

2019 HOUSE JUDICIARY

HB 1242

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1242
1/14/2019
30731

☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to prohibitions for an individual under twenty one years of age; and to provide a penalty.

Minutes:

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Chairman K. Koppelman: Opened the hearing on HB 1242.

Rep. Louser: Introduced the bill. (:30-5:40) Went over the bill. Discussed a situation where the bar area and dining area was a problem and are presenting problems for the public. I just want to leave it up to the establishments.

Rep. Hanson: Your bill says an individual may be permitted. Could a restaurant owner decide not to allow this?

Rep. Louser: Yes. I want to leave this to the business owner.

Rep. Jones: We had a bill similar to this last session. How does this interplay with that?

Rep. Louser: That is in this bill on line eleven.

Rep. Magrum: Does this help in a small town? A lot of these bars serve lunch.

Rep. Louser: We don't have the community size designated. Before we had a bar that has a table top service like frozen food. This is a restaurant that has a designated bar area. It probably would not apply to smaller communities.

Chairman K. Koppelman: Do you know the definition of a restaurant that serves alcohol versus a bar.

Rep. Louser: It has to do with gross receipts.

Opposition: None

Do Pass Motion Made by Rep. McWilliams; Seconded by Rep. Hanson

Discussion:

Representative Satrom: I am not sure if there are some unintended consequences or abuses. I have some concerns about it.

Rep. Paur: His examples about people being asked to leave. A couple years ago we gave approval for minors to be in a bar. It was because of these small towns that all they have is a bar to eat in.

Rep. Rick Becker: I think this is a reasonable bill. This would pertain to restaurants and with parents. It allows parents to dine with their kids.

Chairman K. Koppelman: Went over what this Section 5-02-06 says. This is how the statute is now. This section is trying to get at the restaurants who already serve alcohol because that is what is already permitted at a bar.

Rep. Roers Jones: The way it is now is so arbitrary these designations for different areas. The parents are the last line of defense for people who are making those laws. We need to let the parents and business owners make these decisions.

Representative Simons: At weddings everyone drinks and families are all together so I don't see a problem with this bill.

Chairman K. Koppelman: I respect Rep. Satrom's concerns.

Roll Call Vote: 13 Yes 0 No 1 Absent Carrier: Rep. McWilliams

Closed.

Date: 1-14-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

HB 1242

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By McWilliams Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Buffalo	✓	
Vice Chairman Karls	<u>ABT</u>		Rep. Karla Rose Hanson	✓	
Rep. Becker	✓				
Rep. Terry Jones	✓				
Rep. Magrum	✓				
Rep. McWilliams	✓				
Rep. B. Paulson	✓				
Rep. Paur	✓				
Rep. Roers Jones	✓				
Rep. Satrom	✓				
Rep. Simons	✓				
Rep. Vetter	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. McWilliams

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

REPORT OF STANDING COMMITTEE

HB 1242: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1242 was placed on the
Eleventh order on the calendar.

2019 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1242

2019 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1242
2/27/2019
Job # 32899

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Amy Crane

Explanation or reason for introduction of bill/resolution:

Relating to prohibitions for an individual under twenty-one years of age; and to provide a penalty.

Minutes:

Att. #1

Chairman Klein: Opened the hearing on HB 1242. All members were present.

Representative Louser, District 5: introduced the bill and the reasoning behind it. In North Dakota, bars are supposed to be separated from restaurants by some sort of structure, a wall or something, but in reality it can sometimes just end up being an imaginary line. This bill would allow children under the age of 21 to sit in the bar section of a restaurant with their parent or guardian present. This is an option available to the business owner whether or not they want to allow it. It's also an option for families as well. A couple examples that led to this. I have young children and we were traveling in south Dakota and we saw a father and son eating together. In Minot we have a couple of restaurants. In traveling for hockey, I've been separated from my children because we would've been in the bar, even though none of the adults present drank beer. My children and their teammates were moved away from us because we were in the bar and the table they were moved to was right next to a table full of beer.

Senator Kreun: Does this let, a situation that I've been aware of for a long time, in the more rural areas where a basketball team comes home late at night and the parents aren't there immediately and its -20 degrees outside. And the only place open is the bar. Do they have an imaginary area that they can have so they can come in and be warm until their parents pick them up?

