

2021 SENATE JUDICIARY

SB 2264

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2264
1/26/2021

A BILL for an Act to create and enact a new subsection to section 19-03.1-23 of the North Dakota Century Code, relating to penalties for the possession of marijuana by an individual under the age of twenty-one; and to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to prohibiting an individual under the age of twenty-one from using alcoholic beverages; and to provide a penalty

Chairwoman Larson calls the meeting to order. Present are Chairwoman Larson, Vice Chair Dwyer, Senators Bakke, Fors, Heitkamp, Luick, and Myrdal. [8:57]

Discussion Topics:

- Possession of marijuana penalties
- Addiction
- Substance education classes for minors

Senator Myrdal [9:02] introduces the bill.

James Knopik [9:03], Behavioral Health Administrator in the ND Department of Human Services Behavioral Health Division, testifies in favor and submits testimony #3242.

Senator Dwyer [9:13] moves DO PASS.

Senator Myrdal [9:13] seconds.

Senators	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0. [9:14]

Chairwoman Larson will carry.

Chairwoman Larson closes the meeting. [9:14]

Jamal Omar, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2264: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Eleventh order on the calendar.

Testimony
Senate Bill 2264 - Department of Human Services
Senate Judiciary Committee
Senator Diane Larson, Chairman

January 26, 2021

Chairman Larson and members of the Senate Judiciary Committee, I am James Knopik, behavioral health administrator, with the Department of Human Services' Behavioral Health Division. I appear today to provide testimony in support of Senate Bill 2264.

The Department of Human Services' Behavioral Health Division is responsible to oversee the regulation of Alcohol and Drug Early Intervention Providers in the state. These providers offer education classes for individuals who have an alcohol or drug related offense. The goal of these programs is to provide education for the individual to modify their behavior and avoid recurrent substance related consequences or a future addiction. In North Dakota 452 participants completed an alcohol early intervention education course from January 1, 2020 through November 30, 2020. During that same timeframe only eight individuals had taken the class more than once.

The Behavioral Health Division continues to recommend these classes be provided to as many at risk youth as possible to attend these effective classes at the time of the first offense. Creating the opportunity for all individuals who experience a first offense to attend these classes from a certified instructor could eliminate that individual from experiencing a second alcohol or drug related offense. Nationwide participants who completed evidence based early intervention education classes saw a reduction in binge drinking from 69% to 30% and recidivism decreased from 17% to 6% (Beadnell et al., 2016).

For the past 4 years the state has been working to ensure behavioral health is treated on an equal footing as health. In the healthcare system, if an individual is experiencing symptoms of a heart condition, their provider doesn't make the individual wait until they have a heart attack to offer the care that individual needs. Healthcare providers offer the appropriate care when warning signs are evident to prevent the heart attack from occurring. Rather than waiting for individuals to develop an addiction or experience more consequences from alcohol or drugs we can provide an opportunity for youth to avoid unnecessary harm.

The Behavioral Health Division supports this bill but would ask the committee to consider not amending the language on page 2 line 5 from "shall" to "may" and amending the language on page 2, line 28 from "may" to "shall". We also recommend adding language that would remove the requirement to complete the education class if the individual is in need of clinical treatment services for a substance use disorder.

There are currently 37 Minor in Possession early intervention certified providers and these classes are able to be offered virtually to participants, even out of state. Lutheran Social Services was not a provider of this service.

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

2021 HOUSE JUDICIARY

SB 2264

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

SB 2264

3/17/2021 AM

Relating to prohibiting an individual under the age of twenty-one from using alcoholic beverages; and to provide a penalty.

Chairman Klemin called the hearing at 11:00 AM

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion Topics:

- Discretion to the court
- First time offense

Senator Wanzek: Introduced the bill.

James Knoepik, Behavior Health Administrator, DOCR: Testimony #9770 11:10

Vice Chairman Karls closed the hearing at 11:20.

