ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

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...d amendments made by subsection ... become effective on the date of the ...ment of this Joint Resolution.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I ... like to announce for the infor... ...on of the Senate and the public ... the oversight hearings regarding ...erica's role in the world coal export ...ket previously scheduled before ... Subcommittee on Energy and Min... ... Resources for Friday, September ... and Thursday, September 23, at ...0 a.m. have been postponed and will ... rescheduled at a later date.

For further information regarding ...ese hearings, you may wish to con... ...t Mr. Roger Sindelar of the sub... ...committee staff at 224-4236.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. WEICKER. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold an oversight hearing on coal slurry pipelines.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. WEICKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold an oversight hearing on the statute of limitations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WEICKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold a hearing on tuition tax credits.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH

Mr. WEICKER. Mr. President, I ask unanimous consent that the Subcommittee on Health, of the Committee on Finance, be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold a hearing to consider hospital reimbursement systems used by private third-party payers.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENT

WOMEN'S RIGHTS PARK

• Mr. MOYNIHAN. Mr. President, on July 17, 1982, 3 days after I joined with 50 of my Senate colleagues in reintroducing the equal rights amendment, the Women's Rights National Historical Park in Seneca Falls, N.Y., was dedicated. Seneca Falls was the site of the 1848 Women's Rights Convention that marked the beginning of the women's movement in this country. It was also in Seneca Falls that in 1923 Alice Paul wrote the equal rights amendment. To commemorate the long struggle for women's suffrage and equal rights, to honor the early leaders in the women's movement and to recognize the significant role that Seneca Falls played in this movement, Senator Javits and I introduced legislation (S. 2263) to create the Women's Rights Park. On December 28, 1980, that legislation became law as part of Public Law 96-607.

Mr. President, I wish to commend to my colleagues the powerful and instructive remarks made by Mr. Alan Alda at the dedication ceremony for the Women's Rights Park. Not only does Mr Alda remind us of the accomplishments of the remarkable women who organized and participated in the 1848 convention but he makes us keenly aware of the yet unfinished struggle in this Nation to bar discrimination on the basis of sex. A struggle, I should add, in which Mr. Alda is a tireless and vigorous participant.

As Mr. Alda points out so appropriately in his remarks in Seneca Falls, now is the time to reaffirm our unswerving commitment to securing equal rights for every American. To quote Mr. Alda, as he draws on Lincoln:

It is rather for us to be here dedicated to the great task remaining before us—that from these honored women we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these women shall not have lived and died in vain, that this Nation under God shall have a new birth of freedom and that government of the people, by the people, for the people shall *not* perish from the earth.

I also take this opportunity to acknowledge Mr. Alda's personal generosity in supporting the development of the park itself. The Women's Rights Park consists of five sites that were associated with the 1848 convention, among them the Elizabeth Cady Stanton House. The purchase of this house was accomplished with the help of a generous gift from Mr. Alda. We thank him.

Mr. President, I ask that Mr. Alda's remarks be printed in full in the RECORD.

The remarks follow:

ALAN ALDA'S REMARKS AT SENECA FALLS—JULY 17, 1982

It is exactly 134 years since Elizabeth Cady Stanton walked in the streets of Seneca Falls with these words sounding in her head: "We hold these truths to be self evident—that all men and women are created equal."

When she presented that Declaration of Sentiments at the Women's Rights Convention on July 20, 1843, she drew not only on the historic words of Thomas Jefferson, but on the cry for freedom that had animated the American Revolution—"No taxation without representation." She asked for something that was, at the time, almost unheard of—the right for women to vote.

The courage of that act is almost unimaginable today. We take it for granted that women should have the right to vote.

But taking freedom for granted is dangerous. And we have met here today to dedicate the Women's Rights National Park in Seneca Falls in the hope that this country will never forget Elizabeth Cady Stanton, Amelia Bloomer, Lucretia Mott, and the other 300 women and men who gathered in the Wesleyan Chapel.

It is appropriate that this park be dedicated with a convening of historians from all over the country. As the artist Judy Chicago has said: "Women have been written right out of history."

The ghosts of powerful and resourceful women haunt the margins of our history books. They swarm in the blank space between the lines of every account of every event we have ever known.

The day is past when the history of women can be written in invisible ink.

The day is past when strong women will act weak and decorative and disappear in a puff of vanishing cream.

The day is past because without those women, we cannot survive.

The women who articulated and lived the feminist idea will give us the energy we need to have the democracy we are sworn to possess.

These modest buildings of Seneca Falls that we dedicate today are as much a part of the soul of our democracy as those revered halls in which white, propertied men granted themselves freedom, liberty and democracy. In these buildings, women called for both the abolition of slavery and equal rights for women. We must never let them fade from our memory.

Because Seneca Falls will keep alive the spirit of these women who went before us, this place will be a source of energy for all of America. It will be a power station and a beacon.

Without the memory of the people who have gone before us, we are constantly forced to start from scratch each time we try to move forward. Over and over we are forced to reinvent the wheel.

America's forefathers had the heroes of antiquity to look back to. Not only Jefferson and Adams, but all the educated people of their time had Greek and Roman philosophers, statesmen and generals to draw strength from.

How many educated people today know much of anything at all about Stanton, Anthony, Wollstonecraft, Fuller, Stone, Mott, Chapman Catt, Victoria Woodhull, Amelia Bloomer, or Sojourner Truth?

We need these women's guidance, their wisdom, their example—we need the power of their lives. By writing strong women out

of history, we've left ourselves only with an image of women as inoffensive sweetness.

We are trying to run a car on a tank filled half with fuel and half with sugar.

We need to remember Christine de Pizan whose writings in the year 1405 condemned the stereotyping of women.

And Mary Wollencraft who said in 1792: "If the abstract rights of man will bear discussion and explanation, those of women . . . will not shrink from the same test."

And Abigail Adams who said in 1776 to her husband John: "Whilst you are proclaiming peace and good will to men, emancipating all nations, you insist upon retaining an absolute power over wives."

And Margaret Fuller who in 1845 said: "Inward and outward, freedom for woman as much as for man shall be acknowledged as a right, not yielded as a concession . . . Man cannot, by right, lay even well meant restrictions on woman."

And Lucy Stone, who said in 1881: "The widening of woman's sphere is to improve her lot. Let us do it, and if the world scoff, let it scoff—if it sneer, let it sneer . . . We want rights."

And Susan B. Anthony, who said in 1868: "Men, their rights and nothing more; women, their rights and nothing less."

I hope that this national park at Seneca Falls will be a place where American families can come and stand in the same rooms where courageous and visionary women declared the right for all women to exist as free and equal citizens. And I hope, too, that Seneca Falls will become a center of learning; a place where the knowledge of our past will be deepened and extended to include the half of our nation who have lived so long in silence.

With their strong voices in our ears, America will finally declare one day that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

With their wisdom in our hearts, this country will understand that an Amendment to our Constitution guaranteeing equality of rights is not a symbolic gesture—not a pat on the back or a valentine to women—but an urgently needed legal instrument.

With the tenacity of our mothers in us, we will not stop until we have the democracy we were promised.

We have been trying for an Equal Rights Amendment for only sixty years. From the day Elizabeth Cady Stanton first asked for the right to vote, feminists struggled 74 years before they achieved it.

They never stopped and neither should we.

We haven't lost.

We just haven't won yet.

I believe we will have the Equal Rights Amendment when we have enough feminists in the legislatures of our states to ratify it. We must elect those women and men who will vote for equality. Especially those women.

Some people have said that in the effort to ratify, so much has changed for the better that we can rejoice over our progress. I wonder.

The number of women in our state legislatures is an index of our progress. It is a clear measure of the political power of women.

Ten years ago, there were a total of 344 women in all our state legislatures. Today, there are 908 women. Almost triple.

But these women are still only 11.7 percent of the total number of state legislators in our country. We not only have reason to be disappointed, but we have every reason to relish our anger—to nurture it—to gild our banners with it.

We cannot settle for half a measure of freedom.

Too many women have devoted their lives to equality. Too many women have died without seeing it come to pass.

As we consecrate this ground to their memory, let us be guided by Elizabeth Cady Stanton.

Let us use the ringing words of the past to fulfill the promise of the future:

As she drew on Jefferson, let us draw on Lincoln.

"Six score and fourteen years ago, our mothers brought forth on this continent a new Nation—conceived in liberty and dedicated to the proposition that all men and women are created equal.

"Now we are engaged in a great struggle, testing whether that nation or any nation so conceived and so dedicated can long endure. We are met in a town that gave birth to that struggle. We have come to dedicate a portion of this town as a shrine to those who here devoted their lives that this nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave women, living and dead, who struggled here have consecrated it far above our poor power to add or detract.

"The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they, who fought here, have thus far so nobly advanced.

"It is rather for us to be here dedicated to the great task remaining before us—that from these honored women we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these women shall not have lived and died in vain, that this nation under God shall have a new birth of freedom and that government of the people, by the people, for the people shall not perish from the earth."

PROGRESSIVE TAX

Mr. BUMPERS. Mr. President, on the op-ed page of the September 9 Arkansas Gazette, there appeared a persuasive piece by Kermit C. Moss, a certified public accountant from Pine Bluff, Ark., titled "Progressive Tax Is Best Even If It's Complicated." Mr. Moss was the head of the department of business administration at the University of Arkansas at Monticello for 25 years. He makes some cogent points in support of a progressive rather than a flat tax that are worthy of very serious consideration. I commend this piece to my fellow Senators, and I ask that it be printed in the RECORD.

The Article follows:

(From the Arkansas Gazette, Sept. 9, 1982)

PROGRESSIVE TAX IS BEST EVEN IF IT'S COMPLICATED

(By Kermit C. Moss)

As a response to the current flurry of interest in a flat-rate income tax, let me make the following comments and observations:

The fairest tax by far is a tax based on ability to pay. Let those who get the most economic benefit from the system provide the most in revenues for its maintenance and upkeep. Many students of taxation—scholars in the field—have arrived at this conclusion. Besides, the idea appeals to just plain, common, ordinary horse sense, which apparently is becoming less and less ordinary these days.

The progressive income tax that we now have is based on this concept and directed toward ability to pay. Many of the deductions now available are likewise based on ability to pay. Examples are medical expenses and casualty losses, such as a residential fire.

If a taxpayer has heavy medical expenses during a tax year, or his house burns, and his insurance does not fully cover the expense or loss, he is less able to pay taxes that year than he otherwise would have been; or less able than a taxpayer in identical circumstances but without the medical expenses or fire loss.

The ability-to-pay idea is and has been under continual assault by those with the greatest ability to pay. They also have ability to make heavy contributions to political campaigns, and thus to influence the course of tax legislation. Over the years, by influencing such legislation, they have, through exclusions, deductions, and credits made considerable progress in lessening the impact of the progressive income tax with respect to ability to pay.

The problem has not been with the idea itself, nor with the effect of its application, but with its implementation. This is often the case. The administration of a law or policy breaks down, then the law or policy is blamed, rather than the administration of it.

But we should not abandon a sound plan of taxation simply because it is difficult to administer fairly and wisely!