Representative Louser: I opposed that legislation my first year in the legislature and ultimately, this bill doesn't address that because that's considered a bar. This would be an establishment that has more than 50% of their gross receipts for food sales. Those instances where if they had a table top food service, and a population of less than 2500, that was allowed but that was already happening anyway. This bill does not address those situations.

Senator Burckhard: But after ten o'clock they can't remain in that area they have to leave?

Representative Louser: Yes, after ten o'clock the establishment would have to enforce the 21 years of age limit.

Senator Piepkorn: So it's not a bill for small town bars?

Representative Louser: Its intended to address primarily franchise types that have a designated bar area. Since we've allowed this, there are businesses that have an imaginary line, there's not even a half wall. The distinction doesn't make sense when there's no barrier or other means of separation.

Senator Piepkorn: The example you mentioned in South Dakota, they were seated at the bar?

Representative Louser: Yes, they were actually at the bar itself.

Vice Chairman Vedaa: I'm from a small town that has two restaurants/bars, will this allow me to sit at the bar with my grandson?

Representative Louser: Yes, there is no designation that says where the drinks will be mixed or poured. This is simply that area that is designated bar would be open until ten o'clock if the under 21 is with a parent or guardian.

Senator Piepkorn: A comment, I remember years ago traveling in Minnesota, stopped at a bar and we stopped at a newly nonsmoking area. And there was no wall or anything. Any idea of how the patrons of the bar feel about sitting next to a kid in a bar?

Representative Louser: I have not asked a Norm or a Cliff that would normally go to Cheers, but that wouldn't apply in this case. But I have talked to people sitting in the waiting area for twenty minutes while tables were available in the bar part of the restaurant.

Chairman Klein: But this is on you as a parent to make a decision whether or not you want to make your child sit there.

Representative Louser: Yes, it allows for the establishment owner to choose to allow this, and then as the customer, whether or not you want to sit in that area or not even go to the establishment.

Chairman Klein: I wouldn't take my grandkids into our bar but that's just my discretion.

Senator Kreun: Real quick, you mentioned the owner of the establishment has the choice to seat the individuals in the bar if they want to or not?

Representative Louser: Yes, they would have that option. I am aware of some larger establishments that are already doing this, and I'm not sure if that is city ordinances that allow them to do that.

Chairman Klein: Does this any way change the employee issue with the waitress under 21?

Representative Louser: No the bottom portion of the language still exists clarifying the employment restrictions.

Laura Anderson, Assistant Director of the Behavioral Health Division of the Department of Human Services Department: See attachment #1 for testimony in opposition to the bill.

Chairman Klein: You don't go to Applebees or BWWs and see people drinking?

Laura: I do. And when I take my kids we sit in the regular restaurant area. There is alcohol consumption around and we are careful to talk with them about that.

Chairman Klein: Because what you're saying here is that a parent or guardian doesn't count?

Laura: That is not our intention. But we do know through research that if we allow youths to be in an area around alcohol it makes them more likely to use, we know that from best practices, research.

Chairman Klein: But we haven't done that up to this point in North Dakota. I don't see us opening this up, I just see clarifying that the people over are legal and those over there are not.

Laura: This is up to a parent, the concern that it is still allowable, that a parent can bring a child up to a bar is concerning just in terms of community norms and the socialization of what that means for kids and having that be a part of the culture.

Chairman Klein: What about wine tasting at the farmer's market? Are you in opposition to that as well?

Laura: We haven't specifically opposed that, but this is a multifaceted issue of underage drinking and there are a lot of things that contribute to that. I think those that are the most likely to impact that, but all of those things play a role. We have to look at all the things we do as a state that support drinking culture or not.

Senator Burckhard: It comes down to parenting as well doesn't it? We can't tell if parents are good or bad parents? It's hard to tell where we draw the line anymore.

Laura: In our efforts of prevention, it is a comprehensive approach and we have an educational program for parents. We have to reach all of those factors to parents. Monitor your kid, talk to them, and then also looking at retail access and social access.

Senator Kreun: In the statistics here, where do the underage drinkers acquire the alcohol?

Laura: We have a little bit of information on that testimony, anywhere from 30-40% report getting it from someone they know. Not all youth are getting access through retail access. There is some social access as well.

Senator Kreun: That's what I was getting to, I was a part of introducing that legislation in Grand Forks. We've required that all of these establishments have to have responsible beverage training. Most of these kids find that at home. This doesn't have any bearing on where kids get it. If they come in there and learn that they have restrictions and learn that they can't acquire alcohol. It's a learning process as well. We fix the symptoms but we don't fix the ailment.

