

2013 HOUSE JUDICIARY

HB 1458

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1458
January 29, 2013
Job 17904

Conference Committee



Explanation or reason for introduction of bill/resolution:

The delivery of alcohol to an underage individual; and penalty for delivery of alcohol to an underage individual; and to provide a penalty.

Minutes:

Testimony 1, 2, 3, 4

Chairman Koppelman called the meeting to order.

Rep. Damschen (01:08) introduced the bill and provided handouts (Testimony 1, 2, 3, 4).

Rep. Larson: Is it possible to have an amendment to make it a felony to give or sell alcohol to someone age 16 or under?

Rep. Damschen: I'm not 100% behind that, but am open to your input.

Rep. Klemin: Is it the law enforcement officer who doesn't arrest somebody who is now being charged with a felony? What is the standard here for reasonable suspicion?

Rep. Damschen: Yes, they would be charged. Reasonable suspicion occurs in small towns when the local officer knows where the parties are but doesn't break them up, for instance. It is probably impossible to enforce.

Rep. Delmore: Isn't the penalty of a felony charge for the person serving the drink, at a bar for example, too severe?

Rep. Damschen: We don't want to penalize a 21 year old who makes a bad decision and intentionally supplies liquor to an underage youth. We don't want to brand them eternally with a felony. The intention is not to ruin the life of someone who made an honest mistake. That point is being considered while we are crafting amendments.

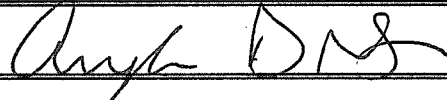
Chairman recessed committee.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1458
January 29, 2013
Job 17944

Conference Committee



Explanation or reason for introduction of bill/resolution:

The delivery of alcohol to an underage individual; and penalty for delivery of alcohol to an underage individual; and to provide a penalty.

Minutes:

Testimony 1, 2, 3

Chairman Koppelman opened the hearing.

Rep. Heilman testified in support of the message of the bill (Testimony 1, 2).

Rep. Delmore: Are courts currently giving out the maximum sentences to those people who are providing alcohol to minors?

Rep. Heilman: I can find data for that.

Rep. Larson: Do you know who was surveyed?

Laura Oster Aaland, Director of the Office of Orientation and Student Success at NDSU: This core survey is a representative sample of all of the North Dakota university system students. This data was from the full data set.

Rep. Hogan: How are other states dealing with this issue?

Rep. Heilman: Minnesota, South Dakota and Montana have harsher penalties than North Dakota, from what I understand.

Rep. Delmore: They are all misdemeanor charges, not charges. We need to keep that in perspective.

Rep. Heilman: You may want to look at repeat offenses for the felony charge.

Rep. Owens (10:28) testified in support of the bill. One mistake when you're young can stay with you forever. That is not justice. We particularly want to catch the people who are deliberately providing it. In regards to the law enforcement agencies, they should continue

to police themselves. I like the idea of a severe penalty for providing alcohol to those 16 or under.

Rep. Klemin: Are you in favor of making the first offense a misdemeanor and the second offense a felony?

Rep. Owens: The prime sponsor and I had initially discussed a tiered system.

Rep. Delmore: What can we do about parents providing alcohol?

Rep. Owens: Compared to friends providing alcohol, parents represent a very small percentage.

Rep. Boehning: Was there a discussion to enhance the penalties for the underage minors who are drinking?

Rep. Owens: No.

Rudie Martinson, Executive Director of the ND Hospitality Association (19:43) testified in opposition to the bill (Testimony 3).

Rep. Larson: Would you have a problem with the bill if the age was changed from someone under 21 to serving someone under the age of 14 or 16?

Martinson: I think there is already a higher penalty for serving someone that young.

Rep. Larson: Would the hospitality association still resist this bill if the charge was changed to being a felony only for providing alcohol to very young minors?

Martinson: I would be more comfortable with it that way.

Rep. Brabandt: What are the fines for the minor for being underage in a bar and illegal possession? Should the fines be increased for the minor?

Martinson: If it was going to be a felony for us for being fooled, we felt the person actively trying to fool us should receive a similar penalty.

Chairman: How often are people in your industry charged? Is it common?

Martinson: The percentage of people being caught in local police stings is trending downward. I don't have an exact number. It happens occasionally.

Chairman: How often does your industry conduct training on how to check IDs?

Martinson: The local law enforcement provides training for us on that.

Aaron Burst, Association of Counties (30:02) testified in opposition to the bill.

Rep. Larson: Would you have a problem with this bill if some of the changes we talked about were included and Section 3 were omitted?

Burst: Section 3 is our concern. I can't say from the official policy position of our state's attorneys. Very seldom does anyone receive the current maximum penalty on a delivery case, particularly jail time.

Rep. Klemin: Is that a result of plea bargains or a result of trial and conviction?

Burst: It is in plea agreements. I have yet to see any reported decisions on minor in possessions in the last 5 or 6 years at the ND Supreme Court, primarily because the first offense is a deferred imposition. That is the standard sentence given and the standard recommendation the prosecutor asks for.

Rep. Klemin: Do we need to include something to make it a mandatory minimum penalty?

Burst: The only way to change the process is to require minimum mandatories.

Rep. Delmore: Is it procedure to ask minors who gave them the alcohol?

Burst: In ND, that is currently not a practice. Other states require their officers as policy to request where they received the alcohol so they can start a database.

Rep. Klemin: Are there any undercover operations to find out who is supplying the alcohol?

Burst: Yes. That is probably our number one tool for addressing the delivery of alcohol. We continue using the stings where minors present their actual ID to servers and try to purchase alcohol.

Rep. Klemin: What about adults buying alcohol for minors and taking it out to them?

Burst: Yes, we also do that.

Rep. Hogan: Does it make sense to have the penalties for the people purchasing the alcohol equal to the minor in possession penalties?

Burst: There is an enhancement to recognize that the person giving it is a worse offender than the minor.

Alan Leier, owner of the Main Bar in Bismarck (43:16) testified in opposition to the bill. We need harsher penalties for minors who are deliberately breaking the law by coming into the bars and intentionally using fake IDs.

Robert Laft, Head Delegate for the North Dakota Student Association and Executive of Government Relations for NDSU Student Government (47:29) testified neutrally on

the bill. I will turn 21 in one month. It is our responsibility to follow the law. We support the message of this bill, but would like to see some amendments.

Rep. Delmore: Would you agree that if you go into a bar, you fully know that you are breaking the law and the penalty for you should be as severe for you as it is for the bar owner?

Laft: Absolutely. Everyone knows that you need to be 21. It seems the penalty should be more for the minor who go into bars.

Rep. Brabandt: Do you think changes in the law make a difference? With your association, how do you see a cultural change happening?

Laft: I don't necessarily believe that continuously raising the punishment will fix it, but I do think it should be raised to more than it is already.

Rep. Damschen: I purposefully excluded the penalty for the kids because the adults should know the right decision to make and should say no.

Rep. Paur: How about if the fines were raised for the minors from 18-21 who are considered adults?

Rep. Damschen: We will give that consideration while we are crafting amendments. I also agree that a minor going into a bar with a false ID is responsible for that.

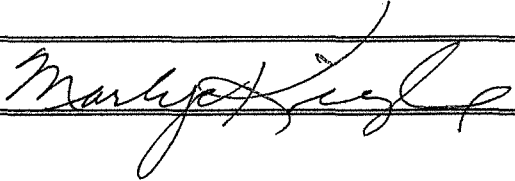
Chairman closed the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1458
1/30/2013
Job # 17978

Conference Committee

Committee Clerk Signature 

Minutes:

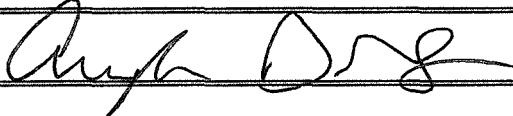
Chairman Koppelman: Selected a Sub Committee for HB 1458 as follows:
Rep Karls, Rep Toman, Rep Delmore

2013 HOUSE STANDING SUBCOMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1458
February 4, 2013
Job 18237

Conference Committee



Explanation or reason for introduction of bill/resolution:

The delivery of alcohol to an underage individual; and penalty for delivery of alcohol to an underage individual; and to provide a penalty.