Don't underestimate the potential effect of a drastic change in the tax system! Many investment decisions have already been made based on the assumption that the current method of income taxation would continue. The whole American price and value structure has this tax element built into it. An example is a long-term installment sale. All this structure would be undercut by a change to a flat-rate tax and who knows what the result would be!

One of the reasons that the current system seems (and is) complicated results from the continual changes. The tax laws bounce around every year like a rubber ball. The biggest tax cut in history is immediately followed by the biggest increase in history! Leave the tax laws alone for a few years and the people will have a chance to learn what they are.

Some hold that free, unfettered and uncontrolled capitalism tends to choke itself to death from the top. That wealth tends to beget wealth, and that the more one has the easier it is to make money. Thus the wealth tends to gravitate to the top, and pretty soon there is no purchasing power left among the people. If consumers don't buy, then producers don't produce, and the whole system comes to a halt.

The progressive income tax tends to prevent this by taxing away some of the money at the top and recirculating it by putting purchasing power in the hands of those at the bottom of the economic scale. This money is used to buy goods and services, which provide jobs, and a whole new cycle of economic activity is initiated, with the wealth again moving toward the top, where it will ultimately be taxed, and the cycle started again.

Our economic system is a sophisticated, fast-moving machine of many parts. No man, regardless of his intellectual, academic or financial attainments, can understand all or understand it all. Millions of transactions are flying in all directions every day.

I would compare it to a fast moving automobile racing down the road at 95 miles an hour. If it heads toward the ditch, the skilled driver does not give the wheel a

Claudia McGregor

AN ERA AMENDMENT WILL NOT:

1. Give women equal pay for equal work, better paying jobs, promotions, fringe benefits, or better working conditions. It can add nothing to what has already been done by the

   EQUAL EMPLOYMENT OPPORTUNITY ACT of 1972

2. Insure our Civil Rights. This has already been taken care of, including sex discrimination by

   THE CIVIL RIGHTS COMMISSION ACT of 1972

3. Insure our Educational Opportunities, as this has been included in the

   HIGHER EDUCATION ACT of 1972

4. Will not guarantee rights in housing and mortgage lending. This has been done by the

   HOUSING AND COMMUNITY DEVELOPEMENT ACT of 1974

5. Insure us against discrimination based on sex or marital status in any aspect of credit transactions. This is already done through

   THE DEPOSITORY INSTITUTIONS ACT of 1974 including

   THE EQUAL CREDIT OPPORTUNITY ACT

IN THE 94thCONGRESS ALONE, 22 LAWS WERE ENACTED WHICH UPGRADED WOMEN'S RIGHTS, INCLUDING THE TAX REDUCTION ACT OF 1975, which increased the possible deduction for child care, and THE TAX REFORM ACT OF 1976, which allowed a tax credit for child care expenses.

AN ERA LAW WILL:

1. Make women subject to the draft on an equal basis with men.
2. Eliminate all Boys and Girls schools and colleges.
3. Compel states to set up public funded day care centers for ALL children regardless of need.
4. Compel Law enforcement Agencies to dispense with test of physical ability.
5. Eliminate lower life and Auto Insurance rates for young women, probably forcing them to pay the higher rate charged young men.
6. Deprive women in industry of legal protection against heavy, strenuous work.
7. Eliminate college Faternaties and Sororities.
8. Force women to quit jobs they are not physically able to compete against men on, thus giving up rights to Employment Security.
9. And you may take the list on, and on, and on, and on.....

WHY DO WE NEED THIS AMBIGUOUS LAW....WE ALREADY DUMPED IT ONCE. ..

WEREN'T YOU LISTENING???????????

Testimony for H.E.S.S. Committee, January 28, 1983
Senate Joint Resolution 1
Judy Lewis 8845 Gail Ave. Juneau, Ak. 99801

I am a housewife and mother of two children. I work part-time at the Valley Baptist pre-school. My name is Judy Lewis.

I have read the proposed Senate Joint Resolution No.1 and am opposed to its passage. My special concern is with lines 13 through 16 of this resolution which says: "Whereas, effective October 14, 1972, the Constitution of the State of Alaska was amended by a vote of the people to include a provision that no person is to be denied the enjoyment of any civil or political right because of sex.."

The reason I am concerned is because at one time, people, including myself, were sure of the meaning of a civil right and a political right.

No one was to be denied enjoyment of a civil right meant...civil rights: Those rights guaranteed to the individual by the 13th and 14th amendments to the Constitution of the U.S. and by certain other acts of Congress, especially exemption from involuntary servitude and equal treatment of all people with respect to the enjoyment of life, liberty and property and to theprotection of the law." (Webster's Dictionary)

Today, civil rights have been reinterpreted to mean you have a right to life, only if you are born. If you are fully formed but unborn, you may not have a right to life.

What about liberty? Liberty has been reinterpreted to mean, you only have liberty to use your time, opportunities, energy, talents, ability and money to succeed so that most of what you have can be given to those who don't use their time, opportunities, energy, talents, ability and money to succeed. Liberty is interpreted as liberty to redistribute the wealth and make everyone equally mediocre.

Property has been reinterpreted to mean that which you save for, work for, purchase, maintain, pay taxes on, but which everyone else from city borough officials with their string of permits, State officials with compliance codes and Federal Officials with Regulatory agencies and enforcement by witholding funds, can tell you what do do with it.

Thus through reinterpretation of the word civil rights, we are already deprived of enjoyment of these civil rights, regardless of what sex we are and in spite of the Constitution of the State of Alaska.

We are also denied our political rights, which Websters defines as "the right to participate in determining the form, choosing the officials, making the laws and carrying on the functions of one's government."

An example is the ERA amendment. Because, when the nation has already voted an idea down, our representatives keep coming back with the reintroduction of this concept, saying in effect, we didn't know what we were voting for.

Now that I'm educated to the real meaning of the ERA amendment, I am aware of the social change that the NOW organization, the main support behind this amendment, is pushing. The goal is total socialism. I recommend you to read their pamphlet, "Revolution. Tomorrow is Now" a summary of NOW'S existing resolutions and policies (1977), and the even more shocking proposals of 1983.

Kindly inform yourself of the issues behind this proposed and do not pass this resolution, seemingly harmless, but in reality not.

Judy Lewis

January 28, 1983
P.O. Box 2743
Juneau, AK 99803

My name is Elaine Brayton. I am a wife, mother, and grandmother.

I am very much opposed to the Senate Joint Resolution No. 1.

I believe the whole concept of the E.R.A. has been based on a lie. It is not just a battle for women's rights - and I very much object to women being used as a reason for an amendment that will not benefit them in the least, and will do away with many of their rights. We are already covered by the Constitution of the United States, the Civil Rights Act of 1964 and the Equal Opportunity Act of 1972.

I do not feel that our time and money should be spent promoting this amendment. We need to invest our time and money on more constructive acts.

Thank you.

Respectively submitted,

Elaine Brayton

Elaine Brayton

TESTIMONY

Senate Joint Resolution 1
Room 504, 3:00 Hearing

Joe Josephson

I am opposed to your resolution to request to again propose an amendment to the United States Constitution guaranteeing equal rights to women.

The term of "sex" in the amendment is too ambiguous. I feel that my rights as a woman are already protected by existing bills (I won't list them because you know those bills from previous study and experience.) If there are areas that need improving, I feel our legal system should interpret our existing laws more appropriately.

More than the above, I am deeply concerned as a mother of three children what your amendment will do for the future of America. I feel the ERA undermines the traditional family. I suggest you get a copy of NOW's updated resolutions and read for yourselves what the feminists say. That small minority of people do not represent the majority of America's women as proven by the ERA's recent defeat even though the deadline was extended! Come on, Senators and Representatives, spend your time improving the life style in our state and country instead of trying to revive a dead horse!

Kathy K. Brown

Kathy K. Brown
P. O. Box 2869
Juneau, Alaska 99803
January 28, 1983

copies sent to: V. Fischer, Kerttula, Sturgulewski, Rodey, Fahrenkamp, and Josephson
Duncan, Miller, Ray
Young, Stephens, Murkowski

Testimony presented to the Senate HESS Committee by Alice Bergdoll on Senate Joint Resolution No. 1 "Relating to the proposal by Congress of an Equal Rights Amendment." Janaury 28, 1983

Do you know that sex discrimination is already constitutional prohibited? The 14th Amendment provides that protection.

> Section 1: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Why haven't sex-related inequalities been recognized and legislated against before? They have, let me name a few. Employment - The Equal Pay Act of 1963, the Equal Employment Opportunity Act of 1972, the Comprehensive Employment and Training Act of 1972, the Civil Rights Act of 1964, the Small Business Act of 1972. These also affect education, credit eligibility, housing and public accommodation.

Would ratification erase present inequalities? Has anti-segregation laws erased racial irequalities?

Has negative results and difficulities occurred for the "liberated" woman? Biostatistical studies indicate that in their rush to achieve "total equality" with the male, women are closing the gap with men in such areas as alcoholism, auto accidents, suicides and heart disease.

Was the amendment to the Constitution of the State of Alaska on October 14, 1972 even necessary?

Do you realize how much time, money and effort has been wasted towards an issue that appears to be unnecessary and even potentially detrimental to improving the conditions for women?

Why are we wasting everybody's valuable time on this issue?

As a woman interested in preserving the female sex and as a person of the State of Alaska, I request that my concerns be considered. Please reject this resolution.

Mrs Alice Bergdoll

Mrs. Alice Bergdoll
5896 Lund Street
Juneau, Alaska 99801
586-1355

January 28, 1983
6590 Glacier Hwy. # 173
Juneau, Alaska 99801

My name is Ann Mattson. I am an Occupational Therapist, a wife, and a mother.

I am opposed to Senate Resolution No. 1.

Truely it has been a sad commentary on our society that women who have been forced to be breadwinners have not been given equal pay for equal work. That, as I see it, is the fundemental problem - not whether women are treated exactly the same as men. Women are not the same as men. God made them different, both physically and emotionally. Why is it women and men constantly complain that they do not understand each other? They do not understand because they are different and were made to compliment each other, both in their physical and emotional makeup.

There are adequate laws currently on the books which protect women's job rights. Here is a partial listing of existing laws on a federal level which prohibits descrimination on grounds of sex in virtually all areas of american life; in education, employment, credit eligebility,housing and public accomadations:

Equal Pay Act of 1963
Civil Rights Act of 1964
Equal Opportunity Act 1972
Comprehensive Employment and Training Act of 1972
Small Business Act 1972
Health and Manpower Training Act of 1974
Housing and Community Development Act of 1974
Federal Employees Compensation Act of 1974

Senator Sam Ervin stated in 1972,

"If women are not enjoying the full benefit of this Federal Amd State legislation and these executive orders of the Federal government, it is due to a defect in enforcement rather that a want of fair laws and regulations. Since the ERA is not self-enforcing, this defect in enforcement will survive the passage of the amendment and women will still have to bring suits to enforce their rights in employment sphere with no more remedies than they presently enjoy."

I find the revival of this amendment both redundent and unnecessary, a waste of time and money. Your effoits as legislators could best be served doing things beneficial to the state of Alaska. There are many important issues that need our work and attention that have not been addressed in the past 10 years because our time and your time have been spent on a dead issue.