Chairman Klein: According to Representative Louser, there was no opposition in the house?

Laura: We didn't hear about the bill until rather late in the process in the house, and the more that we had conversations with our community grantees, we felt the need to come forward now.

Chairman Klein: Closed the hearing on HB 1242.

Senator Kreun: Moved a Do Pass

Senator Burckhard: Seconded.

Chairman Klein: Any discussion?

Senator Piepkorn: Some of the issues that Laura brought up, kind of in the background, the psychological. But the wording in the bill, an individual under 21 years of age may be permitted into a restaurant where alcoholic beverages are being sold and in the area, maybe it's terminology, restaurant. So this minor can be in that place where the bartender is taking the bottle down and getting the coke out from behind the bar and mixing it up and serving it. This is where it gets to be perception. But just being in that area is troublesome to me where a minor can be sitting at that bar and see the bartender taking that down.

Chairman Klein: They can currently do that though.

Senator Piepkorn: This being underlined I thought it was new to the bill.

Chairman Klein: It could be new but a practical point, as it is now, it's possible to see the bar currently.

Senator Piepkorn: Regardless, this is different. There is something to having a 10-year-old kid in a bar. It has an effect on a young mind. And then it's served to someone near them, and they see alcohol's effects.

Chairman Klein: It could be a learning experience for a parent as well. The parent or guardian should know, we're just suggesting parents don't know anything here. If you're a parent taking your kid to a bar then, you're probably also giving them a drink at home.

Senator Piepkorn: I don't agree with your train of thought that we are indicating that parents are bad parents. That atmosphere, you can sit there and lecture them. But that isn't going to have the same impact on them as the experience of being around people drinking.

Chairman Klein: I'm suggesting that I would not bring that little mind in there. That's not what I want my kid to do or be.

Senator Kreun: I've been in exactly the same situations as Representative Louser, my kids played hockey and we traveled for that a lot. We would research and determine in advance where we wanted to take our kids. It's our responsibility to decide where we wanted to take our kids. They see parents consuming alcohol and they've learned how to adapt and you use these products in moderation. I had 1000 kids go through my daycare and what their parents say to them has an impact on them. It's a tough situation and you get to make that decision as a parent. If you don't teach them responsibility and moderation, they won't know how to respond to it when they are approached it.

Senator Piepkorn: It's not the kids that want to go, who decides to go there instead of somewhere that doesn't serve alcohol.

Senator Kreun: The issue is that most of the time you don't have a choice. How often can you bring 15 kids into a restaurant and be served? That's the adult part. You scan and make a decision.

Chairman Klein: Some of us who live in small towns don't have a lot of options.

Senator Kreun: Go to Fosston, Minnesota and try to find a restaurant that will serve 15 hockey players and you'll see what I mean.

A Roll Call Vote Was Taken: 5 yeas, 1 nays, 0 absent.

Motion Carried.

Vice Chairman Vedaa will carry the bill.

Date: 2/27
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1242

Senate Industry, Business and Labor Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Kreun Seconded By Burckhard

Senators	Yes	No	Senators	Yes	No
Chairman Klein	X		Senator Piepkorn		X
Vice Chairman Vedaa	X				
Senator Burckhard	X				
Senator Kreun	X				
Senator Roers	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Vedaa

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

REPORT OF STANDING COMMITTEE

HB 1242: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends
DO PASS (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1242 was placed
on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1242

Testimony
House Bill 1242 - Department of Human Services
Senate Industry, Business and Labor
Senator Jerry Klein, Chairman

February 27, 2019

Chairman Klein and members of the Senate Industry, Business and Labor Committee, I am Laura Anderson, Assistant Director of the Behavioral Health Division of the Department of Human Services (Department). I appear today to provide testimony in opposition of House Bill 1242.

Almost one in three (29.1%) of North Dakota high school students report current alcohol use (use within the past 30 days) and 14.5 percent report their first use of alcohol before the age of 13 (North Dakota Youth Risk Behavior Survey, 2017). Research shows that individuals who start drinking before the age of 15 are four times more likely than individuals who start drinking at the age of 21 to meet the criteria for alcohol use disorder at some point in their lives.