Minutes:



Subcommittee meeting called to order.

Members present: Rep. Toman, Rep. Delmore, Rep. Karls.

Topics discussed: Rep. Damschen and Rep. Heilman suggested compromise of language for amendments to Rep. Karls prior to this meeting.

Motion and vote: Rep. Delmore made a motion to amend Section 1. Second by Rep. Toman. All In favor of Section 1. Rep. Delmore moved to put into current language in Section 2. Rep. Toman seconded and carried. Section 3 Rep. Delmore moved to strike it. Rep. Toman seconded and carried. Remove felony language in Section 4. Rep. Toman made a motion. Rep Delmore seconded. Motion carried.

Rep. Karls: I have some amendments that were suggested by prime sponsor Rep. Damschen and co-sponsor Rep. Heilman. They have suggested that the Class C felony punishment was a little steep and has been changed to a Class A misdemeanor. They would request that we leave it as a \$500 fine and add 40 hours of community service.

Rep. Delmore: I don't think it clearly enough states that "knowingly delivers" is the person who is buying alcohol for minors.

Rep. Toman: In regards to the responsibility for the actions of a minor knowingly going into a bar, should we put these graduated penalties on that individual as well?

Rep. Delmore: I think we need to. This doesn't make an allowance for someone using a fake ID.

Rep. Karls: In regards to Section 2, they suggest that we take it back to current law.

Rep. Delmore: I agree.

Rep. Karls: We may need a new section to cover using a fake ID. In regards to Section 3, they have said to seriously rework it or strike it.

Rep. Delmore: I think we need to strike that. It is unconstitutional. I think we need to strike Section 4 also.

Rep. Karls: It is old language. Section 4 needs to be addressed.

Rep. Delmore: Remove lines 8-11 and leave it where it is.

Rep. Toman: Do we want to add the monetary penalty and the community service to that?

Rep. Delmore: We can leave that up to the discretion of the person. I don't know if we can add anything about the fake ID to this bill when it is not already part of the language. It is not germane to the bill.

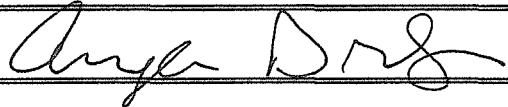
Meeting is adjourned.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1458
February 11, 2013
Job 18712

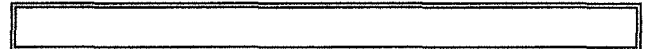
Conference Committee



Explanation or reason for introduction of bill/resolution:

The penalty for delivery of alcohol to an underage individual; and to provide a penalty.

Minutes:



Chairman Koppelman called the meeting to order.

Rep. Karls discussed the amendments to the bill.

Rep. Klemin suggested a language change.

The committee discussed the amendments.

Rep. Maragos moved the amendment.

Rep. Delmore seconded.

Voice vote - Motion carried.

Rep. Klemin moved to amend the amendment.

Rep. Maragos seconded.

Voice vote - Motion carried.

The committee discussed the bill and language.

Chairman suspended discussion for further committee action and adjourned the meeting.

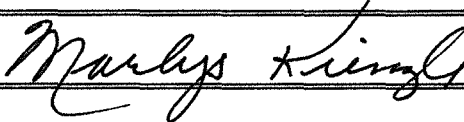
2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1458
2/12/2013
Job # 18776

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

The delivery of alcohol to underage individual; and penalty for delivery of alcohol to an underage individual; and to provide a penalty

Minutes:

You may make reference to "attached testimony."

Chairman Koppelman: Opened the committee meeting on HB 1458.

Rep Karls: Went through the marked up version of the bill 13.704.02001 line by line along with proposed amendments

Rep Klemin: made a motion of DO PASS AS AMENDED.

Rep Larson: Seconded the motion.

DO PASS AS AMENDED YES 10 NO 4 ABSENT 0 CARRIER IS Rep Karls.

14
2/12/13

February 12, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1458

Page 1, line 1, remove "create and enact a new section to chapter 12.1-31 of the North Dakota"

Page 1, line 2, remove "Century Code, relating the delivery of alcohol to an underage individual; to"

Page 1, line 3, after "sections" insert "5-01-08.1 and"

Page 1, line 3, remove ", 5-02-06, and 14-10-06"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 5-01-08.1 of the North Dakota Century Code is amended and reenacted as follows:

5-01-08.1. Misrepresentation of age - Penalty - Licensee may keep book.

An individual who misrepresents or misstates that ~~person's~~ individual's age or the age of any other ~~person~~ another individual or who misrepresents that ~~person's~~ individual's age through presentation of any document purporting to show that ~~person's~~ individual to be of legal age to purchase alcoholic beverages is guilty of a class B misdemeanor for a first offense. For a first offense, the court shall sentence the individual to a minimum fine of five hundred dollars and forty hours community service. For a second offense, the individual is guilty of a class A misdemeanor. For a second offense, the court shall sentence the individual to a minimum fine of one thousand dollars and eighty hours community service. For a third offense, the individual is guilty of a class C felony. Any licensee may keep a book and may require anyone who has shown documentary proof of that ~~person's~~ individual's age, which substantiates that ~~person's~~ individual's age to allow the purchase of alcoholic beverages, to sign the book if the age of that ~~person's~~ individual is in question. The book must show the date of the purchase, the identification used in making the purchase and the appropriate numbers of such identification, the address of the purchaser, and the purchaser's signature."

Page 1, line 9, after "~~delivering~~" insert "purchases for or"

Page 1, line 11, after the first "or" insert "delivers"

Page 1, line 14, after "knowingly" insert "purchases for or"

Page 1, line 15, after "a" insert "class A misdemeanor for a first offense or second offense, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. For a first offense, the court shall sentence the individual to a minimum fine of five hundred dollars and forty hours community service. For a second offense, the court shall sentence the individual to a minimum fine of one thousand dollars and eighty hours community service. For a third offense, the individual is guilty of a"

Page 2, remove lines 10 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 24

Re-number accordingly

Date: 2-11-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1458

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0704.02001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice Vote Carried

Date: 2-11-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1458

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Vote vote carried
Page 1 Line 9 & Line 14 - insert
"purchases for or"

Date: 2-12-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1458**

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Klemin Seconded By Rep. Larson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning		/	Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos		/			
Rep. Gary Paur	/				
Rep. Vicky Steiner		/			
Rep. Nathan Toman		/			

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. Karls

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

REPORT OF STANDING COMMITTEE

HB 1458: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 12.1-31 of the North Dakota"

Page 1, line 2, remove "Century Code, relating the delivery of alcohol to an underage individual; to"

Page 1, line 3, after "sections" insert "5-01-08.1 and"

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Page 1, line 11, after the first "or" insert "delivers"

Page 1, line 14, after "knowingly" insert "purchases for or"

Page 1, line 15, after "a" insert "class A misdemeanor for a first offense or second offense, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. For a first offense, the court shall sentence the individual to a minimum fine of five hundred dollars and forty hours community service. For a second offense, the court shall sentence the individual to a minimum fine of one thousand dollars and eighty hours community service. For a third offense, the individual is guilty of a"

Page 2, remove lines 10 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 24

Renumber accordingly

2013 SENATE JUDICIARY

HB 1458

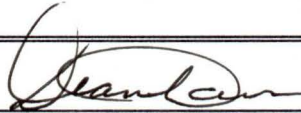
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1458
3/13/2013
Job #19829

Conference Committee

Committee Clerk Signature



Minutes:

Attached testimony

Relating to the penalty for delivery of alcohol to an underage individual

Senator David Hogue - Chairman

Representative Damschen - District 10 - Introduces the bill and shares statistics on underage drinking. He says this bill seeks to put stiffer penalties on those that supply alcohol. Senator Lyson believes the bigger blame should be put on the parents. Senator Armstrong says his concern is that in rural areas there are very limited community service programs so those convicted of this would have a hard time complying. Senator Grabinger wonders if we shouldn't have more programs dealing with alcohol rather than to keep making stiffer penalties. Rep. Damschen replies that those programs need to continue but it is hard to get adequate funding for them. He says we have to do more, this is a start and hopefully there will be progress. Senator Nelson says a felony will keep them from a passport and would rather see them go after those that are making the fake ID's. Senator Sitte would rather see them address treatment. Rep. Damschen says the offense is for providing alcohol to a minor. An underage person would be in trouble if they used a false ID three times.