DeLores D. Shimek
Committee Clerk

Testimony
Senate Bill 2264 - Department of Human Services
House Judiciary Committee
Representative Lawrence Klemin, Chairman

March 17, 2021

Chairman Klemin and members of the House Judiciary Committee, I am James Knopik, behavioral health administrator, with the Department of Human Services' Behavioral Health Division. I appear today to provide testimony in support of Senate Bill 2264.

The Department of Human Services' Behavioral Health Division is responsible to oversee the regulation of Alcohol and Drug Early Intervention Providers in the state. These providers offer education classes for individuals who have an alcohol or drug related offense. The goal of these programs is to provide education for the individual to modify their behavior and avoid recurrent substance related consequences or a future addiction. In North Dakota 452 participants completed an alcohol early intervention education course from January 1, 2020 through November 30, 2020. During that same timeframe only eight individuals had taken the class more than once.

The Behavioral Health Division continues to recommend these classes be provided to as many at risk youth as possible to attend these effective classes at the time of the first offense. Creating the opportunity for all individuals who experience a first offense to attend these classes from a certified instructor could eliminate that individual from experiencing a second alcohol or drug related offense. Nationwide participants who completed evidence based early intervention education classes saw a reduction in binge drinking from 69% to 30% and recidivism decreased from 17% to 6% (Beadnell et al., 2016).

For the past 4 years the state has been working to ensure behavioral health is treated on an equal footing as health. In the healthcare system, if an individual is experiencing symptoms of a heart condition, their provider doesn't make the individual wait until they have a heart attack to offer the care that individual needs. Healthcare providers offer the appropriate care when warning signs are evident to prevent the heart attack from occurring. Rather than waiting for individuals to develop an addiction or experience more consequences from alcohol or drugs we can provide an opportunity for youth to avoid unnecessary harm.

There are currently 37 Minor in Possession early intervention certified providers and these classes are able to be offered virtually to participants, even out of state. This concludes my testimony, and I am happy to answer any questions.

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary
Room JW327B, State Capitol

SB 2264
3/17/2021 PM

Relating to prohibiting an individual under the age of twenty-one from using alcoholic beverages; and to provide a penalty.

Chairman Klemin called the meeting at 3:02 PM

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion Topics:

- Alcoholism treatment education
- Permissive language
- Marijuana use

Rep. Becker: Do Not Pass Motion

Rep. Christensen: Seconded

Roll Call Vote:

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Rick Becker	Y
Representative Ruth Buffalo	N
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Karla Rose Hanson	N
Representative Terry B. Jones	N
Representative Jeffery J. Magrum	N
Representative Bob Paulson	N
Representative Gary Paur	N
Representative Shannon Roers Jones	N
Representative Bernie Satrom	N
Representative Steve Vetter	Y

4-10-0 Failed

Rep. Roers Jones: Moved an amendment on page 2 delete lines 7-10, starting with the new language. Page 2 lines 26 & 27 remove of an offense; line 30 starting with a first of second offense lets remove everything from there to the end of line 3 on page 3. Change ½ ounce to 1 ounce.

Rep. Vetter: Seconded

Roll Call Vote:

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Rick Becker	Y
Representative Ruth Buffalo	N
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Karla Rose Hanson	N
Representative Terry B. Jones	Y
Representative Jeffery J. Magrum	N
Representative Bob Paulson	N
Representative Gary Paur	N
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	N
Representative Steve Vetter	Y

6-8-0 Failed

Rep. Karls: Do Pass Motion

Rep. Satrom: Seconded

Roll call vote:

Representatives	Attendance
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Rick Becker	N
Representative Ruth Buffalo	Y
Representative Cole Christensen	N
Representative Claire Cory	N
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Jeffery J. Magrum	Y
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Shannon Roers Jones	N
Representative Bernie Satrom	Y
Representative Steve Vetter	N

Motion carried 9-5-0. Carrier: Rep. Paur

Stopped 3:30 pm

DeLores D. Shimek Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2264: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Fourteenth order on the calendar.