Respectfully submitted,
Ann Mattson
Ann Mattson

January 28, 1983
8486 Thunder Mountain Road
Juneau, Alaska 99801

My name is Grace Brayton. I am the wife of a local pastor and the mother of two children.

I am here today in opposition to Senate Joint Resolution No. 1 and in defence of women, particularly those of us who have chosen to be homemakers. Not every woman (in fact very few) has the dim and bitter opinion of womanhood that is being perpetrated by the feminists of this country. Many of us rejoice over the fact that we are women and that God has created us unique and distinct from men. In Genesis 1 the Bible says that God was pleased with his handiwork when he created the woman. So God himself shares our pleasure in this. In Proverbs 31:10-31 the Lord describes the virtuous woman. He says her "price is far above rubies." It goes on to say that she is industrious, competent, strong, and wise.

To say that we cannot differentiate between the sexes is foolishness. God has given responsibilities to husbands(to lead, provide and protect)and others to wives (to follow, minister and guide the house). Ephesians 5 instructs believers on the order for the home. We have found this to be invaluable towards the peace, harmony and happiness of our families. Yet under the Equal Rights Amendment it could be illegal for us to make these distinctions between the sexes in our homes and churches.

Even the marriage ceremony that is given in our church could be illegal and forbidden under the Equal Rights Amendment. As wives we promise to love honor and obey our husbands. We follow and support our husbands, we do not compete with them. Our husbands are charged with the greater responsibility in that they are to love, protect and deny themselves for their wives. Both parties promise to do this to their utmost out of obedience to God.

The Equal Rights Amendment is in direct conflict with the teachings and beliefs of our church and the Bible. I urge you vote no on Senate Joint Resolution No. 1.

Thank you.

Respectively Submitted,

Grace Brayton

Grace Brayton

Re: Senate Joint Resolution No. 1

I am opposed to our state legislature wasting their time and ours dragging up a dead issue. The Equal Rights Amendment was given two chances and the people of our country had their voice. I, as a 20 year resident, am offended when I read 'the people of the State of Alaska' (line 25) wish to have Congress waste more time and money on this issue. I don't!

God made men and women different. One is no better than the other, but they are different! Many recent studies have proven this in babies, children, teens and adults. Males have areas they excel in and females areas they excel in. An employer should have the right to decide who he wants to hire.

Our states has good laws that guarantee equal pay for equal work. This is a states issue, not a federal one. We don't like California or Florida telling us how to live, lets leave them alone, too.

Barbara A. Coate

Barbara A Coate

10965 Glacier Hwy.

Juneau, Alaska 99801

January 28, 1983
P.O. Box 3-5000
Juneau, Alaska 99801

My name is JoAnn Thorson. I am a homemaker and a mother of two children, a boy and a girl. My husband is a Chief Petty Officer in the Coast Guard.

I am opposed to Senate Joint Resolution No. 1 for the following:

The recognition of the difference between men and women does not in itself demean individuals. To pass an amendment that would force laws to be passed that do not recognize the differences between men and women are illogical and socially detrimental.

In 1952 the Commission of Life and Work of Women in the "Church of World Council of Churches" made this statement regarding men and women's differences:

> "There is a real danger for women in the equalizing process. Equal conditions of work and living do not guarantee equal conditions for women. Women need different conditions than men to give them equal freedom."

The problems and issues of women in today's society are not going to be resolved in this amendment, but by enforcing and strengthening the already existing laws. Therefore this proposal is a waste of time and money.

Sincerely,

JoAnn Thorson

1-28-83
H.E.S.S.
Senate Jt. Resolution 1
Testimony
Mim Robinson

My name is Mim Robinson and I am a housewife, and work part-time in a nursery as a volunteer.

I am opposed to this resolution. The language of ERA is too simplistic to be acceptable. It is so vague, for example, it doesn't even mention the word "women," nor does it mention discrimination. Since it doesn't mention women, how can it put women into the constitution as its supporters claim. How can this amendment guarantee more rights to women than are already granted to all "men," a generic term already interpreted by the courts to mean men and women in the 13th & 14th amendments to our U.S. Constitution?

Not only does this amendment not even mention the word women, nor discrimination, it doesn't grant or specify any right, nor does it define sex.

Therefore, according to the Yale Law Journal and the Analysis of ERA by the Congressional Research Service, 1973, the very simplistic

language of the ERA opens the doors to many interpretations. Because of this problem, our courtrooms will be clogged with many more costly and time-consuming court cases until the details of its meaning have been ultimately interpreted by the courts. We would again be opening our private lives to rule by judicial supremacy. Is this the real goal of its supporters? To again circumvent the legislature in it law-making function and give it to the courts? Why else the simplistic language?

This ERA proposal did not speak to the definitive needs of a pluralistic society as our U.S. Constitution does, and so was voted down.

I request the legislature not give away it legislative function to the courts and let this proposal die from lack of support.

Mim Robinson

Testimony
Re: SENATE JOINT RESOLUTION NO. 1
Referred: Health, Education, Social Services,
Judiciary
January 28, 1983

By V. Fischer, Kerttula,
Sturgulewski, Rodey,
Fahrenkamp and Josephson

My name is Sue Miller. I am a housewife.

I came today to express my anger at my representatives, for their continued participation in a flagrant attempt to circumvent the will of the people. That will very recently expressed itself at the Federal level with a "no" vote, even though Congress did everything it could to assure its passage. In a precedent setting action, it extended the deadline from March, 1979 to June 30, 1982. The original Amendment was introduced in 1972. Ten years to discuss, rediscuss and fight over this issue us enough.

You might say that, "Well, it only lost by a few states, so it should be given another chance." Do you accord that same privilege to every piece of legistlation? Remember that 5 states voted to rescind their vote for ERA; Idaho, Tennessee, Kentucky, South Dakota and Nebraska, but they were refused this option. Also take into account the number of states willing to mount a similiar objective to rescind, but didn't due to the decision regarding these five states.

Have you considered that the media has been <u>strangely</u> silent regarding <u>when</u> the passage of resolutions and bills were to come about? Why has ourlocal media, both audio and written, neglected to advertise this hearing for the Senate Joint Resolution 1, which purports to speak for the "people" of this state? Whenever a bill has been introduced to protect minors, to stop funding for abortions, to prevent sexual preference from being called a "divil right" and other controversial questions which so-called "conservatives" support, there is a great deal of media attention, and time given for the so-called "liberals" to mount an offensive. This ERA support given by this resolution is also controversial. Why the silence? By the way, I had to learn about this hearing, accidentally, from a friend in Anchorage!

I'd like to speak to some of the <u>opinions</u>, expressed as fact in this resolution:

Lines 17-19 state: "Whereas the state constitutional provision guaranteeing the rights of women has been a valuable tool in Alaska and has enhanced the ability of all citizens, not just women, to achieve their full potential:

Who says it has been a valuable tool? In what way? How has it enhanced the ability of all citizens? As an example, have you explained to the people that Section 2 of this amendment would permit Congress to take <u>from</u> the states the power to pass laws dealing with family, divorce, marriage, child support, etc? So, it would be a valuable tool to intervene in family affairs at a federal level.

Lines 20-22 state that "Whereas negative results predicted by opponents of the state provision guaranteeing the rights of women have not materialized and the constitutional amendment has not presented any difficulties of any sort:"

To me, to live in a State which states it is a woman's right to have an

Re: SENATE JOINT RESOLUTION NO.1 - Testimony
Sue Miller

abortion and a woman's right to have taxpayers pay for it, is a definite negative result. Sara Weddington, the attorney who argued and won the 1973 Supreme Court abortion case states that one who supports ERA must also support abortion as they are intertwined.

To say that the constitutional amendment has not presented difficulties of any sort is a prevarication: in many areas dear to the heart of constitutionalists such as : housing, defense, vocations, medicine, education, religion, this constitutional amendment has produced controversy and many personal difficulties which affect the private lives of individuals. One blatant example is our weakened military training as evidenced by the newest research due to requirements in discipline, training, being reduced to accommodate womens' demands for equal treatment in the military.

Lines 23-24 state that the "people of a state are free and equal only when all citizens enjoy the same rights; is simply untrue. No one is free when they are absolved from responsibility, when they are forced to be regulated against their deepest convictions, when their private property rights guaranteed by the United States Constitution are circumvented by an amendment such as this. The only free and equal people are those who agree to dictate their beliefs on a whole other group of people, even though common sense and experience dictate otherwise.

Lines 25-27 state that the people of Alaska wish to have the Congress again propse an equal rights amendment to the states. I disagree with this statement, unless it can be proven to me that the "people" were actually informed regarding all of the ramifications of this amendment and that both sides of this issue have been adequately presented. Although I have personally kept a file on every article regarding ERA from newspapers in Alaska, I have neve seen a knowledgeable report giving equal importance or weight to both sides of this question.

Whereas this resolution and hearing have not been adqquately advertised,.

Whereas both sides of this controversial question have not been aired in Alaska

Whereas this resolution purports to speak for the people of Alaska, but in fact, completely ignores that whole group which vehemently opposes it

Whereas this resultion is riddled with opinion masquerading as fact

I request that this resolution be dropped from consideration, and that our representatives abide by the will of the people recently expressed by a "no" vote to this issue.

Respectfully submitted;

Sue Miller

LADIES!
HAVE YOU HEARD?

DO YOU KNOW WHO IS PLANNING *YOUR* FUTURE FOR YOU? ARE YOU SURE THEY ARE PLANNING WHAT *YOU REALLY WANT?* IF NOT, IT'S TIME TO WAKE UP AND SPEAK UP! THE HOUR IS LATE!

ARE YOU SURE YOU WANT TO BE "LIBERATED"?

God created you and gave you a beautiful and exalted place to fill. No women in history have ever enjoyed such privileges, luxuries, and freedom as American women. Yet, a tiny minority of dissatisfied, highly vocal, militant women are determined to "liberate" you – whether you want it or not!

What is "liberation?" Ask women in Cuba. Castro "liberated" Cuba! Remember?

WHAT IS THE EQUAL RIGHTS AMENDMENT?

The Equal Rights Amendment (ERA) is the proposed amendment to our U.S. Constitution, which, if ratified, would give LEGAL SANCTION and FEDERAL ENFORCEMENT to many of the goals of the Women's Liberation Movement.

ERA (27th Constitutional Amendment) requires approval of 38 states. 35 states have ratified, but five states have rescinded (revoked approval). Rescinding efforts are underway in many other states.

Section I. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section II. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section III. This amendment shall take effect two years after date of ratification.

Simple, isn't it? Deceptively simple. Sounds good and fair, doesn't it? BUT HAVE YOU LOOKED AT THE HOOK INSIDE THE BAIT?

Sen. Sam Ervin called the ERA the most destructive measure in Senate history. Why? Because it strikes at the foundation of our entire social structure. Can you possibly avoid being affected by it? NOT A CHANCE! It is actually an Extra Responsibility Amendment – a loss of rights for women – which will harm our entire society.

WHO IS QUALIFIED TO ANALYZE THE ERA?