Representative Heilman - District 45 - See written testimony. He relates programs they have had at the college level and maintains those students who attended are not the ones who would have been out drinking. Senator Armstrong asks if he has any data on if fines are increased this will go down. Senator Armstrong also adds that in criminal law practice this bill would have an 18 yr. old senior in high school who violates this law will have a criminal record the rest of their life on the first offense. He goes on to say there are more serious crimes that we allow a deferred imposition sentence. This will affect mostly younger people on both ends who may never get in trouble again. Rep. Heilman says the point of this bill is to deal with the supply line to young people and hope that the idea isn't killed.

Opposition - none
Neutral - none

Close the hearing

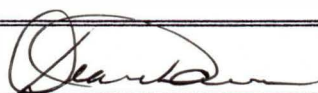
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1458
3/27/2013
Job #20609

Conference Committee

Committee Clerk Signature



Minutes:

Vote

Senator David Hogue - Chairman

Committee work

Senator Hogue explains the intent of this bill and that it deals with two offenses; one deals with the person using a false ID and the second is the person selling alcohol to underage persons. This enhances the penalties for repeat offenders.

Senator Armstrong moves a do not pass

Senator Lyson seconded

Discussion

Senator Armstrong points out the grading of offenses and explains that even meth dealers get deferred imposition of sentences. He says an 18 yr. old who gets convicted of this offense it will be on his record his whole life. He goes on to say this crime is all too common and we do not need to do this to the young of adults of ND.

Vote - 7 yes, 0 no

Motion passes

Senator Armstrong will carry

Date: 3/27/13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 458**

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By S. Armstrong Seconded By S. Lyson

Senators	Yes	No	Senator	Yes	No
Chariman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment S. Armstrong

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

REPORT OF STANDING COMMITTEE

HB 1458, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1458 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1458

1-29-13

Rep. Damschen

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Substance Use in ND

Even if your child isn't using alcohol...

- Almost three-fourths (73%) of their high school peers have had a drink sometime in their life and almost one third (31%) have participated in binge drinking in the past month.¹
- North Dakota is ranked #1 for binge alcohol use among youth ages 12-20.²

Don't be afraid to start talking to your child early...

- Nearly 6% of middle school students in North Dakota had their first drink of alcohol at 8 years of age or younger.⁶

Talk to your child about the dangers of underage drinking, that you disapprove of it, and that there will be consequences...

- 73% of North Dakota high school students perceive that binge drinking once or twice a week does not pose a great risk.⁷

- Underage drinking costs the citizens of ND \$141 million.³
- Over a fourth (28%) of North Dakota high school students had rode one or more times during the past 30 days in a car or other vehicle driven by someone who had been drinking alcohol and 15% had driven a car or other vehicle when they had been drinking alcohol.⁸
- Over half of fatal crashes (52%) and fatalities (52%) in North Dakota are alcohol-related.⁴
- Almost a fourth (23%) of all juvenile arrests in North Dakota are alcohol and drug related, while almost half (46%) of all arrests are alcohol and drug related.⁵

1-29-13 Rep. Damschen 2

Centers for Disease Control and Prevention
CDC 24/7: Saving Lives. Protecting People.™

Fact Sheets

Underage Drinking



Alcohol use by persons under age 21 years is a major public health problem.¹ Alcohol is the most commonly used and abused drug among youth in the United States, more than tobacco and illicit drugs¹, and is responsible for more than 4,700 annual deaths among underage youth². Although drinking by persons under the age of 21 is illegal, people aged 12 to 20 years drink 11% of all alcohol consumed in the United States.³ More than 90% of this alcohol is consumed in the form of binge drinks.³ On average, underage drinkers consume more drinks per drinking occasion than adult drinkers.⁴ In 2010, there were approximately 189,000 emergency rooms visits by persons under age 21 for injuries and other conditions linked to alcohol.⁵

Drinking Levels among Youth

The 2011 Youth Risk Behavior Survey⁶ found that among high school students, during the past 30 days

- 39% drank some amount of alcohol.
- 22% binge drank.
- 8% drove after drinking alcohol.
- 24% rode with a driver who had been drinking alcohol.

Other national surveys

- In 2011 the National Survey on Drug Use and Health (<http://www.oas.samhsa.gov/nhsda.htm>)  (<http://www.cdc.gov/Other/disclaimer.html>) reported that 25% of youth aged 12 to 20 years drink alcohol and 16% reported binge drinking.⁷
- In 2011, the Monitoring the Future Survey (<http://www.monitoringthefuture.org/>)  (<http://www.cdc.gov/Other/disclaimer.html>) reported that 33% of 8th graders and 70% of 12th graders had tried alcohol, and 13% of 8th graders and 40% of 12th graders drank during the past month.⁸

Consequences of Underage Drinking

Youth who drink alcohol^{1, 4, 9} are more likely to experience

- School problems, such as higher absence and poor or failing grades.
- Social problems, such as fighting and lack of participation in youth activities.
- Legal problems, such as arrest for driving or physically hurting someone while drunk.
- Physical problems, such as hangovers or illnesses.
- Unwanted, unplanned, and unprotected sexual activity.
- Disruption of normal growth and sexual development.
- Physical and sexual assault.
- Higher risk for suicide and homicide.

- Alcohol-related car crashes and other unintentional injuries, such as burns, falls, and drowning.
- Memory problems.
- Abuse of other drugs.
- Changes in brain development that may have life-long effects.
- Death from alcohol poisoning.








In general, the risk of youth experiencing these problems is greater for those who binge drink than for those who do not binge drink.⁹






Youth who start drinking before age 15 years are five times more likely to develop alcohol dependence or abuse (</alcohol/faqs.htm#alcoholismAbuse>) later in life than those who begin drinking at or after age 21 years.^{10, 11}

Prevention of Underage Drinking

Reducing underage drinking will require community-based efforts to monitor the activities of youth and decrease youth access to alcohol. Recent publications by the Surgeon General¹ and the Institute of Medicine⁴ outlined many prevention strategies that will require actions on the national, state, and local levels, such as enforcement of minimum legal drinking age laws, national media campaigns targeting youth and adults, increasing alcohol excise taxes, reducing youth exposure to alcohol advertising, and development of comprehensive community-based programs. These efforts will require continued research and evaluation to determine their success and to improve their effectiveness.

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(<http://www.cdc.gov/Other/disclaimer.html>). Rockville, MD: Substance Abuse and Mental Health Services Administration, October 2004.

Page last reviewed: October 29, 2012

Page last updated: October 29, 2012

Content source: [Division of Population Health, National Center for Chronic Disease Prevention and Health Promotion](#)

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STRATEGIC PREVENTION FRAMEWORK STEP 3: DEVELOP A COMPREHENSIVE STRATEGIC PLAN



CHAPTER 5 Accountability Question:

What evidence-based environmental strategies will be useful in helping to achieve the goals? (Environmental Strategies)

COMMUNITY STORY: Pima County Arizona

In Pima County, Arizona, underage drinking is a significant problem. Approximately 40 percent of eighth graders and 59 percent of twelfth graders report using alcohol in 2002. Adolescents in the county also start drinking at an earlier age than adolescents in other parts of the United States. On average, Pima County kids start drinking just after turning 12, about 10 months earlier than the average in Arizona and a year earlier than youth nationally.

The startling news of these trends led the Tucson/Pima County Commission on Addiction Treatment and Prevention to produce a report on underage drinking, advising city and county officials to address the teen alcohol use problem in the county.

“We have children coming in at age 13, 14, 15 with blood-alcohol levels beyond toxic, near lethal,” said Dr. Richard Wahl, a pediatrician specializing in adolescent medicine who advised the panel. The commission’s key recommendations focused on environmental strategies such as

- enforcement of existing restrictions on businesses that sell liquor, youth who drink it, and adults who help them obtain it
- increased fines and the use of diversion programs for minors who use false identification to buy liquor
- weekend patrols by enforcement agencies to aggressively check open areas where underage drinking parties are known to occur.