There are many risk factors that influence a person's likelihood of engaging in illegal or risky substance use. Reducing the likelihood that underage youth can access alcohol is one way to prevent underage drinking and the related consequences. If youth can't get alcohol, they can't consume it.

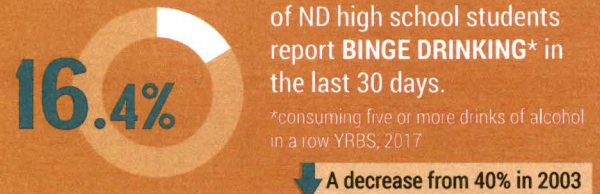
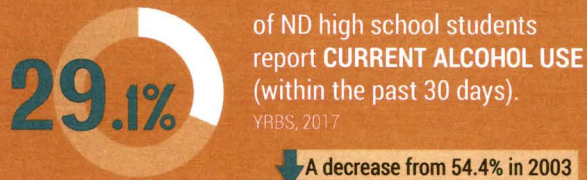
The North Dakota Department of Human Services' Behavioral Health Division administers the federal funding coming into the state focused on substance abuse prevention. The Division currently funds 24 communities (Local Public Health Units and Tribes) across the state to implement evidence-based strategies to prevent underage drinking. These communities are implementing strategies to reduce both retail and social access, enhancing enforcement efforts and supporting healthy community norms.

Allowing minors into drinking establishments goes against best practice for preventing underage drinking and impedes the work these 24 communities have been working towards to create healthier communities. It also can create difficulties for servers, who must conduct repeated identification checks and continuously track who is actually drinking the beverages being served. It allows minors to consume alcohol purchased from older individuals. And it encourages minors to drink as a way to socialize and become one with their peers.

This concludes my testimony, and I am happy to answer any questions.

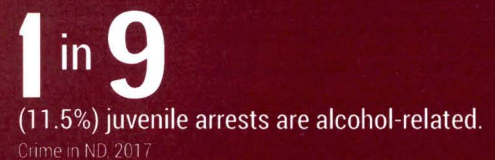
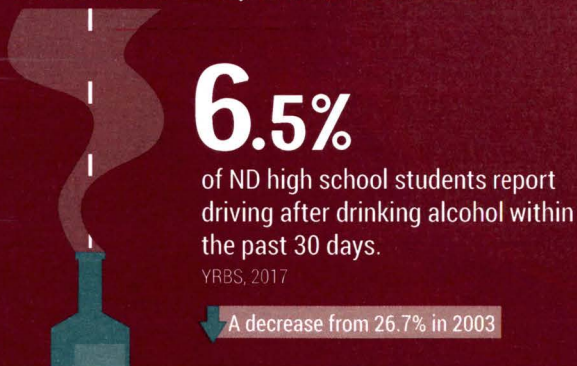
UNDERAGE DRINKING in north dakota

THE PROBLEM



16.4% is equivalent to approximately 5,041 students, or the number of enrolled students at Bismarck High School, Fargo South High School, Grand Forks Central High School, Williston High School, and Dickinson High School combined.

CONSEQUENCES



of all unruly referrals to juvenile court were unlawful possession/consumption of alcohol.
ND Juvenile Court Annual Report, 2017



89.3%

The majority of ND adults agree that preventing alcohol and other drug use among youth is important.
CRS, 2017

Be an advocate for prevention.
www.prevention.nd.gov

HOW DID THIS BECOME A PROBLEM?

70%

Low Perceived Risk

70% of ND high school students believe binge drinking one or two times a week does **NOT** post a great risk.

YRBS, 2017

14.5%

Early Age of First Use

14.5% of ND high school students report having their first alcoholic drink **before** age 13.

YRBS, 2017

↓ A decrease from 25.4% in 2003

37.7%

Accessibility

37.7% of ND high school students who report current alcohol use, usually obtain the alcohol from **someone who gave it to them**.

YRBS, 2017

19.0%

Cultural Norms

19% of ND adults perceive drinking among teenagers as **acceptable** in their community.

CRS, 2017

CHANGE COMES FROM...



Increased awareness of the risks associated with underage alcohol consumption.



Enforcement of underage drinking laws.



Strengthened policies to reduce underage access to alcohol.



Shifting social norms to be supportive of healthy decisions, and not supportive of excessive alcohol consumption.



Parents having ongoing conversations with their kids, role-modeling healthy behaviors and providing ongoing support and engagement.