chairman Price asked for any further opposition on HCR 3062. Hearing none, the hearing on HCR 3062 was closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3062

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: February 27, 2007

Recorder Job Number: 4015 (Beginning at 4:21 on tape)

Committee Clerk Signature

Sturely B. Hunsford

Minutes:

Chairman Price asked the committee to consider HCR 3062 on teenage drinking.

Representative Conrad made a motion for a do pass on HCR 3062 and have this placed on the consent calendar.

Representative Potter seconded the motion.

Chairman Price asked for discussion.

Representative Conrad said that she was pleased that the community groups are starting to bring forth some good information and practical ideas.

Chairman Price did a voice vote. The motion prevailed. There were 11 yes, 0 no with 1 absent. **Representative Hatlestad** will carry this to the floor.

Date: 2/27
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES

HCR 3062

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Pass

Consent Calendar

Motion Made By

Rep.

Conrad

Seconded By

Rep.

Potter

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman			Kari L Conrad		
Vonnie Pietsch – Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglem					
Robin Weisz					

Total (Yes) 11 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 1

Floor Assignment

Rep.

Hatlestad

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3062: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 0 NAYS, 1 ABSENT
AND NOT VOTING). HCR 3062 was placed on the Tenth order on the calendar.

2007 SENATE HUMAN SERVICES

HCR 3062

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3062

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3-20-07

Recorder Job Number: 5338

Committee Clerk Signature

Mary K Monson

Minutes:

Vice Chairman Senator Erbele opened the hearing on HCR 3062 directing the Legislative Council to study solutions to the problem of underage drinking.

Representative Kenton Onstad (District #4) introduced HCR 3062 because he feels there is a problem with underage drinking. If you compare ND with other states it leads in several categories and underage drinking is one of them. See attachment #1.

He urged a Do Pass from the committee.

Senator Dever asked what direction he would see the study taking if it passed. Who would be involved in it?

Rep. Onstad thought they had to look at the state health department, input from law enforcement and input from different groups like MADD and SADD.

Senator Erbele asked if penalty is part of the fact that Tennessee has a lower rate or is education also part of it.

Rep. Onstad replied that they have a stiffer penalty (meter 06:35).

Senator Erbele asked what kind of penalty he would like to see.

Rep. Onstad answered that he wasn't sure if the penalty should be tied to driving but it seems like that is more of a motivator in that situation. That's part of the study—to look and see what other states are doing.

There was no opposing or neutral testimony.

The hearing on HCR 3062 was closed.

Senator Erbele moved a Do Pass on HCR 3062.

The motion was seconded by Senator Heckaman.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Heckaman.

Date: 3-20-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HCR 3062

Senate HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Erbele Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman 2	✓	
Senator Robert Erbele, V. Chair 1	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Heckaman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3062: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3062 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

HCR 3062

Item #1

According to the 2003 North Dakota Youth Risk Survey, 72 percent of high school seniors drank alcohol one or more times in the past 30 days and 56 percent participated in binge drinking. North Dakota ranks among the highest in the nation for underage drinking. These statistics are alarming. Methods for change need to be considered.

Current state laws are not enough of a deterrent to our youth. A North Dakota SADD (Students Against Destructive Decisions) member recently reported to her advisor that many classmates do not care about the legal ramifications of receiving a minor in possession. They are not embarrassed or ashamed. The only consequence that affected them was the suspension of extra-curricular activities. A state law should be a bigger deterrent than the loss of sporting events.

Unfortunately many parents are aware of their child's alcohol usage. Many people think drinking is a "right of passage" and consider it to be a normal high school behavior. Parents need to come to the realization that underage drinking is dangerous and not "something kids do." State laws need to indicate that underage drinking is not acceptable. The punishments need to set the tone that teen drinking is not tolerable.

Recent studies indicate that underage drinking is more harmful than originally thought. (See attachment from American Medical Association.) Young brains are easily damaged from the effects of alcohol. Teens who drink are at greater risk of developing dependence in later life. Drinking alcohol lowers inhibitions and can lead to issues of sexual offenses, sexually transmitted diseases and pregnancy. Alcohol is also a gateway to other illegal drugs.

After comparing information on national underage drinking rates, Tennessee emerged as a state with some of the lowest underage drinking rates in the nation. According to the 2003-2004 National Survey of Drug Use and Health Report, Tennessee has one of lowest rates of teens who report using alcohol. They report a usage of 22.32% while North Dakota reports a usage rate of 42.7%. Tennessee also rates among the lowest in the nation with the number of students who report binge drinking. (North Dakota ranks the highest). Tennessee law states: In every state and the District of Columbia, it is illegal for anyone under the age of 21 to possess alcohol. In Tennessee, exceptions allow possession for employment or religious purposes. A violation of this law is a class A misdemeanor punishable by a fine of up to \$2,500 and/or up to 11 months, 29 days imprisonment. In addition, the offender's driving privileges will be suspended for at least 90 days for a first offense and at least 1 year for subsequent offenses. A diversion program is available for first offense, whereby the driver's license suspension may be withdrawn for completion of an alcohol education program.

The Mountrail County Coordinated Community Response Task Force requests a legislative study to include the possibility of aligning North Dakota's minor in possession laws with the laws currently in place in Tennessee. Specifically, we would like to study options in raising the consequences of minor in possession to include the loss of a driver's license even if the minor was not operating the vehicle. It is our belief that stricter laws would deter youth from engaging in alcohol usage. Youth need to have a highly motivating consequence to stay away from alcohol. The loss of driving privileges may cause teens to rethink their decision to drink. In turn, parents may be more likely to keep their children away from alcohol knowing they may be inconvenienced. We strongly hope that an interim study on raising underage drinking punishments will help find a solution to North Dakota's elevated rate of underage drinking. It is time to find a solution.