WHY IS IT IMPORTANT TO IMPLEMENT EVIDENCE-BASED STRATEGIES?

Many policies to reduce underage drinking have been researched and evaluated to determine whether they are effective. A policy or strategy is “evidenced-based” if it has shown to reliably produce measurable reductions in underage drinking in communities or research settings (Oregon State University, 2003). Implementing a policy that has already been shown to be successful can help reach the goal of reducing underage drinking. It is also more effective to implement a multicomponent strategy to prevent underage drinking that addresses the family, school, and community (Komro & Toomey, 2002). A number of environmental strategies have been proven effective in reducing underage drinking.

RESPONSIBLE BEVERAGE SERVICE (RBS)

Policies that require training for servers and merchants on responsible serving practices can help to reduce underage drinking. RBS policies hold merchants accountable for serving alcohol to intoxicated patrons and to those under 21. Research shows that sales to underage youth are higher in communities where a responsible beverage service training program is not in place (Alcohol Epidemiology, undated).

The goal of the training program is to reduce underage drinking and other alcohol-related problems in the community. There are three components to effective RBS training (Marin Institute, undated[a]):

1. Policy development

State law, local ordinances, or individual merchants establish policies that require specific training to increase skills that will reduce alcohol sales to persons under 21 and intoxicated individuals. The training system needs to be included in all new employee orientations to ensure that these practices continue despite high employee turnover. Posters or flyers providing information on the establishment’s policies and practices, such as checking identification of all patrons who appear to be under the age of 30, help reinforce the skills learned in the RBS program.

2. Merchant education

The goal of merchant education is to (1) help managers and servers/sellers understand state, community, and establishment-level alcohol and tobacco policies and potential consequences

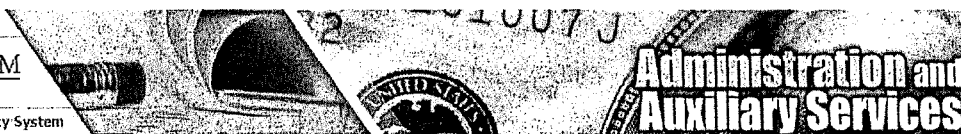
EVIDENCE-BASED ENVIRONMENTAL STRATEGIES

- Responsible beverage service
- Alcohol compliance checks
- Happy hour restrictions
- Reducing alcohol outlet density
- Sobriety and traffic safety checkpoints
- Graduated drivers’ license laws
- Social host laws
- Keg registration
- Restricting alcohol sales at public events
- Increasing taxes on sales of alcohol



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ALCOHOL UNDER-AGE DRINKING

Here's What Alcohol Can Do to You... Alcohol can make you throw up. Alcohol can make you pass out Alcohol can make you go to the bathroom. AND, if that's not enough...

IT CAN MESS UP YOUR HEAD

- Being drunk is a condition in which a person has overdosed on a drug.
- Alcohol is an anesthetic drug. It puts the brain to sleep just like a shot of Novocain makes gums numb.
- Brain damage begins with the first drink and becomes sever in the case of the alcoholic,
- It should come as no surprise that people who drink start experiencing problems at school.

IT CAN CAUSE A DRUG ADDICTION

- Alcohol is a drug. It's also an addicting drug; 3.3 million young men and women under 20 are problem drinkers.
- Alcoholism in adolescents develops rapidly, with some teens becoming alcoholics within six months after taking their first drink.
- Nineteen out of 100 young people 12 to 17 years old are defined as having a serious drinking problem.
- There is no cure for alcoholism.

IT CAN DESTROY YOUR LIVER

- About 85 percent of the deaths due to cirrhosis are associated with alcohol.
- Damage to the liver due to cirrhosis can not be reversed.
- Liver cancer is also related to alcohol use.

IT CAN GET YOU INTO TROUBLE

- Alcohol can get you into trouble with your parents, with the police.
- Like it or not, alcohol is an illegal drug -- just like marijuana, cocaine and heroin. If you're going to play, you're going to pay!!

IT CAN HURT YOUR HEART

- Alcohol is a poison to all parts of the body, including the heart. Even moderate amounts of alcohol can adversely affect heart function.

IT CAN INTERFERE WITH YOUR REPRODUCTIVE SYSTEM

IN MALES:

- Use of alcohol can reduce the amount of testosterone in a man's body. Testosterone is the principle male sex hormone responsible for development of male secondary sex characteristics.
- Atrophy of the testicles is a direct result of alcohol consumption.
- Excessive drinking is a common contributor to impotence in males.
- Also, alcohol is an anesthetic drug. It can interfere with your adult sex life and ability to reproduce.

IN FEMALES:

- Birth defects found in children whose mothers drink are called Fetal Alcohol Syndrome.
- Fetal Alcohol Syndrome is the third leading cause of mental retardation and the only preventable cause of birth defects.

IT CAN WRECK YOUR CAR

- Every five seconds, a teenager has a drug or alcohol-related traffic accident.
- One drink can impair the ability to drive -- especially when the person is inexperienced as a driver.
- More than 25 cents of every dollar you pay for automobile insurance premiums goes to pay for damage done by drunk drivers.

IT CAN KILL YOUR FRIENDS!

- Drinking and driving accidents are the number one cause of death among teenagers.
- More than 12,000 young Americans are killed each year in accidents involving young people and alcohol.
- Forty thousand Americans are disfigured each year in accidents involving young people and alcohol.

IT CAN MAKE YOU ACT LIKE AN IDIOT!

- That's the bottom line! People drink because they think acting like an idiot is the same as acting cool. People

drink alcohol because they like the feeling of being "high" -- which is actually just the feeling of having damage to the central nervous system. Who needs it?

IT CAN KILL YOU!

- Alcohol is a killer! It is responsible for drunk driving crashes.
- It is responsible for cirrhosis of the liver.
- It causes drowning and other fatal accidents.
- It is responsible for homicides and suicides.
- All by itself, alcohol is a lethal drug. Very large amounts of alcohol can cause death by putting to sleep the part of the brain which directs the respiratory system.
- Three people die every day in the United States from alcohol overdoses.

SO...

The next time you're face to face with alcohol
Don't get "Plastered" or "Bombed,"
"Ripped" or "Blitzed,"
"Sloshed" or "Wasted"

REFUSE IT!

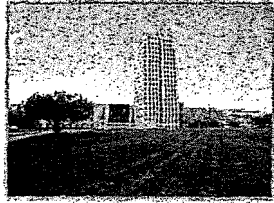
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1

Rep Heilman



HB 1458

Penalties for Delivery of Alcohol to

Minors

Rep. Joe Heilman - District 45

1

ND is on Top

- ◆ Economic Growth
- ◆ Lowest Unemployment
- ◆ Highest Rate of Personal Income Growth
- ◆ Consistently One of the Highest in Underage Drinking Statistics
 - ◆ According to Fox Business - Highest in those underage who drive after drinking (11.7%)

2

2012 NDCORE Survey Data

Source	Percentage
Friends under 21	36.7%
Friends Older Than	84%
Using a Fake ID	5.7%
Using Some Else's ID	5.7%
Adult Acquaintances	15.5%
Parents with Consent	26.8%
Parents w/o Consent	7.5%
Self	10.9%
Other	10%

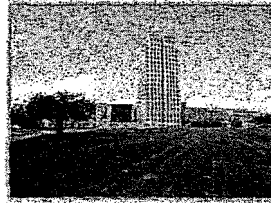
*Multiple responses were allowed

3

Need to get Serious

- ◆ ND consistently ranks high on these issues
- ◆ We need to make people think twice about supplying minors with alcohol
- ◆ Law enforcement has been, and needs to continue to be a part of the solution
- ◆ Help us work on this bill

4



This Concludes My Testimony
-I stand for questions-

5

2013 ND Legislative Overview:
Legislation Related to Prevention | HB 1458

HB 1458

Relating to the **penalty for delivery of alcohol to an underage individual**; and to provide a penalty

- <http://www.legis.nd.gov/assembly/63-2013/documents/13-0704-02000.pdf>
- This bill increases the penalty for delivery of alcohol to a minor from a Class A misdemeanor to a Class C felony.
 - o **Class C felony**: maximum penalty of five years' imprisonment, a fine of five thousand dollars, or both, may be imposed.¹
 - o **Class A misdemeanor**: maximum penalty of one year's imprisonment, a fine of two thousand dollars, or both, may be imposed.²

2012 NDCORE Data³

Sources for obtaining alcohol for students – under 21 (reported in percent)

FRIENDS UNDER 21	36.7
FRIENDS OLDER THAN 21	84
USING A FAKE ID	5.7
USING SOMEONE ELSE'S ID	5.7
ADULT ACQUAINTANCES	15.5
PARENTS W/CONSENT	26.8
PARENTS W/O CONSENT	7.5
SELF	10.9
OTHER	10

^MULTIPLE RESPONSES WERE POSSIBLE; THEREFORE MORE THAN 100% OF STUDENTS FOR EACH SOURCE IS POSSIBLE.