If you had a brain tumor, to whom would you go for help? To an architect, artist, or carpenter? Or to a brain surgeon, expert in his field? To analyze effects of a Constitutional Amendment, to whom should we go? To Alan Alda, Betty Ford, Ann Landers, Betty Friedan, Rosalyn Carter, Gloria Steinem, or the editor of Redbook? Though prominent, are they authorities in constitutional law? Hardly! Yet these "authorities" are quoted often in pro-ERA literature. And remember: not every doctor is a specialist in brain surgery. Neither is every lawyer a specialist in constitutional law.

Then to whom should we go? Obviously to specialists in constitutional law. Conclusions herein presented are drawn from such experts:

(1) *The Yale Law Journal*, Vol. 80, No. 5, April, 1971, by pro-ERA Prof. Thomas I. Emerson, et al – a publication endorsed and highly praised by ERA sponsors Sen. Birch Bayh and Rep. Martha Griffiths.

(2) *Harvard Civil Rights - Civil Liberties Review*, Vol. 6, No. 2, March, 1971, an analysis by Prof. Paul A. Freund, whose 25 years of ERA study causes him to oppose it.

(3) *The Library of Congress Congressional Research Bulletin* No. HQ 1428, U.S.D. – Senate debate on ERA, with testimony of Prof. James J. White, Michigan Law School; Prof. Phil Kurland, Chicago Law School, et al, including Sen. Sam Ervin, one of our nation's most prominent and respected constitutional authorities (admitted in a CBS-TV program featuring his retirement).

One strong objection to ERA is its uncertainty, and Prof. Freund predicts that is will "open up a Pandora's box of legal complications." However, some very predictable effects are agreed upon by outstanding authorities.

DO YOU WANT MORE FEDERAL CONTROL OVER YOUR LIFE?

Most people don't. Yet Section II (above) of ERA is one of the biggest grabs for Federal power ever attempted. A rip-off of state's rights. More loss of freedom. Section II gives Federal jurisdiction over marriage, divorce, child custody, inheritance and property laws, and *all other laws involving men and women – the total fabric of society!* A blank check to be filled in by Federal Courts!

State Legislator, do you want to lose jurisdiction in all these areas? If not, work to defeat ERA. As you know, unwise or harmful state laws can be changed, but if a law is "locked in" by constitutional mandate, states are powerless to change it.

Seven Constitutional Amendments have wording similar to Section II. In each case, states HAVE LOST THEIR RIGHTS. For instance, the 26th Amendment (18 year old vote). Could a state decide on a different age? Of course not! Section II STRIPPED STATES OF THE RIGHT. The U.S. Constitution supersedes state law.

Of course, Federal control over voting regulations is insignificant when compared to the all-inclusive scope of the ERA. After 100 years, the Supreme Court is still finding meanings in the 14th Amendment never imagined by its drafters – such as forced busing and abortion.

ERA WILL MAKE WOMEN SUBJECT TO THE DRAFT

A fact admitted by all. "Women will serve in all kinds of units, and they will be eligible for combat duty" (*YLJ*, pg. 978). "Not only would women, including mothers, be subject to the draft, but the military would be compelled to place them in combat units alongside men" *(U.S. House Judiciary Report*, No. 92 359)

Congress now has power to draft women – but has always wisely chosen to exempt them. However, ERA will STRIP CONGRESS OF POWER TO EXEMPT WOMEN. The Constitution would then prohibit any distinction based on sex. During World War II, fathers up to 35 were drafted. Under ERA, it would have been unconstitutional to exempt mothers up to 35.

The present voluntary system furnishes no comfort. A Constitutional Amendment spans decades or centuries. Do you think there will never be another war? Speaking to the American Legionaires, presidential candidate Jimmy Carter said he would not hesitate to re-instate the draft, if needed *(Ft. Worth Star Telegram*, 8-25-76). Rep. F. Edward Hebert, former chairman of the House Armed Services Committee, predicted re-instatement of the draft *(S. A. Light*, 4-6-74). Women can now enlist, if they wish, with all educational and retirement benefits.

Ladies, do YOU want "equality" before the draft board? the "right" to be a POW? If not, defeat the ERA.

Men, do you want your wives, sisters, and daughters drafted into the military? Living in barracks with men? Going into combat with them? If not, defeat the ERA.

WILL ERA PROVIDE BETTER PAY FOR WOMEN?

Not at all. Proponents incessantly sing the tune: "We want equal pay for equal work." This is already guaranteed under the Civil Rights Act, the Equal Employment Opportunities Act, the Equal Pay Act, and other Federal directives – admitted even by ERA sponsor Rep. Martha Griffiths. So the "equal pay for equal work" argument is deceptive – merely a smokescreen to hide the real intent of ERA.

If women suffer discrimination, it is a matter of enforcement, not a lack of laws *(Cong. Research*, pg. S4573). ERA CAN DO NOTHING MORE in this area.

Teachers are already protected under the Education Act of 1972. ERA can DO NOTHING MORE.

HOW WILL ERA HARM WORKING WOMEN?

ERA will wipe out all protective laws for women – laws regulating weight lifting restrictions, rest periods, excess working hours, and maternity leaves. This is already happening.

(Over)

Under State ERA in Pennsylvania, Judge Wilkinson denied unemployment compensation to four women who refused to try out for a job that required lifting 40 to 150 pounds (4-15-75).

HOW WILL ERA AFFECT WIVES?

In all 50 states men have been legally responsible to support their wives, giving women legal protection to be fulltime homemakers. According to Prof. Freund, under ERA a husband will be required to support his wife *only if she is unable to support herself (Harvard Review,* pg. 239) Wives will have equal legal responsibilities for family support. This change has already been made in Colorado and Pennsylvania, under State ERA.

Wives will lose their right to credit based on husbands' earnings. Since a husband would no longer be legally liable for his wife's debts, what business would give credit to an unemployed housewife?

ERA will eliminate a wife's right to draw Social Security based on her husband's earnings. For a wife to receive benefits, the husband would have to pay Social Security taxes on the assumed value of her work. (Even columnist Sylvia Porter says this will be ushered in with ERA and estimates at least $960.00 per year extra to be paid by husbands).

ERA will eliminate present lower life and auto accident insurance rates for women, for it will be illegal to make any rate distinction based on sex. It is ludicrous to think insurance companies will lower the rates for men.

As Prof. Freund explains, necessity will force many mothers to place their children in child care centers, as they assume the extra legal responsibilities thrust upon them *(Harvard Review,* pg. 239). The Ohio Task Force Report (pro-ERA) concurs, and requests more child care centers to meet this need.

WHAT ABOUT OTHER SOCIAL OR MORAL EFFECTS?

ERA will change sex crime laws. "Seduction laws, statutory rape laws, laws prohibiting obscene language in the presence of a woman, prostitution and 'manifest danger laws' . . . The Equal Rights Amendment would not permit such laws, which base their classification . . . on social stereotypes" *(YLJ,* pg. 954, 964).

ERA will permit homosexuals to "marry" and adopt children, according to leading law counsels *(Yale Law Journal,* Jan., 1973; *Cong. Research,* pg. S4372). Legalization of lesbianism is one goal of the National Organization for Women, as outlined in their platform *Revolution: Tomorrow is NOW* (pg. 20, 21) — one reason the full force of the Women's Liberation Movement and Gay Liberation Movement is behind efforts to ratify ERA.

ERA will finalize abortion on demand. Zealous pro-life advocates should understand that if ERA is ratified, all their efforts will likely be useless. This is the conclusion of constitutional authorities Prof. Charles Rice (Notre Dame Law School); Prof. Joseph Witherspoon (U. T. Law School); Sen. Sam Ervin, and others.

Pro-ERA, pro-abortionists agree with this interpretation. When asked about the relationship of ERA to abortion and future Supreme Court decisions, Betty Friedan replied: "As for reliance on future Supreme Courts — that's the reason we need ERA" (Town Meeting of the Air, 5-14-75).

ERA WILL ABOLISH PRIVATE FACILITIES IN GOVERNMENT-RELATED ESTABLISHMENTS

All who have dared mention this have been ridiculed and branded as emotional extremists using "scare tactics." However, such charges indict the constitutional experts.

Some ERA supporters still try to deceive you into believing that the case of Griswold vs. Connecticut insures your right of privacy. Not so. This case deals only with privacy at home. According to pro-ERA Prof. Emerson, the "separate but equal doctrine" (struck down by the Supreme Court concerning the races) would not be permissible for the sexes, under ERA, in any facility *"provided or subsidized by the government" (YLJ* pg. 900-903). Public schools; college dormitories; hospital rooms; fire, police, and military establishments; government buildings (city, county, state, federal); and all businesses *"subsidized by the government"* (think how many this includes!) — could not have "separate but equal" facilities for men and women, boys and girls.

This conclusion is shared by Prof. Phil Kurland, Sen. Sam Ervin, et al *(Cong. Research,* pg. S4543). Are these professionals stooping to "scare tactics"?

Some people have quit laughing — such as men (and their wives) who have already lost their privacy: on Coastguard ships *(St. Paul Dispatch,* 9-6-73); men's prison in Missouri *(Kansas City Star,* 8-13-76); firemen in Arlington, Va. *(Parade,* 9-1-74); firefighters in Belmont, Ca. *(L.A. Times,* 7-24-75) – to name a few.

What happened to the "constitutional right of privacy" which ERA supporters so vehemently claimed would prevent such as this? Of course, these examples are just a foretaste of things to come. The full impact will not be evident until years after final passage of ERA (see Section III).

HOW WILL ERA AFFECT THE CHURCHES?

Under ERA, churches which refuse to ordain women equally with men will lose tax-exempt status — in spite of the principle of separation of church and state. One basic principle of constitutional interpretation is: the most recent amendment takes precedence over prior amendments *(Cong. Research,* pg. S4578). Therefore, ERA, which forbids sex distinction, would take precedence over any prior principle of church and state.

Church-related colleges, too, will lose tax-exempt status if they refuse to sexually integrate facilities. Title IX, Education Amendment Act of 1972, is furnishing schools and colleges a taste of things to come.

IF YOU DON'T LIKE THE SAMPLE, WHY BUY THE PRODUCT?

When President Ford learned of the HEW ruling forbidding father-son, mother-daughter school activities, he was shocked and amazed. He telephoned the Dept. of H.E.W. and halted the order until further review. Yet President Ford endorses ERA. How inconsistent! Title IX, basis for this ridiculous ruling, is simply a mini-ERA for schools. Being statutory law, it can be altered. However, under a constitutional mandate forbidding any distinction between the sexes (ERA) EVEN THE PRESIDENT WOULD BE POWERLESS TO CHANGE IT BY A TELEPHONE CALL. Such nonsense would be locked into the Constitution.

Even Rep. Edith Green, author and sponsor of Title IX, admits it has been used for ridiculous rulings never intended by Congress *(Reader's Digest,* May, 1976, pg. 130) — proving that CONGRESSIONAL INTENT is ABSOLUTELY NO SAFEGUARD. Teachers and school administrators, chafing under the burden of Title IX, should battle to defeat ERA before such nonsense becomes locked into the U.S. Constitution.

If you don't like the sample, why buy the product?

WHO IS PUSHING FOR ERA?

