

HB

388

HOUSE COMMITTEE REPORT

(7) Date Referred to Committee: February 6, 1998 FURTHER REFERRALS: Labor and Commerce

Date of Committee Action: 4/16/93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 388

HOUSE BILL NO. 388 RIGHT TO REFUSE TO SERVE LIQUOR

"An Act relating to the right to refuse to sell, give, or serve an alcoholic beverage."

recommends it be replaced with the following committee substitute [] the same title [] a new title

[] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
[] fiscal note(s) [] fiscal note(s)
[X] zero fiscal note(s) Revenue [] zero fiscal note(s)

Table with 5 columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Contains handwritten signatures and checkmarks.

CHAIR'S SIGNATURE [Signature]

Revision Date: _____ Dept. Affected: _____ Revenue _____
 Title: Right to Refuse to Serve Liquor BRU: ABC Board
 Component: ABC Board
 Sponsor: Representative Dyson
 Requestor: (H) HES COMPONENT SERIAL NO. 100

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year cost 0.0

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

This bill gives liquor licensees the right to refuse alcoholic beverage service to a pregnant woman in order to protect the health of the unborn child. The provision is discretionary.

Prepared by: Doug Griffin, Director
 Division: Alcoholic Beverage Control Board
 Approved by Commissioner: Wilson L. Condon *Robert A. Kenney*
 Agency: Department of Revenue

Phone: :77 8838
 Date: April 13, 1998
 Date: April 13, 1998

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REPRESENTATIVE FRED DYSON HB 388 Sponsor Statement

"An Act relating to the right to refuse to sell, give, or serve an alcoholic beverage."

The liquor industry has been concerned about the prenatal poisoning of pre born children, both from a liability perspective and because of the irreversible damage to the children. Many bar owners make a practice of refusing to serve a pregnant woman but they believe they are on uncertain ground because the Alaska statutes allow for refusal of service only on the basis of the potential of the person being a danger to themselves or to others. The industry has asked us to insert wording into the statutes to protect them from legal actions that might result from the refusal to serve. This bill accomplishes that and strengthens the industry's ability to protect unborn children.

In other states, liquor servers have been sued both for serving a pregnant woman and for refusing to serve a pregnant woman. With the passage of this bill the liquor industry will be assured that they are immune to law suits when they try to protect the health of pre-born children.

Alaska is poisoning pre-born children with alcohol at the highest rate in the nation. Pre natal alcohol poisoning is the leading cause of mental retardation in our country. Children with full-blown Fetal Alcohol Syndrome have a reduced stature, smaller brains, IQs below 80, facial disfiguration and a series of health problems. In a lifetime the State of Alaska spends over a million dollars on each of these children. In one case within the sponsor's district, the state has spent a million dollars on health care in just the first year of the child's life.

For children with the less severe Alcohol Related Neurological Defects (ARND), where the effects are not physically visible, the children have permanent mental dysfunction that leave them with reasoning deficiencies and a limited capacity to identify with others; this is almost the exact definition of a sociopath. Invariably, this can result in relational problems that occur throughout their lives. Experts now believe that more than half of our prison population has ARND related problems.

The impact for the families of these children is profound because of the disproportionate amount of attention and care that these children require. There are communities in our state where the experts believe that up to half of the entering kindergarten/grade one children have permanent alcohol related mental retardation. The school systems spend an immense amount of resources on these innocent victims.

As a state, we continue to struggle with this unfolding tragedy and to find ways to prevent further damage to our kids. We are increasing our efforts at education and early intervention with women who are highly likely to drink while they pregnant. We have women in our state who have produced eight FAS/ARND children and one of the leading advocates involved in the FAS/ARND issue is a woman who has produced three of these children.

Sponsor Statement

Author: cslats@usa.net (Cindy Slats) at CC2MHS1

Date: 4/16/98 8:14 AM

Priority: Normal

TO: Representative Fred Dyson at LAA_TRANS

Subject: HB 388

Representative Dyson- As the mother of an alcohol affected child, I would like to thank you for sponsoring House Bill 388. Although it will not prevent pregnant women from drinking, I see it as a first step in raising awareness regarding this 100% preventable, irreversible, birth defect. I would also like to urge you and the other legislators of this state to view mothers with addictions with compassion, realizing that the addiction is not a choice, and precludes making good judgements and choices. This bill sends the message that the citizens of this state find drinking while pregnant socially unacceptable, and that is good in my opinion. We must also have something to offer these women, not punishment for something they can no more help than having diabetes or any other disease. It is very difficult for a person who has not suffered with an addiction to understand, and too easy to judge and say "just don't drink when you are pregnant."

On behalf of my daughter, the many other alcohol affected children in this state, and the unborn future citizens of this state and the world, I thank you.

Cindy Slats

Napakiak, Ak. (winter)

Fairbanks, Ak. (summer/permanent)