¹ <http://www.legis.nd.gov/cencode/t12-1c32.pdf>

² <http://www.legis.nd.gov/cencode/t12-1c32.pdf>

³ ND University System. (2012). *NDCORE 2012 Aggregate Alcohol and Other Drug Survey Report*. Bismarck, ND: ND Higher Education Consortium for Substance Abuse Prevention. (All ND University System and Jamestown College undergraduate students had the opportunity to be included in this study through a stratified random sampling procedure, which included a total of 3,870 students. Students were drawn from all ethnic backgrounds, all colleges, and all classes (e.g. freshman, sophomore).

Overview:

Research has shown that youth who use alcohol before age 15 are five times more likely to become alcohol dependent than adults who begin drinking at age 21.⁴ Also, cutting edge research has recently revealed that the late adolescent brain isn't completely done developing until the mid-twenties and alcohol consumption can adversely affect the brain development of these late adolescents.⁵ This research illustrates why keeping alcohol out of the hands of those under the age of 21 is so important. Unfortunately, some individuals disregard these laws; with the mindset that they are doing these young people a favor by permitting them to 'safely' drink in their home – or provide them alcohol because 'it won't hurt them'.

On the 2012 North Dakota CORE Drug and Alcohol survey, which surveyed a representative sample of students from all North Dakota University System Campuses and Jamestown College this past fall, 26.8 percent of underage students reported obtaining alcohol from their parents with their consent and 84 percent reported getting the alcohol from friends over the age of 21.³

This bill would stiffen the penalties for anyone who knowingly provided alcohol to minors outside of a family or religious setting. By enhancing the penalties for violating this law, it would further hold adults accountable for providing alcohol to minors.

Other States

⁴ Office of Applied Studies. The NSDUH Report: *Alcohol Dependence or Abuse and Age of First Use*. Rockville, MD: Substance Abuse and Mental Health Services Administration, October 2004. Available at <http://www.oas.samhsa.gov/2k4/ageDependence/ageDependence.html>

⁵http://www.niaaa.nih.gov/AboutNIAAA/NIAAASponsoredPrograms/Documents/NIAAA_Brain_Fact_Sheet_508.pdf

Montana

16-6-305. Age limit for sale or provision of alcoholic beverages -- liability of provider.

<http://data.opi.mt.gov/bills/mca/16/6/16-6-305.htm>

Penalty: Misdemeanor - Up to six months in prison and up to a \$500 fine.

Minnesota

Minn. Stat. s. 340A.503 Persons under 21; illegal acts

<https://www.revisor.leg.state.mn.us/statutes/?id=340a.503>

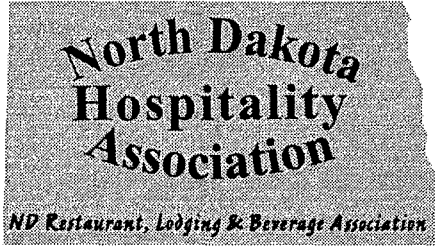
Penalty: Gross Misdemeanor - up to 1 year in jail and a \$3,000 fine (M.S. 304A.702)

South Dakota

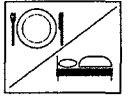
SD Codified Law 35-9-1.1.

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=35-9-1.1>

Penalty: Class 2 Misdemeanor (22-6-2.)- thirty days imprisonment in a county jail or five hundred dollars fine, or both. The court, in imposing sentence on a defendant who has been found guilty of a misdemeanor, shall order, in addition to the sentence that is imposed pursuant to the provisions of this section, that the defendant make restitution to any victim in accordance with the provisions of chapter 23A-28.



ND's Restaurant, Lodging & Beverage Association



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E-mail: NDhospitalityassn@gmail.com • www.ndhospitality.com

Testimony of Rudie Martinson
Executive Director, ND Hospitality Association
In opposition to HB 1458
Before the House Judiciary Committee
January 29, 2013

Good Morning Mr. Chairman and members of the House Judiciary Committee. My name is Rudie Martinson, and I am the Executive Director of the ND Hospitality Association. We are the trade association for North Dakota's restaurant, lodging, and retail beverage industries.

I rise today in opposition to HB 1458.

Let me begin by stating one thing very clearly: we in the hospitality industry have no interest in serving alcohol to minors. We invest a great deal of time and energy in training our employees in safe and legal alcohol service. In many cases, businesses in our industry partner with local law enforcement to provide this training. We provide a voluntary compliance checking service to our members who wish to use it, so they can have insight into whether their procedures are being followed by their staff. Finally, last session we partnered with the ND University System to spearhead the passage of SB 2133, which allowed us to confiscate fake and illegally used IDs when we encounter them and take them out of the hands of kids.

HB 1458 attempts to make a felon out of every bartender, cocktail, and door person who makes a mistake. A bouncer with a line a block long, who mistakenly lets someone in who doesn't turn 21 for a few more days would be charged with a felony. A bartender at a wedding reception the whole town turns out for would be charged with a felony for doing the math wrong. And if an owner makes this mistake and is charged with a felony, he can't renew his liquor license and he's out of business.

Mr. Chairman, the penalty for our employees who serve minors by accident is already higher than the penalty for the minor who deceives us on purpose. Serving minors is and should be illegal, and there is and should be a penalty for it under current law. This bill represents an attempt to expand that penalty to a point that is far out of proportion to the crime.

For these reasons, we ask for a "do not pass" recommendation on HB 1458.

Thank you

Rep. Dam Schoen

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Substance Use in ND

Even if your child isn't using alcohol...

- Almost three-fourths (73%) of their high school peers have had a drink sometime in their life and almost one third (31%) have participated in binge drinking in the past month.¹
- North Dakota is ranked #1 for binge alcohol use among youth ages 12-20.²

Don't be afraid to start talking to your child early...

- Nearly 6% of middle school students in North Dakota had their first drink of alcohol at 8 years of age or younger.⁶

Talk to your child about the dangers of underage drinking, that you disapprove of it, and that there will be consequences...

- 73% of North Dakota high school students perceive that binge drinking once or twice a week does not pose a great risk.⁷

- Underage drinking costs the citizens of ND \$141 million.³
- Over a fourth (28%) of North Dakota high school students had rode one or more times during the past 30 days in a car or other vehicle driven by someone who had been drinking alcohol and 15% had driven a car or other vehicle when they had been drinking alcohol.⁸
- Over half of fatal crashes (52%) and fatalities (52%) in North Dakota are alcohol-related.⁴
- Almost a fourth (23%) of all juvenile arrests in North Dakota are alcohol and drug related, while almost half (46%) of all arrests are alcohol and drug related.⁵



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Rep. Damsch 2

Fact Sheets

Underage Drinking

Alcohol use by persons under age 21 years is a major public health problem.¹ Alcohol is the most commonly used and abused drug among youth in the United States, more than tobacco and illicit drugs¹, and is responsible for more than 4,700 annual deaths among underage youth². Although drinking by persons under the age of 21 is illegal, people aged 12 to 20 years drink 11% of all alcohol consumed in the United States.³ More than 90% of this alcohol is consumed in the form of binge drinks.³ On average, underage drinkers consume more drinks per drinking occasion than adult drinkers.⁴ In 2010, there were approximately 189,000 emergency rooms visits by persons under age 21 for injuries and other conditions linked to alcohol.⁵

Drinking Levels among Youth

The 2011 Youth Risk Behavior Survey⁶ found that among high school students, during the past 30 days

- 39% drank some amount of alcohol.
- 22% binge drank.
- 8% drove after drinking alcohol.
- 24% rode with a driver who had been drinking alcohol.