Many different groups — pushing for different reasons.

Those who espouse principles of the Women's Liberation Movement such as NOW (National Organization for Women) which took credit for getting ERA through Congress *(N.Y. Times,* 8-21-72). They know it will accomplish some of their major goals. The Socialist Workers Party marched in the pro-ERA rally in Springfield, Illinois, May 16, 1976.

Also pushing for ERA are many business and professional women's groups who do not endorse these radical goals — women simply seeking better opportunities. To these we say: ERA can bring you NO ADVANTAGE not already available under existing laws, which many of you helped to pass. ERA, however, WILL ACCOMPLISH RADICAL GOALS with which you do not agree. There's no way to separate the two.

IF YOU DON'T AGREE WITH THE GOALS OF THE RADICAL MOVEMENT, DON'T HELP THEM CARRY THE BALL ACROSS THE GOAL LINE!

ALL GOOD THINGS can be attained WITHOUT ERA. DESTRUCTIVE RESULTS are inevitable WITH ERA. So, ladies, you have everything to lose and nothing to gain.

THERE IS A BETTER WAY! DEFEAT THE ERA!

WHAT IS THE PRESENT STATUS OF ERA?

In 1972 Congress sent the amendment to the states, allotting 7 years for rejection or approval by the necessary 38 states. Ratification effort failed, and Congress granted a constitutionally questionable extention of time — to June, 1982.

The ERA contains only three sentences:

CAN A STATE RESCIND (REVOKE) ITS RATIFICATION?

Yes - according to numerous authorities. *The Library of Congress Research Service Bulletin,* 3-15-73, supports the position that a state can revoke its approval any time prior to final ratification.

Pro-ERA Prof. Charles Black, Yale Law School: "Clearly a state can change its mind either way before the amendment is officially declared to be ratified" *(Cong. Rec.* 5-8-73, pg. S8522).

One of the strongest arguments is furnished by actions of ERA supporters. If rescission is not valid, WHY DID THEY MAKE SUCH STRONG EFFORTS TO RE-RATIFY in Nebraska, which has RESCINDED?

IT'S TIME TO SPEAK UP! WHAT CAN YOU DO?

1. Find out where your state stands on ERA.
2. Find out who your State Legislators are (call local Democratic or Republican headquarters). Write. Ask them to oppose ERA. If possible, visit them personally.
3. Work to inform as many people as possible (copies of this leaflet: 50 for $4.00; 100 for $7.00).

PRO FAMILY FORUM

P. O. Box 14701 Fort Worth, Texas 76117

NATIONAL ORGANIZATION for WOMEN

Juneau Chapter

536 Park St., Apt. C
Juneau, AK 99801
586-9739

January 28, 1983

Testimony to the Senate Committee on Health and Social Services:

My name is Lillian Ruedrich, and I'm the President of the local chapter of the National Organization for Women, Juneau NOW. Following the example of our national office, Juneau NOW and the statewide chapter of NOW will make the ratification of the ERA our number one priority.

There are some very good reasons for this. We need the Equal Rights Amendment to establish a national policy that sex discrimiation will not be tolerated. Currently, by constitutional amendment, women have one right, the right to vote. Laws to prevent sex discrimination are not doing the job. The U.S. Civil Rights Commission recently compiled a list of over 800 federal statutes that discriminate on the basis of sex. Until there is a Constitutional mandate for legal equality, neither the federal government nor the courts will have any overwhelming reason to initiate, implement, or enforce equal rights for women.

Unfortunately, much of the public debate on the ERA is irrelevant to the actual issue of sex equality and the legal status of women. The amendment will affect only governmental action; the private actions and the private relationships of men and women are unaffected. It will provide for equal rights and responsibilities for both men and women. Laws will then be based on individual circumstances and needs rather than on sexual stereotypes, with consideration of the biological differences between men and women in accordance with the public interest.

The most important way that the ERA will work for us all is in eliminating laws which are discriminatory and restrictive, and expanding those which provide a meaningful protection to include both men and women.

Lillian Ruedrich

My name is Ardith Eakins. I have been an Alaskar resident for 18 year

I want to thank those who have given me the opportunity to stand before this committee and give my views and opinion concerning the Equal Rights Amendment.

In your Senate Joint Resolution No. 1 of which I have a copy here, it states and I quote " whereas the people of the State of Alaskawish to have the Congress again propose an Equal Rights Amendment to the States for their consideration.

I want to be on record as one Alaskan who is not in favor of the ERA and want to spend a few minutes telling you why.

and Senate Joint Resolution #1

As a woman, a wife, a mother of seven children and happy to be such, I am in favor of equal rights for women - of equal pay for equal work. for equal credit, equal education, equal housing,

There was a poll conducted called the Harris Poll which showed that 71% of the women believed that the Equal Rights Amendment would give them equal pay for equal work. It seems to be a well kept secret that women have all of the laws necessary now to give them equalityin these areas.. Nothing new will be added to these body of laws with the passage of the ERA. The ERA is not an equal pay - it is an equal responsibility amendement. Women aren't told about this. There has been no national campaign to advise women that these laws exist. There are now federal and state agencies in place waiting to help and support woman to achieve these rights. If women don't know this, they need to know it.

It is also true that there have been injustices to women before the law and society in general. And there are additional rights to which women are entitled. I would prefer to see specific injustices resolved individually under appropriate specific laws The ERA is not the proper means for achieving those rights because:

1. It's vague simple language deals with almost every aspect of American life without considering the consequences which could result because of its vagueness.

2. It would strike at the family, the basic institution of society. It could encourage legal conflict and incite legal action on every point of conflict betweenmen and women.

It does not recognize that men and women have differences biologically, emotionally and in other ways. For example present laws protecting the rights of pregnant women in the working force could be challenged if ERA becomes law.

4. The simplistic approach, vague approach of ERA could nullify many accumulated benefits to women in present statutes such as those protecting mothers and children from fathers who do not accept their legal responsibilities to their families.

Military conscription of women may be interpreted to be a mandate of the act. Women may find themselves locked into a system which makes no allowance for the physical, biological or emotional differences in the sexes.

I oppose the ERA method of bringing me equal rights. Equal rights are not necessarily women's rights. If indiscriminately applied, equality may abolish women's rights.

Thank you.

Ardith Eakins

February 3, 1983

REPORT OF THE SENATE COMMITTEE ON HEALTH, EDUCATION AND SOCIAL SERVICES RE SJR 1.

Mr. President:

The Committee on Health, Education and Social Services has had under consideration SJR 1, by Senator Vic Fischer and other senators. The majority of the Committee recommends that SJR 1 do pass.

Recently, the Committee has received hundreds of messages and has heard public testimony, pro and con, for approximately two and one-half hours.

While testimony before the Committee was divided, messages of support were delivered on behalf of numerous organizations with large Alaska memberships, including NEA-Alaska, the American Association of University Women (Alaska Chapter), the League of Women Voters, and Alaska components of the National Organization of Women (NOW).

ERA is not a new issue in Alaska, despite the recent rush of public input. This legislature was one of our nation's first to ratify the originally submitted ERA. And, in 1972, Alaska voters approved our "little ERA" -- the alaska constitutional amendment which prohibits discrimination on the basis of sex.

As noted in SJR 1, the daily lives of Alaskans show no evidence of ills or evils, attributable to the people's approval of the State constitutional ban on sex-based discrimination, which ERA opponents foresee for the nation if ERA becomes part of the national Constitution.

Some opponents of SJR 1 say that further consideration of the issue would be "a waste of time and money."

Your Committee respectfully disagrees with that view. Any assumption that legislative inaction on ERA would quell further consideration of this vital issue is false. This issue is not going away; it should not go away. In the Congress, over 200 representatives have co-sponsored a House joint resolution providing for the resubmittal of a national ERA to the state legislatures for ratification. Across the country, ERA proponents are redoubling their efforts. They see a changed legislative landscape -- a landscape which finds new faces in state legislatures following the defeat or retirement of many key legislators who opposed ERA in the past.

Opponents argue that the goal of equal rights for women, however laudatory, can be attained through other means, e.g., through a piece-by-piece modification of state and federal laws and regulations which discriminate, or permit discrimination, against women. Your Committee finds that such attempts, piece-by-piece, to ameliorate the problem of sex-based discrimination are bound to be unsatisfactory.

In the words of a leading treatise on ERA:

> Over the years, some proponents of women's rights have thought that discrimination could be ended most effectively if legislatures prepared men and women gradually for equality by a series of step-by-step reforms. . . However such suggestions unrealistically assume a delicacy and precision in the legislative process which has no relationship to actual legislative capability. More importantly, the process is unlikely to be completed within the lifetime of any woman now alive. Such a method requires multiple actions by fifty legislatures and the federal congress, by the courts and executive agencies in each one of these jurisdictions, and by similar government authorities in numerous political subdivisions as well. This government machinery would have to be mobilized to repeal or modify the statutes and practices in scores of different areas where unequal treatment now prevails. To be comprehensive such efforts would require a tremendously expensive, sophisticated, and sustained political organization, both nationally and within every state and locality. Campaigns to change the laws one by one could drag on for many years, and perhaps in some areas never be finished. "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women", by Barbara A. Brown, Thomas I. Emerson, Gail Falk, and Ann E. Freedman, 80 Yale Law Journal 871, 833 (1972).

The authors of the quoted treatise went on to point out the "need for a single coherent theory of women's equality before the law, and for a consistent nationwide application of this theory", and found that "(t)his is scarcely possible through legislative change alone." Ibid.

We Americans have inherited from our nation's founders the federal constitutional amending process. It provides for the

incorporation, into our national Charter, of changes in the basic governing assumptions of our country. The use of this process to record and symbolize such changes, and to help make those changes tangible in the lives of our people, is well understood insofar as the right of every American to be free from discrimination on the basis of race, color, religion or national origin is concerned. The use of the same process in the case of sex-based discrimination thus fits comfortably into our American constitutional tradition.

In our judgment, some opponents of ERA and SJR 1 grossly overstate their case and adopt an alarmist tone not supported by reason or experience.

For example, they have asserted that ERA will deprive people of privacy in the performance of personal bodily functions.

However, under the federal and state constitutions, an independent right of privacy has been recognized. At the federal level, the right of privacy was recognized by the Supreme Court of the United States in Griswold v. Connecticut and other decisions. The federal right of privacy is derived from a combination of various more specific rights in the First, Third, Fourth, Fifth and Ninth Amendments. In Alaska, the right of privacy rests upon an explicit State constitutional amendment approved directly by vote of the people.

The independent privacy right permits the separation of sexes in public rest rooms, in the sleeping quarters of prisons or other public institutions, and in other situations which involve disrobing, sleeping or the performance of personal bodily functions. Police practices by which a search involving the removal of clothing could only be performed by a police officer of the same sex would remain permissible.

ERA opponents have also made exaggerated claims that ERA will cause husbands to stop supporting their wives, or compel women who choose to be homemakers to change their lifestyles, or eliminate any right to alimony in divorce decrees, or the right to child support.

Again, neither reason nor history supports these claims. For example, nothing in ERA would prohibit an award of alimony to a spouse of either sex who has been out of the labor force for a long time in order to make a non-compensated contribution to the well-being of the family unit. Nothing in ERA would prohibit a court from ordering child support to the spouse having custody of a dependent child.