Harmful Consequences of Alcohol Use on the Brains of Children, Adolescents, and College Students

An American Medical Association (AMA) report on the effects of alcohol on the brain dispels the myth that youth are more resilient than adults to the adverse effects of drinking. *Harmful Consequences of Alcohol Use on the Brains of Children, Adolescents, and College Students* is a comprehensive compilation of two decades of scientific research on how alcohol alters the developing brain and causes possibly irreversible damage.

On average, children now try alcohol for the first time at the age of 12, and nearly 20 percent of 12 to 20-year-olds report being binge drinkers (having 4-5 drinks in a row). Citing the alcohol industry's aggressive marketing to youth as one of this trend's key drivers, the AMA today called on cable stations and television networks to publicly pledge to stop airing alcohol commercials to youth.

"After NBC announced their plans last December to run hard-liquor ads, the AMA successfully lobbied the network to reverse this ill-advised decision," says Dr. J. Edward Hill, chairman of the AMA. "One year later, the alcohol industry is just as aggressive in pursuing underage minds through television, and television is all too willing to comply. This is out of step with public health and public opinion."

A recent nationwide poll conducted for the Robert Wood Johnson Foundation found that nearly 70 percent of Americans favor a ban on TV liquor ads and 59 percent support banning beer commercials on TV. The AMA pledge calls on networks and cable TV not to air alcohol ads on programs that air before 10 p.m. or that have 15 percent or more underage viewers. The pledge also calls on networks and cable TV not to broadcast alcohol commercials depicting mascots, cartoons or other characters targeted to younger viewers.

"It's time TV executives and the alcohol industry stop profiting at the hands of those most harmed by drinking," says Hill. "This report reminds us of how important it is to protect our children during these crucial early years of development instead of filling their growing brains with the misleading notions that drinking is normal and without consequence."

The AMA report on the effects of alcohol on the brains of adolescents takes note of a study comparing magnetic resonance imaging of the brains of 14- to 21-year-olds who abused alcohol with those of non-drinkers. That study found that drinkers had about 10 percent smaller hippocampi—the area of the brain that handles memory and learning. Researchers call such a reduction significant and possibly irreversible.

"Our brains go through important transformations during adolescence," says Sandra Brown, Ph.D., chief of psychology services at the Veterans Affairs Medical Center in San Diego and whose brain research is included in the report. "This study shows that alcohol use during the adolescent years is associated with damage to memory and learning capabilities as well as to the decision-making and reasoning areas in the brain."

According to Brown, alcohol takes a greater toll on brain development of those under twenty-one than on any other age group. Findings indicate that adults would have to consume twice as many drinks to suffer the same damage as adolescents and that even occasional heavy drinking injures young brains.

The AMA report also shows adolescent drinkers scored worse than non-users on vocabulary, visual-spatial and memory tests and were more likely to perform poorly in school, fall behind and experience social problems, depression, suicidal thoughts and violence.

To reduce underage drinking and support prevention, education, treatment and alcohol control policies, the AMA also advocates increases in state and federal excise taxes on alcohol. According to the AMA, revenue from the increases could help states cover budget shortfalls to pay for alcohol programs. Previous alcohol tax increases have been shown to be very effective in reducing underage alcohol abuse.

The American Medical Association is the nation's largest physicians' organization and is a leader in promoting professionalism in medicine and setting standards for medical education, practice and ethics. Through its Office of Alcohol and Other Drug Abuse, the AMA has taken a leadership role to reduce the harms caused by alcohol and other drug abuse, particularly underage drinking.

State Profile Comparison: North Dakota and Tennessee
Source: www.fightunderageddrinking.org

Offense	North Dakota	Tennessee
Possession/consumption of alcohol by person under 21	<p>In every state and the District of Columbia, it is illegal for anyone under the age of 21 to possess alcohol. In North Dakota, exceptions are provided for employment or religious purposes. A violation of this law is a class B misdemeanor punishable by a fine of up to \$1,000 and/or up to 30 days imprisonment and the court may refer the offender to addiction assessment and treatment. There are no graduated penalties for repeat offenses. There is no indication in the law that a diversion program is available for offenders</p>	<p>In every state and the District of Columbia, it is illegal for anyone under the age of 21 to possess alcohol. In Tennessee, exceptions allow possession for employment or religious purposes. A violation of this law is a class A misdemeanor punishable by a fine of up to \$2,500 and/or up to 11 months, 29 days imprisonment. In addition, the offender's driving privileges will be suspended for at least 90 days for a first offense and at least 1 year for subsequent offenses. A diversion program is available for first offense, whereby the diver's license suspension may be withdrawn for completion of an alcohol education program.</p>

Item # 2

TESTIMONY ON HCR 3062

House Human Services Committee

February 26, 2007

Valerie Fischer, Director of School Health

328.4138

Department of Public Instruction

Madam Chair and members of the House Human Services Committee - my name is Valerie Fischer, Director of School Health for the Department of Public Instruction. On behalf of DPI, I am here to provide neutral testimony of HCR 3062.

On February 12, 2007, this committee heard testimony and unanimously passed HCR 3046 which provides for a study of school health related issues, to include alcohol and underage drinking and driving. This Resolution was adopted on the House floor. The Department believes the resolution before you could be incorporated into the School Health related resolution.

As Legislative Council will only select a number of Resolutions to study prior to the 2009 session, it is more prudent to combine the efforts, talents and resources of statewide professionals to address underage drinking and its consequences within the school health study, and not as a independent study request.

We hope you will take this into consideration as you vote on this Resolution. I am available to address any questions you may have. If not, thank you for your time.