Other national surveys

- In 2011 the National Survey on Drug Use and Health (<http://www.oas.samhsa.gov/nhsda.htm>) [Ⓔ] (<http://www.cdc.gov/Other/disclaimer.html>) reported that 25% of youth aged 12 to 20 years drink alcohol and 16% reported binge drinking.⁷
- In 2011, the Monitoring the Future Survey (<http://www.monitoringthefuture.org/>) [Ⓔ] (<http://www.cdc.gov/Other/disclaimer.html>) reported that 33% of 8th graders and 70% of 12th graders had tried alcohol, and 13% of 8th graders and 40% of 12th graders drank during the past month.⁸

Consequences of Underage Drinking

Youth who drink alcohol ^{1, 4, 9} are more likely to experience

- School problems, such as higher absence and poor or failing grades.
- Social problems, such as fighting and lack of participation in youth activities.
- Legal problems, such as arrest for driving or physically hurting someone while drunk.
- Physical problems, such as hangovers or illnesses.
- Unwanted, unplanned, and unprotected sexual activity.
- Disruption of normal growth and sexual development.
- Physical and sexual assault.
- Higher risk for suicide and homicide.

- Alcohol-related car crashes and other unintentional injuries, such as burns, falls, and drowning.
- Memory problems.
- Abuse of other drugs.
- Changes in brain development that may have life-long effects.
- Death from alcohol poisoning.




In general, the risk of youth experiencing these problems is greater for those who binge drink than for those who do not binge drink.⁹




Youth who start drinking before age 15 years are five times more likely to develop alcohol dependence or abuse (</alcohol/faqs.htm#alcoholismAbuse>) later in life than those who begin drinking at or after age 21 years.^{10, 11}

Prevention of Underage Drinking

Reducing underage drinking will require community-based efforts to monitor the activities of youth and decrease youth access to alcohol. Recent publications by the Surgeon General¹ and the Institute of Medicine⁴ outlined many prevention strategies that will require actions on the national, state, and local levels, such as enforcement of minimum legal drinking age laws, national media campaigns targeting youth and adults, increasing alcohol excise taxes, reducing youth exposure to alcohol advertising, and development of comprehensive community-based programs. These efforts will require continued research and evaluation to determine their success and to improve their effectiveness.

References:

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Page last reviewed: October 29, 2012

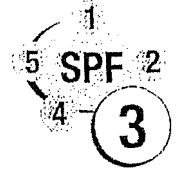
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Content source: [Division of Population Health, National Center for Chronic Disease Prevention and Health Promotion](#)

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STRATEGIC PREVENTION FRAMEWORK STEP 3: DEVELOP A COMPREHENSIVE STRATEGIC PLAN



CHAPTER 5 Accountability Question:

What evidence-based environmental strategies will be useful in helping to achieve the goals? (Environmental Strategies)

COMMUNITY STORY: Pima County Arizona

In Pima County, Arizona, underage drinking is a significant problem. Approximately 40 percent of eighth graders and 59 percent of twelfth graders report using alcohol in 2002. Adolescents in the county also start drinking at an earlier age than adolescents in other parts of the United States. On average, Pima County kids start drinking just after turning 12, about 10 months earlier than the average in Arizona and a year earlier than youth nationally.

The startling news of these trends led the Tucson/Pima County Commission on Addiction Treatment and Prevention to produce a report on underage drinking, advising city and county officials to address the teen alcohol use problem in the county.

“We have children coming in at age 13, 14, 15 with blood-alcohol levels beyond toxic, near lethal,” said Dr. Richard Wahl, a pediatrician specializing in adolescent medicine who advised the panel. The commission’s key recommendations focused on environmental strategies such as

- enforcement of existing restrictions on businesses that sell liquor, youth who drink it, and adults who help them obtain it
- increased fines and the use of diversion programs for minors who use false identification to buy liquor
- weekend patrols by enforcement agencies to aggressively check open areas where underage drinking parties are known to occur.

WHY IS IT IMPORTANT TO IMPLEMENT EVIDENCE-BASED STRATEGIES?

Many policies to reduce underage drinking have been researched and evaluated to determine whether they are effective. A policy or strategy is “evidenced-based” if it has shown to reliably produce measurable reductions in underage drinking in communities or research settings (Oregon State University, 2003). Implementing a policy that has already been shown to be successful can help reach the goal of reducing underage drinking. It is also more effective to implement a multicomponent strategy to prevent underage drinking that addresses the family, school, and community (Komro & Toomey, 2002). A number of environmental strategies have been proven effective in reducing underage drinking.

RESPONSIBLE BEVERAGE SERVICE (RBS)

Policies that require training for servers and merchants on responsible serving practices can help to reduce underage drinking. RBS policies hold merchants accountable for serving alcohol to intoxicated patrons and to those under 21. Research shows that sales to underage youth are higher in communities where a responsible beverage service training program is not in place (Alcohol Epidemiology, undated).

The goal of the training program is to reduce underage drinking and other alcohol-related problems in the community. There are three components to effective RBS training (Marin Institute, undated[a]):

1. Policy development

State law, local ordinances, or individual merchants establish policies that require specific training to increase skills that will reduce alcohol sales to persons under 21 and intoxicated individuals. The training system needs to be included in all new employee orientations to ensure that these practices continue despite high employee turnover. Posters or flyers providing information on the establishment’s policies and practices, such as checking identification of all patrons who appear to be under the age of 30, help reinforce the skills learned in the RBS program.

2. Merchant education

The goal of merchant education is to (1) help managers and servers/sellers understand state, community, and establishment-level alcohol and tobacco policies and potential consequences

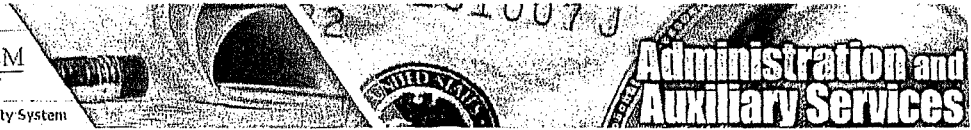
EVIDENCE-BASED ENVIRONMENTAL STRATEGIES

- Responsible beverage service
- Alcohol compliance checks
- Happy hour restrictions
- Reducing alcohol outlet density
- Sobriety and traffic safety checkpoints
- Graduated drivers’ license laws
- Social host laws
- Keg registration
- Restricting alcohol sales at public events
- Increasing taxes on sales of alcohol



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ALCOHOL UNDER-AGE DRINKING

*Here's What Alcohol Can Do to You... Alcohol can make you throw up.
Alcohol can make you pass out Alcohol can make you go to the bathroom.
AND, if that's not enough...*

IT CAN MESS UP YOUR HEAD

- Being drunk is a condition in which a person has overdosed on a drug.
- Alcohol is an anesthetic drug. It puts the brain to sleep just like a shot of Novocain makes gums numb.
- Brain damage begins with the first drink and becomes sever in the case of the alcoholic,
- It should come as no surprise that people who drink start experiencing problems at school.

IT CAN CAUSE A DRUG ADDICTION

- Alcohol is a drug. It's also an addicting drug; 3.3 million young men and women under 20 are problem drinkers.
- Alcoholism in adolescents develops rapidly, with some teens becoming alcoholics within six months after taking their first drink.
- Nineteen out of 100 young people 12 to 17 years old are defined as having a serious drinking problem.
- There is no cure for alcoholism.

IT CAN DESTROY YOUR LIVER

- About 85 percent of the deaths due to cirrhosis are associated with alcohol.
- Damage to the liver due to cirrhosis can not be reversed.
- Liver cancer is also related to alcohol use.