ERA speaks only to discrimination under state or federal law; it does not speak, or purport to regulate, voluntary practices of individuals in their familial relationships. Indeed, in the realm of marriage and the family, the greatest

influences upon actual behavior are the social customs, economic realities, religious traditions and practices, and individual preferences and economic status of the people involved. ERA would not regulate such voluntary behavior of individuals in their private lives. The Alaska experience since 1972 proves this.

In summary, both the research and the history of the State amendment since 1972 make manifest that opponents have exaggerated alarmingly the claims of ERA's effect in areas traditionally protected through the constitutional concept of privacy or with regard to personal lifestyle choices of free Americans.

If one compares the history of ERA with the long struggle for women's suffrage, or the longer struggle -- still in progress -- against race-based discrimination, the ERA movement is relatively young. Resubmission by the Congress of ERA, for consideration by state legislatures, would be appropriate. This issue is not fading away; if anything, momentum for the amendment appears to be growing. Legislatures in the '80s should have an opportunity to consider this vital issue, without being restricted by a few adverse decisions in certain states in the past. As a leader in the efforts to bring sex-based discrimination to an end, Alaska can cite its own experience and memorialize the Congress to give state legislatures a new opportunity to ratify ERA.

Respectfully submitted,

Joe P. Josephson, Chairman

Victor Fischer, Vice-Chairman

MINORITY REPORT OF THE SENATE COMMITTEE ON HEALTH, EDUCATON AND SOCIAL SERVICES RE SJR 1

Dear Mr. President:

The undersigned Senators who are members of the Senate Committee on Health, Education and Social Services have carefully considered the implications of SJR 1 to the state of Alaska and its citizens and submit this minority report recommending that SJR 1 does not pass.

Even though Alaska was among the first states to ratify the first Equal Rights Amendment, we believe that events since that time demand that this body re-examine carefully the implications of that amendment to Alaska, the legislature and Alaskan citizens. We submit that the law has changed substantially since the article cited by the majority report was published in 1972, the same year that the amendment was passed out of the Congress and ratified by Alaska.

As correctly noted in the majority report, Alaska in 1972 amended its state constitution to specifically prohibit discrimination on the basis of sex. Therefore, clearly Alaskans do not need the additional protection of the Equal Rights Amendment in the federal constitution. And while as the majority report states, no particular problems have developed from this addition to our state constitution, it cannot be analogized to the federal constitution as will become evident in the following discussion.

The Equal Rights Amendment is unnecessary. Since 1971, the United States Supreme Court has routinely applied the protections of the 5th and the 14th Amendments to women and to gender based discrimination to invalidate many state and federal actions.[1] For example, the United States Supreme Court recently invalidated a Louisiana law that gave a husband exclusive control over the disposition of property owned by both spouses during the marriage

[1] Reed v. Reed, 404 U.S. 71 (1971). Frontiero v. Richardson, 411 U.S. 677 (1973). Board of Education v La Fleur, 414 U.S. 632 (1974). Stanton v. Stanton, 421 U.S. 7 (1975). Taylor v. Louisiana, 419 U.S. 522 (1975). Weinberger v. Wiesenfeld, 420 U.S. 636 (1975). Turner v. Department of Employment Security, 423 U.S. 44 (1975). Craig v. Boren, 429 U.S. 190 (1976). Califano v. Goldfarb, 430 U.S. 199 (1977). National Gas Co. v. Satty, 434 U.S. 136 (1977). Caban v. Mohammed, 441 U.S. 380 (1979). Davis v. Passman, 442 U.S. 228 (1979). Orr v. Orr, 440 U.S 268 (1979). Califano v. Westcott, 433 U.S. 76 (1979). Wengler v. Druggists Mutual Insurance Co., 100 S.Ct. 1540 (1980). Michael M. v. Superior Court of Sonoma County, 101 S.Ct. 1200 (1981). Kirchberg v. Feenstra, 101 S.Ct. 1195 (1981). There are several other lower court decisions which are not listed.

on the basis that it violated the Equal Protection Clause of the 14th Amendment.[2] It held that gender-based discrimination is unconstitutional absent a showing that the classification furthers an important governmental interest. To more fully understand this standard, the Court's ruling in Michael M. v. Superior Court of Sonoma County,[3] is important. This case involved an appeal by a young man who had been convicted of statuatory rape. He argued that the statute unlawfully discriminated against him on the basis of gender since men alone were liable. The Court said that where gender classifications realistically reflected the fact that the sexes were not similarly situated, such laws do not violate the Constitution.

In addition to the direct Constitutional protections, the courts have also applied the protections of the Title VII of the Civil Rights Act of 1964 to prevent sex discrimination.[4] Title VII states that it is unlawful to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, sex, or national origin. Congress was able to apply its provisions to state actions by relying on its authority guaranteed by the 14th Amendment. There are other important laws which currently guarantee women's rights.

Title IX of the Civil Rights Act of 1964 which applies to all public education requires it to be free from discrimination based upon sex. The Equal Employment Opportunity Act of 1972 likewise prohibits sex discrimination and applies to all employers of at least 15 employees who are engaged in businesses affecting interstate commerce. States are prohibited from denying equal educational opportunities on the basis of sex by the Equal Educational Opportunities Act of 1974. The Equal Pay Act of 1963 applies to all federal and state employers, as well as to employers engaged in interstate commerce. The Equal Credit Opportunity Act of 1974 applies to all creditors and prevents discriminatory credit practices. For these federal laws to be enforceable against states and employers engaged in interstate commerce, the Congress must have Constitutional authority to enact them. In all of these cases, the courts have uniformly upheld Congress' authority.

This becomes important to our position, because even if the Equal Rights Amendment was to be ratified, the laws implementing it would still need to be enacted by Congress. It is difficult to imagine what other areas important to the majority of Alaskans would become law as a result of the Equal Rights Amendment.

2 Kirchberg v. Feenstra, 101 S.Ct. 1195 (1981).
3 101 S.Ct. 1200 (1981).
4 Fitzpatrick v. Bitzer, 427 U.S. 445 (1976). Dothard v. Rawlinson, 433 U.S. 321 (1977). City of Los Angeles Dept. of Water and Power v. Manhart, 435 U.S. 702 (1978).

For the past ten years, there has been tremendous conflict over what the Equal Rights Amendment will accomplish. As evident in the Senate and House hearings and in a Harvard Civil Rights - Civil Liberties Law Review, Constitutional scholars cannot agree on the standard of review that would apply to sex discrimination cases under the Equal Rights Amendment. Some proponents of the amendment assert that it would not invalidate laws concerning homosexual relations, intersexual occupancy of sleeping facilities in public institutions, or women in combat, while others disagree.[5] Opponents to the amendment are equally convinced that it will.

In our opinion, these arguments miss the point. The fact that recognized authorities of the Constitution and the United States Supreme Court can entertain such diametrically opposing views of the same language demonstrates that it is impossible to give a confident interpretation until the amendment's ratification and subsequent judicial interpretations. Such judicial pronouncements may take literally hundreds of years.[6]

One important consequence that cannot be ignored is that the judiciary makes mistakes. If mistakes are made at the level of the Congress or the state legislatures, they can be rectified by the appropriate body. Where, however, mistakes are made in a judicial interpretation of a Constitutional provision the effects are drastic. Such mistakes can only be corrected by the death, the retirement, or change of mind of the Supreme Court justices, or by constitutional amendment. It is highly unlikely that any of these might occur.

Two remaining areas concern us and are the strongest

[5] The authors of the article relied upon by the majority report states:

"The Equal Rights Amendment will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the Amendment permits no exceptions for the military. Neither the right to privacy nor any unique physical characteristic justifies different treatment for the sexes with respect to voluntary or involuntary service, and pregnancy justifies only slightly different conditions of service for women. . . . Women will serve in all kinds of [military] units, and they will be elgible for combat duty."

Brown, Emerson, Falk, & Freedman, The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women, 80 Yale L.J. 871, 969, 978 (1972). Note, The Legality of Homosexual Marriage, 82 Yale L.J. 573 (1973).

[6] The 14th Amendment was designed to correct the injustices of an earlier United States Supreme Court decision holding that a black man was not entitled to constitutional protections even if he had been born a free man. Nothing really was accomplished until the civil rights movement of the 1960's. Decisions regarding racial discrimination are still being decided.

arguments against supporting SJR 1 and the Equal Rights Amendment; shifting legislative power to the federal judiciary and shifting states' rights to the federal government.

Passage of the Equal Rights Amendment would further erode the checks and balances originally built into the United States Constitution. Our founders established 3 branches of government and created a system of checks and balances to prevent the executive, the legislature or the judiciary from becoming too powerful. In recent years, the judiciary has usurped the authority of the legislature.[7] By definition, a constitutional amendment which limits what government can do places limitations on the legislature, because normally it is the legislature that has policy making authority. But constitutional amendments can only be interpreted by the judiciary. We believe that our constituency would find us more responsive to them than a small group of lawyers who are appointed to lifetime positions.

More importantly to us as Alaskans is that not only would the governmental power shift from the legislature to the judiciary, but it would also shift from the state to the federal government. This would be accomplished by section 2 of the amendment. The basic premise of the Constitution is to ensure that the people have as direct a say in the government as possible. It is our view that this can be best accomplished by leaving the most authority possible within the state legislature.

As elected state senators, we are particularly concerned over the amendment's encroachment on our legislative authority and on the shifting of governmental power from the states to the federal government and judiciary. While politically it is hard to oppose the Equal Rights Amendment, we do not believe that we can betray the trust that our constituency placed in us to be mindful of federal intrusions upon our authority. We believe that the protections sought by the majority of people are already included in the federal constitution, as evidenced by the recent United States Supreme Court decisions discussed briefly above and in the numerous laws already enacted by the Congress and applicable to the states. We further believe that any additional protection that our constituency identifies as necessary can be best addressed at the state level.

[7] Even the Alaska Supreme Court has decided issues that many believe belong to the legislature by deciding, for example, that Alaskans have the right to marijuana for personal use. If citizens are unhappy with that decision, there is literally nothing they can do, because the court has decided that this activity is protected by the Alaska Constitution. Whereas, if the decision had been made by the legislature, the citizens could speak on the issue. In a sense, this means that rather than Alaskans being governed by themselves, they are governed by an elite few.

In summary, we ask that the Senate carefully weigh the true import of SJR 1 and not pass it.

Respectfully submitted,

_____

Paul Fischer

_____

_____

Jan 28 1983

To whom it may concern:

I would like to voice my vote against the Equal Rights Amendment now before the Legislature. I feel it is not necessary to protect my rights as a woman, because the right to equal pay, etc. is already protected by the Civil Rights laws.

I do not wish to be considered exactly as a man. There are definete God-given differences. I'm against women being drafted and feel this amendament would allow many other issues to be raised that would be detrimental to women.

I do not wish any further Federal legislation to interpret my rights or responsibilities. I am sure that if this issue passes it will cause much more stress on "normal" families. Because I believe the Bible teaches homosexual relationships are not normal, I do not wish these relationships to be considered "marriages" under the law with the rights of adopting children etc. I do believe their rights are equal as far as right to pursue their lives, otherwise. (the American choice to choose - right or wrong)

the summation of all these comments ~~merely~~ are mentioned to support the strong opinion I have that this would stir up a whole lot of controversial items and would do more harm than good to the whole of society.

Thank you -

Judith L. Weir
P.O. Box 56
Douglas, Alaska 99824
Ph-364-3224

NEA - ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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James D. Alter
Field Staff
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Dianne Anderson
Field Staff
Anchorage Office

Steve Pulkkinen
Field Staff
Anchorage Office

Mary Ann Elninger
Deputy Executive Secretary
Fairbanks Office

TO: Senator Joe Josephson, Chair
Senate HESS Committee and
Members of Senate HESS Committee

RE: SJR 1 "Relating to the proposal by Congress of an Equal Rights Amendment."

DATE: January 25, 1983

MEMORANDUM OF SUPPORT

NEA and NEA-Alaska have a long history of actively supporting the Equal Rights Amendment and will continue our efforts to ensure that equality, regardless of sex, becomes a part of the basic law of our land. Since the Constitution is the basic law of the land only a constitutional amendment can assure that quality.

Our support for the ERA is based in the belief held by our members in the basic worth of all people. However, both men and women have found and continue to find themselves the victims of discriminatory laws and practices that deny their worth, their contributions and their aspirations. The ERA will provide a major impetus in the effort to end these discriminatory practices and laws throughout the nation.

We urge you to support the passage of the ERA so that equality of opportunity can become a reality for all our citizens.

Thank you for your consideration.

Respectfully submitted:

RC Manners

Robert Manners
Executive Secretary

RM:jc

SENATE HES COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 1/28/83 SPONSOR: V. Fischer

SUBJECT(S): SJR #1

NAME	REPRESENTING	ADDRESS	PHONE	Observer	Witness		
Barbara A. Coate	Self	10965 Glacier Hwy Juneau, Alaska	789 9230		X	N	
Grace A. Brayton	self	8486 Thunder Mt. Rd. Juneau Alaska 99801	789-0311		X	N	
Ken L. Mattson	"	6590 Glacier Hwy #173 Juneau 99801	9-0885		X	N	
JoAnn Thorson	Self	Box 3-5000 Juneau, AK 99801	9-0382		X	N	
Ann P. Mattson	self	6590 Glacier Hwy #173 Juneau 99801	789-0885		X	N	
Laura Harper	Self	928 Calhoun #5 Juneau 99801	586-1783	X			
Richard Shutt	Self	8495 Thunder Mtn. Rd. Juneau, AK. 99801	789-9648	X			
Rozann Christensen	Self	3492 Meander Way Juneau, Alaska 99801	789-3430				
Arlene Smith	Self	9175 Glacierwood Dr Juneau, Alaska	789-2747	X			
Judith Eakins Bakewell	self	3202 Malaspina Dr Juneau, Ak. 99801	789 2495		X	N	
Claudia McKinnegal	Self	9866 Loop Road JUNEAU AK	789-9988		✓	N	
Lillian Ruedrich	Juneau Now	536 Park St. Apt. C Juneau AK	586-9739		X	X	
Mary Ellen Cuthbertson	self	↑ Same	"	X		X	
Linda Koloski	AAUW	921 D Street Juneau, AK 99801	586-2307		X	X	
Linda H. Wassmuth	Self	3499 Meander Way Juneau	789-2651	X		—	
Bernadine Cunningham	Self	3487 Meander Way	789-7803		X	N	
Ruth Cunningham	Self	3487 Meander Way Juneau	789-7803		X	N	

SENATE HE&S COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 1/28/83 SPONSOR: V Fischer

SUBJECT(S): SJR #1.

NAME	REPRESENTING	ADDRESS	PHONE	Observer	Witness		
PAUL GRANT	SELF	181 Behrends JNU	586-2701		X		

DATE: 1/28/83 SPONSOR: V. Fischer

SUBJECT(S): E.R.A. (CS STRI)

NAME	REPRESENTING	ADDRESS	PHONE		Observer	Witness		
Barbara Tyndall	myself	Box 645, Douglas 99824	789-7339			✓		
Judy Lewis	Mim Robinson	8895 Gail Ave, Juneau, AK 99801	789-9936			✓		
Sue Miller	myself	P.O. Box 32 Douglas	789-0479			✓		
FRANZ SCHNEIDER	"	128 BEHRENDS AVE	586-1488			✓		
Bruce Wells	"	Box 672 Douglas	789-0757			✓		

SENATE [illegible] COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 1/28/83 SPONSOR: V. Fischer

SUBJECT(S): STR #1

NAME	REPRESENTING	ADDRESS	PHONE	Observer	Witness		
Sharon Macklin	Self	315 Fifth St.	586-9518				
Edna Johns	family	8208 Birch Lane	789-9249				
Eleanor Liddell	self	6590 Glacier Hwy #41	789-0923	X			
Jane Penn	Sen. Tom Kelly	208 Behrends	3822	X			
Darcy Bembicke	self	13090 Cross St	789-9729	X			
ALISON CROPPER	SELF	4350 RIVERCOURT WAY	789-2838	X			
Dave Peterson	family - self	9350 Rivercourt Way	789-2838				
Shelley Burns	MEW Inc.	211 4th St #304	586-3585		X		
Carolyn Glover	Eagle Forum	9101 Blanton Creek	344-0528		X		
Howell-Kuhl	General	326-4th St	586-2676		X		
JANE ANGVIK	Self	1538 Oear St	277-6903		X		
Jewel Bostrom	self	Box 111 Mekoryuk AK	99630 2464412		X		
William Rudd	self	Box 1211 Juneau	586-3330		X		
Lynn McKinnon	self	502 W. 10th	586-4077		X		

COMMITTEE REPORT

SENATE

2/10/83

FURTHER: JUDICIARY

Feb 1983

Date:

Mr. President:

The Committee on HESS has had SJR NO. 1

Relating to the proposal by Congress of an Equal Rights Amendment

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for _____ [ ] same title [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

_____

_____

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_____

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MEMBERS HAVING
OTHER RECOMMENDATIONS:

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CHAIRMAN

S 60 (Rev. 12/78)

WHAT ARE SOME OF THE COMMON MISUNDERSTANDINGS ABOUT THE ERA?

1. Will the ERA change the family structure? No, the ERA will not change the family structure nor will it take away from state legislatures the right to legislate in areas which they now have power, such as marriage and family law. The ERA denies Congress and all state legislatures the power to legislate discriminatorily based on sex.

2. Will the ERA deny a dependent wife the right to support from her husband? No. ERA will not affect private, voluntary arrangements within families. Nor will the ERA give state or federal governments the right to decide who in the family will work outside of the home.

3. Will the ERA abolish the right to privacy? No. The right to privacy is constitutionally guaranteed by the First, Third, Fourth and Ninth Amendments to the Constitution. The right to privacy permits the state to segregate sexes in such public facilities as public toilets and sleeping quarters, because of an overriding and compelling public interest.

4. Will the ERA legalize homosexual marriages? No, the ERA does not apply to homosexual marriages. If a state legislature legalized homosexual marriages for men, then under the ERA, it would also have to legalize such marriages for women.

5. Will the ERA require that women be drafted and perform combat roles in the military? Women may be required to register for military service with the ratification of the ERA however, Congress has the power to draft women now. Assignment of women to combat will be determined by military policymakers, Congress, and the courts, legal authorities believe. With or without the ERA, some women may soon be able to get combat assignments on request.

6. Will the ERA give the U. S. Congress or the U. S. Supreme Court extended powers to interfere in family life? No. The ERA does not extend these powers. It merely denies Congress and all other legislatures the power to legislate discriminatorily based on sex. It grants Congress the power to implement the provisions of the Amendment by legislation, and nothing more. The wording of the enforcement clause in ERA was taken from Section 5 of the 14th Amendment and is almost identical to the language found in at least five other amendments.

* * * * * * * * * * * * *

This information sheet was prepared from research materials by the Alaska Commission on the Status of Women, MacKay Building, 338 Denali Street, Suite 850, Anchorage, Alaska, 99501

EQUAL RIGHTS AMENDMENT

WHAT IS THE ERA?

The Equal Rights Amendment is a proposed amendment to the U. S. Constitution. It was approved by U. S. Congress in 1972. It will become an amendment to the Constitution when 38 states have voted to accept, or ratify, it. The amendment states:

"Section 1: Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex."

"Section 2: The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

"Section 3: This amendment shall take effect two years after the date of ratification."

DOESN'T THE CONSTITUTION ALREADY GUARANTEE EQUAL RIGHTS? No woman bringing a sex discrimination suit under the equal protection clause of the 14th Amendment ever won a case before the Supreme Court until 1971. The 1971 decision, however, did not overrule earlier decisions upholding sex discrimination. Present court decisions and laws, such as Title IX and the Equal Pay Act, are inadequate to ensure the equal rights of men and women. For example, many laws prohibiting sex bias and discrimination are limited to federally funded programs.

WHAT WILL THE ERA DO? The ERA will provide for equal rights and responsibilities for both men and women. Laws will be based on individual circumstances and needs rather than on sexual stereotypes. Real biological differences between men and women will continue to be considered. However, laws which are discriminatory and restrictive will be stricken entirely, while laws which provide a meaningful protection will be expanded to include both men and women.

THE ERA WILL:

. Enshrine in the Constitution the general principle that sex discrimination is wrong;

. Insure that the federal government and all states review and revise their laws and official practices to eliminate discrimination based on sex;

. Insure equal opportunity, privileges, and benefits in all aspects of government employment, including admission to military service;

. Prohibit different punishments for men and women for committing the same crimes;

. Insure equality of opportunity in public schools, state colleges and universities, and employment training programs of Federal, State, or local governments;

. Provide the legal basis for recognition of the principle (ignored in most family law) that the homemaker's role in marriage has economic value and that marriage is a full partnership;

. Strengthen families by giving value to each spouse's contribution to and support of the family;

. Insure that families of women workers receive the same benefits as families of men workers under the social security law, government pension plans, and worker's compensation laws;

. Give the same rights to a woman as to a man in marital law;

. Ensure that married women can engage in business freely and dispose of separate or community property on the same basis as married men.

SJR

11

COMMITTEE REPORT

SENATE

FURTHER: REFERRED

1/26/83 Date: 2/7/83

Mr. President:

The Committee on HESS has had SJR 11

Relating to health care delivery to Non-Native dependents by the United States Public Health Service.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] same title

[ ] replace with CS for _____ [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

_____

_____

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_____

Linda Hilyard

_____

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_____

MEMBERS HAVING
OTHER RECOMMENDATIONS:

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_____

CHAIRMAN

S 60 (Rev. 12/78)

Bill Sheffield, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

February 23, 1983

POSITION PAPER

Re: SJR 11

Sponsor: Senator Ferguson

Program Effect

Head Start grantees are required by the federal government to provide medical and dental screenings and services for all children in the program. Public Law 97-394 will greatly impact services formerly provided and will segregate Native and non-Native children, especially in the rural areas.