IT CAN GET YOU INTO TROUBLE

- Alcohol can get you into trouble with your parents, with the police.
- Like it or not, alcohol is an illegal drug -- just like marijuana, cocaine and heroin. If you're going to play, you're going to pay!

IT CAN HURT YOUR HEART

- Alcohol is a poison to all parts of the body, including the heart. Even moderate amounts of alcohol can adversely affect heart function.

IT CAN INTERFERE WITH YOUR REPRODUCTIVE SYSTEM

IN MALES:

- Use of alcohol can reduce the amount of testosterone in a man's body. Testosterone is the principle male sex hormone responsible for development of male secondary sex characteristics.
- Atrophy of the testicles is a direct result of alcohol consumption.
- Excessive drinking is a common contributor to impotence in males.
- Also, alcohol is an anesthetic drug. It can interfere with your adult sex life and ability to reproduce.

IN FEMALES:

- Birth defects found in children whose mothers drink are called Fetal Alcohol Syndrome.
- Fetal Alcohol Syndrome is the third leading cause of mental retardation and the only preventable cause of birth defects.

IT CAN WRECK YOUR CAR

- Every five seconds, a teenager has a drug or alcohol-related traffic accident.
- One drink can impair the ability to drive -- especially when the person is inexperienced as a driver.
- More than 25 cents of every dollar you pay for automobile insurance premiums goes to pay for damage done by drunk drivers.

IT CAN KILL YOUR FRIENDS!

- Drinking and driving accidents are the number one cause of death among teenagers.
- More than 12,000 young Americans are killed each year in accidents involving young people and alcohol.
- Forty thousand Americans are disfigured each year in accidents involving young people and alcohol.

IT CAN MAKE YOU ACT LIKE AN IDIOT!

- That's the bottom line! People drink because they think acting like an idiot is the same as acting cool. People

drink alcohol because they like the feeling of being "high" -- which is actually just the feeling of having damage to the central nervous system. Who needs it?

IT CAN KILL YOU!

- Alcohol is a killer! It is responsible for drunk driving crashes.
- It is responsible for cirrhosis of the liver.
- It causes drowning and other fatal accidents.
- It is responsible for homicides and suicides.
- All by itself, alcohol is a lethal drug. Very large amounts of alcohol can cause death by putting to sleep the part of the brain which directs the respiratory system.
- Three people die every day in the United States from alcohol overdoses.

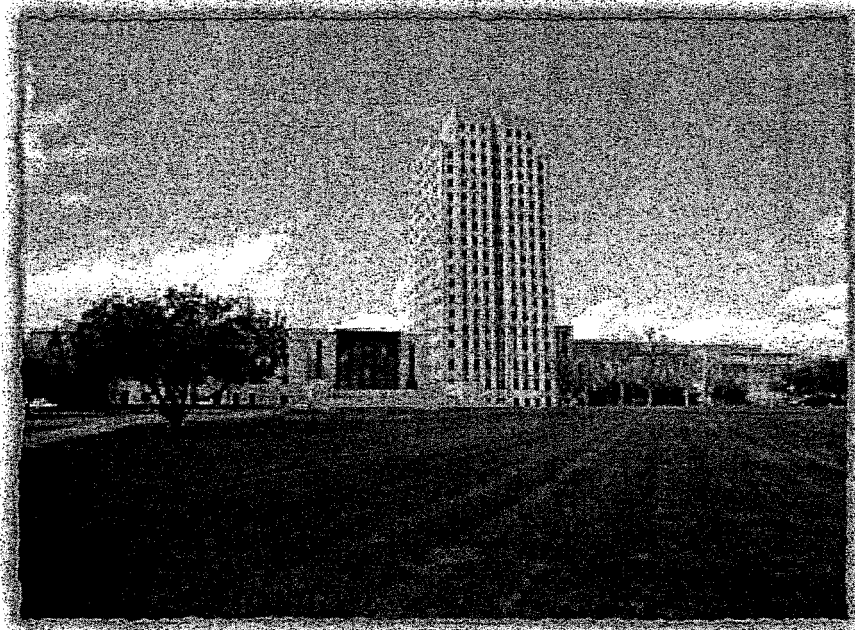
SO...

The next time you're face to face with alcohol
Don't get "Plastered" or "Bombed,"
"Ripped" or "Blitzed,"
"Sloshed" or "Wasted"

REFUSE IT!

Contact PVAMU | ADA Resources | Compact with Texans | Homeland Security | Legal Notices
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HB 1458

Penalties for Delivery of Alcohol to
Minors

Rep. Joe Heilman - District 45

ND is on Top

- ◆ Economic Growth
- ◆ Lowest Unemployment
- ◆ Highest Rate of Personal Income Growth
- ◆ Consistently One of the Highest in Underage Drinking Statistics
 - ◆ According to Fox Business - Highest in those underage who drive after drinking (11.7%)

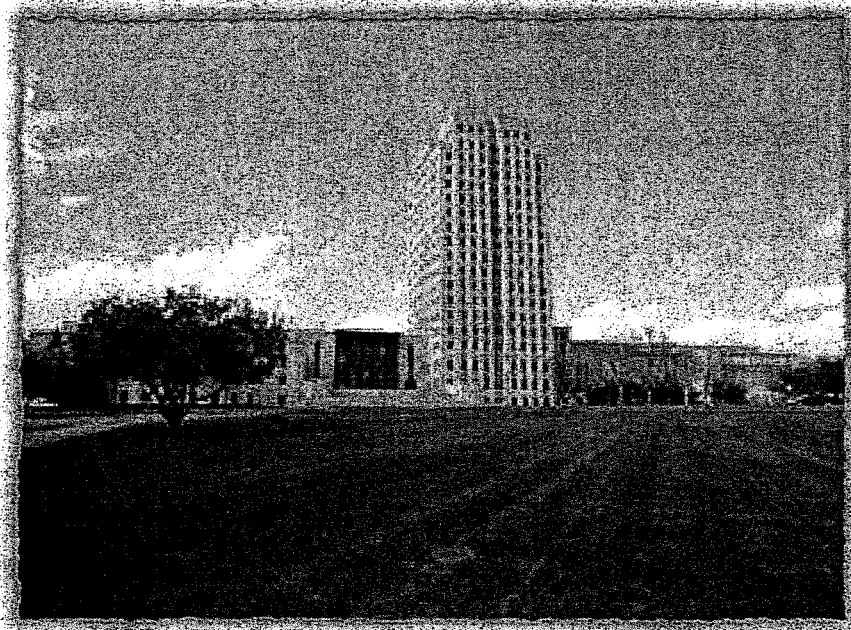
2012 NDCORE Survey Data

Source	Percentage
Friends under 21	36.7%
Friends Older Than	84%
Using a Fake ID	5.7%
Using Some Else's ID	5.7%
Adult Acquaintances	15.5%
Parents with Consent	26.8%
Parents w/o Consent	7.5%
Self	10.9%
Other	10%

*Multiple responses were allowed

Need to get Serious

- ◆ ND consistently ranks high on these issues
- ◆ We need to make people think twice about supplying minors with alcohol
- ◆ We need to make minors think twice about using a fake ID
- ◆ This bill is a good step to say ND is serious about this issue - Passed in the ND House - 61-33



This Concludes My Testimony
-I stand for questions-

ND leads nation in binge, underage drinking

JUNE 03, 2009 7:00 PM • ASSOCIATED PRESS

A new report says North Dakota leads the nation in the rate of binge and underage drinking. It's old news to state officials who have been on a mission to change it, with limited success.

The National Survey on Drug Use and Health, released Thursday by the federal Substance Abuse and Mental Health Services Administration, found 40 percent of North Dakotans ages 12 to 20 had at least one drink during the month before the survey was taken. The interviews were conducted in 2006 and 2007.

Researchers also found 32 percent of North Dakotans ages 12 and older said they had five or more drinks in one sitting during the month before the survey. The national average for binge drinking was 23 percent.

The results have changed little since 2005, when a similar survey found more than 31 percent of North Dakotans age 12 and older said they had five or more drinks in one sitting.

Drinking - even underage and to excess - is "culturally accepted" in North Dakota, authorities say, and many communities' social activities revolve around booze.

"This has been a tough nut to crack, no question about it," said Mikey Hoeven, North Dakota's first lady, who has been leading a campaign to prevent alcohol abuse since her husband was elected governor in 2000. "But I do see little glimpses of hope we're going in right direction."

Binge use is defined as having five or more drinks on the same occasion at least once in the last 30 days.

More than 58 percent of North Dakotans between the ages of 18 and 25 - the highest rate in the U.S. - reported binge drinking. Nearly 29 percent in the 26-and-older category said they had five or more drinks in one sitting, also leading the nation, the report said.

A survey last year of North Dakota communities found one-third of the adults thought teenage drinking was acceptable and should be legal, Attorney General Wayne Stenehjem said.

"It's shocking and it really points to the fact that we have a culture of acceptance," Stenehjem said. "It's illegal, it's dangerous and it needs to change."

Stenehjem said he has been criticized and called a worry wort by some, but he sees alcohol as a serious social problem.

The attorney general's office and the state Department of Human Services launched a brochure campaign in March to help prevent underage drinking and remind parents that providing booze to their children is against the law.

Some 36,000 brochures were mailed to parents of middle school and high school students, said Pamela Sagness, a Human Services prevention administrator. Posters and pamphlets aimed at teens also were placed in schools that outlined the consequences of drinking.

Day care centers and elementary schools received activity books aimed at making positive choices. Posters were sent to liquor stores and bars in the state reminding patrons that providing alcohol to people under 21 is illegal.

"I don't know why they keep allocating money to this because I don't think it has any effect on anything," Nina VanPatton said. "I really think it's up to the parents."

VanPatton, 57, of Bismarck said she's been sober for 28 years. She said she did it for her daughter.

"I don't know any parent who wants their kid to drink," she said. "If drinking is an acceptable behavior for parents, then that's why kids do it. It's doing what you say, not what you preach."

Underage drinking is widely considered a rite of passage though it is illegal, Mikey Hoeven said.

"The good news is parents do have the power for modeling behavior and we need to use that power," Hoeven said. "Children live what they learn."

The study also found North Dakota was one of five states that showed increases in marijuana use among people ages 12 and older. But the state was among the lowest in the rate of illicit drug use other than marijuana.

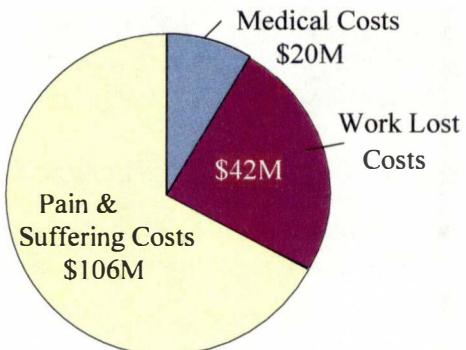
Underage Drinking in North Dakota *The Facts*

Tragic health, social, and economic problems result from the use of alcohol by youth. Underage drinking is a causal factor in a host of serious problems, including homicide, suicide, traumatic injury, drowning, burns, violent and property crime, high risk sex, fetal alcohol syndrome, alcohol poisoning, and need for treatment for alcohol abuse and dependence.

Problems and Costs Associated with Underage Drinking in North Dakota

Underage drinking cost the citizens of North Dakota \$0.2 billion in 2010. These costs include medical care, work loss, and pain and suffering associated with the multiple problems resulting from the use of alcohol by youth.¹ This translates to a cost of \$2,381 per year for each youth in the State or \$2.75 per drink consumed underage. Excluding pain and suffering from these costs, the direct costs of underage drinking incurred through medical care and loss of work cost North Dakota \$62 million each year or \$1.01 per drink. In contrast, a drink in North Dakota retails for \$1.12.

**Costs of Underage Drinking
North Dakota, 2010 \$**



Total: \$0.2 billion

Costs of Underage Drinking by Problem, North Dakota, 2010 \$

Problem	Total Costs (in millions)
Youth Violence	\$72.4
Youth Traffic Crashes	\$57.0
High-Risk Sex, Ages 14-20	\$11.6
Youth Property Crime	\$6.9
Youth Injury	\$5.7
Poisonings and Psychoses	\$2.0
FAS Among Mothers Age 15-20	\$3.2
Youth Alcohol Treatment	\$9.2
Total	\$168.0

Youth violence (homicide, suicide, aggravated assault) and traffic crashes attributable to alcohol use by underage youth in North Dakota represent the largest costs for the State. However, a host of other problems contribute substantially to the overall cost. Among teen mothers, fetal alcohol syndrome (FAS) alone costs North Dakota \$3 million.

Young people who begin drinking before age 15 are four times more

likely to develop alcohol dependence and are two and a half times more likely to become abusers of alcohol than those who begin drinking at age 21.² In 2009, 245 youth 12- 20 years old were admitted for alcohol treatment in North Dakota, accounting for 17% of all treatment admissions for alcohol abuse in the state.³

Alcohol Consumption by Youth in North Dakota

Underage drinking is widespread in North Dakota. Approximately 33,000 underage customers in North Dakota drink each year. In 2009, North Dakota students in grades 9-12 reported:⁴

- 72.3% had at least one drink of alcohol on one or more days during their life.
- 19.9% had their first drink of alcohol, other than a few sips, before age 13.
- 43.3% had at least one drink of alcohol on one or more occasion in the past 30 days.
- 30.7% had five or more drinks of alcohol in a row (binge drinking) in the past 30 days.
- 4.2% had at least one drink of alcohol on school property in the past 30 days.

In 2009, underage customers consumed 29.8% of all alcohol sold in North Dakota, totaling \$69 million in sales (in 2010 dollars). These sales provided profits of \$34 million to the alcohol industry.¹ Ranking states based on the percentage of alcohol consumed underage, with 1 the highest, North Dakota ranked number 14. This percentage is affected by both adult and youth drinking levels.

Annual sales of alcohol consumed by youth in North Dakota averaged \$2,079 per underage customer. Underage customers were heavier consumers than adults. They drank an average of 5.1 drinks per day; in contrast, legal customers consumed only 2.1.

Harm Associated with Underage Drinking in North Dakota

Underage drinking in North Dakota leads to substantial harm due to traffic crashes, violent crime, property crime, unintentional injury, and risky sex.

- During 2009, an estimated 9 traffic fatalities and 205 nonfatal traffic injuries were attributable to driving after underage drinking.
- In 2009, an estimated 1 homicides; 1,400 nonfatal violent crimes such as rape, robbery and assault; and 2,500 property crimes including burglary, larceny, and car theft were attributable to underage drinking.
- In 2007, an estimated 1 alcohol involved fatal burns, drownings, and suicides were attributable to underage drinking.
- In 2009, an estimated 68 teen pregnancies and 2,150 teens having risky sex were attributable to underage drinking.

For comparison with other states, in US rather than state prices, the harm from underage drinking per youth in North Dakota averages \$1,018. Such comparisons require caution. In part, they may reflect differences in crime and crash rates, problem-reporting to police, and co-occurring drug use.

Produced by the Pacific Institute for Research and Evaluation (PIRE) with funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), September 2011.

¹ Levy, D.T., Miller, T.R., & Cox, K.C. (2003). Underage drinking: societal costs and seller profits. Working Paper. Calverton, MD: PIRE.

² Grant, B.F., & Dawson, D.A. (1997). Age at onset of alcohol use and its association with DSM-IV alcohol abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic Survey. *Journal of Substance Abuse* 9: 103-110.

³ Office of Applied Studies, Substance Abuse and Mental Health Services Administration. Treatment Episode Data Set. (2011). *Substance Abuse Treatment by Primary Substance of Abuse, According to Sex, Age, Race, and Ethnicity, 2009*. Available [On-line]: <http://www.icpsr.umich.edu/icpsrweb/SAMHDA/studies/30462>.

⁴ Center for Disease Control (CDC). (2011). Youth Risk Behavior Surveillance System (YRBSS). Available [On-line]: <http://apps.nccd.cdc.gov/youthonline/App/Default.aspx>.