Comments

The Department supports the intent of Senate Joint Resolution No. 11 as the reduction of medical services entailed in PL 97-394 will severely impact Head Start children and their families.

In 1978, the U.S. Congress amended Section 518 (a) of the Economic Opportunity Act of 1964, to include "poverty of access". This amendment allows certain children, whose families exceed the poverty guidelines, to be included in the Head Start program. Thus, these families included since 1978 may now be excluded by the action of PL 97-394.

The Alaska Head Start Directors Association meeting in Juneau January 26 and 27, 1983 identified potential impacts. Quantitative data on these impacts are being developed at this time.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SJR 11 Date on Bill: 1/26/83
Title: Health care delivery to non-Native dependents
Sponsor: Ferguson
Requestor: Senate H&SS

1. Estimated fiscal impacts on: Department of Community & Regional Affairs

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital				-0-	-0-	-0-		
Operating				-0-	-0-	-0-		
Total				-0-	-0-	-0-		

b. Revenues:

Revenue								

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

Resolutions by definition have no fiscal impact. This resolution, in addition, addresses a federal program.

4. Disclaimer:
This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Richard Rainery Phone: 465-4703
Division: Commissioner's Office Date: 2/23/83

Approved by Commissioner: Date: 2/28/83
Department: Community & Regional Affairs

5. Distribution:
Original to Legislative Finance
Copy to OMB
Copy to Sponsor
Copy to Requestor

2/15/83

Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Senator Josephson, Chairman
Senate Health, Education, and
Social Services Committee

FROM: Senator Ferguson

DATE: February 7, 1983

SUBJ: SJR 11

President Reagan signed Public Law 97-394 into law on December 30, 1982. This law had the effect of immediately restricting the eligibility of non-Native dependents for Indian Health Services health care delivery. Although PL 97-394 was signed by the President in December of 1982, Indian Health Service Area Program Directors were not notified of the immediate change in health services eligibility until January 6, 1983. Neither the IHS Area Directors nor clients of the Indian Health Service had any official advance notice of changes in eligibility.

SJR 11 would request Congress to reinstate health care for non-Native dependents at IHS clinics to allow an adequate time frame for previous clients to find alternative health care, and would request Congress to allow a similar time frame in the event of any future curtailment of services.

DEPARTMENT OF HEALTH & HUMAN SERVICES — Public Health Service

22

Memorandum

Date: JAN 6 1983

From: Director, Indian Health Service

Subject: Non-Indian Eligibility - Immediate Action

To: All IHS Area/Program Directors

The fiscal year 1983 Appropriations for the Department of the Interior (P.L. 97-394) was signed by the President on December 30, 1982.

The law contains a provision restricting non-Indian eligibility as follows:

> . . . notwithstanding current regulations, eligibility for Indian Health Services shall be extended to non-Indians in only two situations: (1) a non-Indian woman pregnant with an eligible Indian's child for the duration of her pregnancy through postpartum, and (2) non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard . . . .

This law supersedes IHS regulations, manual provisions and policy statements granting beneficiary status to non-Indian spouses and dependent members of an Indian's household or immediate family.1/ Effective immediately, non-Indians may be regarded as beneficiaries of the Indian health program only in the two exceptional situations stated in the appropriations statute above. Additional instructions will follow dealing with the provision of services to non-Indians with acute infectious diseases or other conditions which constitute public health hazards.

Non-Indians who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who are presently inpatients in IHS facilities shall continue to be hospitalized until the need for hospitalization has ended. The determination as to when hospitalization is no longer needed shall be made by the patient's physician and be based upon the medical circumstances

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1/ See the following statements governing non-Indian eligibility for IHS services: regulations at 42 CFR 36.12(a) regarding non-Indian wives, the preamble to proposed rules at 45 Federal Register 82839 (Dec. 15, 1980) regarding non-Indian husbands; section 2-1.2C of the IHS Manual regarding dependent non-Indian members of an eligible Indian's household; and section 2-3.7E(4) regarding non-Indian members of an eligible Indian's immediate family being eligible for contract health services.

of each patient. These patients shall be notified that after discharge they will no longer be eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

Non-Indians who were regarded as beneficiaries prior to enactment of the new law and who are presently undergoing a course of outpatient treatment may not be given further treatment unless, in the judgment of the medical officer in charge, immediate termination of treatment would threaten the life of or seriously impair the health of the individual patient. In that case the individual may be treated as an emergency patient (non-beneficiary) under regulations at 42 CFR 36.14. These patients shall also be notified that they are no longer eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

After receipt of this directive, no further initial authorization of contract health services may be made for any services provided after December 30, 1982, to former non-Indian beneficiaries except for non-Indians who meet the eligibility requirements of P.L. 97-394. Non-Indians who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who are presently receiving inpatient contract care authorized under regulations at 42 CFR 36.21 et seq., may be authorized additional inpatient contract health services, within medical priorities, until the need for hospitalization has ended. No outpatient contract health care shall be authorized for these non-Indians after receipt of this notice. Outpatient contract health care authorized for these non-Indians before receipt of this notice shall be honored. These patients shall be notified that after discharge or completion of their previously authorized outpatient contract health care, they will no longer be eligible for services as IHS beneficiaries and should be assisted in locating other health care providers.

P.L. 97-394 does not affect treatment of non-beneficiaries where otherwise provided for by law. For example, the IHS facilities may continue to treat non-beneficiaries in cases of emergency as authorized under section 322(b) of the Public Health Service Act, 42 U.S.C. 249(b) and regulations at 42 CFR 36.14; the Alaska Area Native Health Service may treat non-indigent non-beneficiaries on a fee basis as authorized by 48 U.S.C. 49; and IHS facilities may continue to treat beneficiaries of other Federal programs under Economy Act arrangements. There may be other valid examples since this list is not intended to be all inclusive.

Within your respective jurisdictions, immediate dissemination of this notice shall be made to: (1) all IHS facilities and personnel involved in the provision of services, the determination of eligibility for services, and the authorization of contract health services; (2) all tribal leaders and leaders of Indian organizations involved in health issues, e.g., Indian health boards, urban Indian organizations, etc.; (3) all P.L. 93-638 contractors and grantees; (4) all non-IHS health care providers who provide services to IHS beneficiaries whether under contract (including Buy Indians) or not under contract; and (5) all local agencies that provide or pay for health services to the general population.

In addition, this notice shall be posted in the public areas of all IHS facilities, whether operated by IHS or by an Indian tribe or tribal organization, and in tribal facilities providing services to IHS beneficiaries under authority of P.L. 93-638. Finally, every reasonable effort should be taken to notify the general beneficiary population with particular emphasis given to individually notifying non-Indian patients, or their guardians, who were regarded as beneficiaries prior to enactment of P.L. 97-394 and who had received services as beneficiaries.

Individuals who are denied services under P.L. 97-394 shall be denied in writing and shall be afforded the current notice and appeals procedures.

Everett R. Rhoades, M.D.
Assistant Surgeon General

Regarding: Health Care delivery to Non-Native dependants

An order, effective immediately, declares that no health care will be provided to non native dependants @ IHS clinics with the exception of 4 catagories

1- Non Native preg women - care will be given for prenatal & post Partum care

2- Emergencies approved my Director

3- Control of contagious infections

4- If the only medical services available are IHS & the care will be on a fee for service bases

The problem is one of consideration for these non qualified persons to seek alternative health care ie - 30 - 60 days -

For more info Contact -

ANS-

Thank you for your assistance

Respectfully

Jean Thorp
438 Mumford #4
Bethpage

278-9401 home
279-6661 x 340 wk.

SJR 11

Dr. Labeau:

impact in AK on Pub. Assist. is 1500 to 2000 people who will now be under Medicaid. (title XVIIII)

No money in capital budget for hospitals.

SJR

26

COMMITTEE REPORT

SENATE

5/13/83

FURTHER:

Date: May 23 19[illegible]

Mr. President:

The Committee on HESS has had SJR 26

Relating to training of physicians.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for _____ [ ] same title [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

_____

CHAIRMAN

STATE OF ALASKA

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

BILL SHEFFIELD, GOVERNOR

POUCH FP
JUNEAU, ALASKA 99811
PHONE: (907) 465-2854

May 25, 1983

The Honorable Paul Fischer
Alaska State Senator
Pouch V, State Capital
Juneau, Alaska 99811

Dear Senator Fischer:

At the Senate HESS hearing on SJR26 you raised a number of questions which I shall now try to answer.

What are total WAMI costs?

The 1982-83 WAMI costs include:

1. Student Fees (Paid to U of W)

Student Level	Per Student Fee at Fairbanks	82-83 Total
First Year		N.A.
Second Year	$25,737	$257,370
Third Year	$25,416	228,744
Fourth Year	$16,988	169,880
		$665,994

2. Administrative Cost (Paid to U of W)

Overall Program Administration	$ 91,531
Clinical Site Cost (Travel)	48,896
U of W Faculty Support	46,903
	$187,330

3. University of Fairbanks costs cannot be identified specifically for these students.

4. Total 1982-83 costs paid to U of W are $853,324. The University of Fairbanks administrative and student costs are additional.

What bilateral contractual arrangements do other states have?

The data we have are for last year, 1981-82. The 1982-83 information will be forthcoming in about two weeks and will be forwarded to you. In 1981-82, a number of western states (those for which I have information) have utilized bilateral contracts to "purchase" education for their residents. The states of Idaho, Montana, and Wyoming have contracts for medical education; Idaho, Montana, New Mexico, Utah, and Wyoming have

contracts in dentistry; Arizona, Nevada, New Mexico, Utah, and Wyoming have contracts in veterinary medicine; Wyoming has contracts in physical therapy; New Mexico and Wyoming have contracts in optometry; and Arizona and New Mexico have contracts in osteopathic medicine.

These contracts are in addition to the WICHE Student Exchange Program and provide the states with additional access to these professional fields.

The contracts in medicine included (1981-82):

WICHE Student Exchange:	$16,300 per student
WAMI	$20,000 (approx) per student
Idaho with U of Utah	$19,357 per student
Wyoming with U of Utah	$22,330 per student
Wyoming with Creighton	$18,792 per student.

Additionally, the student must pay tuition at the receiving school, but this varies by contract. The amount paid in 1981-82 was:

WICHE Student Exchange	Public College:	$700-$5,956
	Private College:	$ 0-$3,219
WAMI		$1,929
Idaho with U of Utah		$3,979
Wyoming with U of Utah		$1,000
Wyoming with Creighton		$1,000

The number of new students entering in 1981-82 under these arrangements is listed below.

Sending State	WICHE	WAMI	U of Utah	Creighton	Total
Alaska	6	10	-	-	16
Idaho	-	20	5	-	25
Montana	10	20	-	-	30
Wyoming	3	-	8	14	25
TOTAL	19	50	13	14	96

WAMI experience.

The University of Washington annually publishes a WAMI report. It comes out quite late, and the most current copy we have is for 1979-80. The 1980-81 report is in the mail to us, so we should have it this week. According to the 1980-81 report, there is only one Alaska WAMI graduate practicing in Alaska. That doctor being, John C. Mues, who is located in Anchorage. Dr. Mues was one of five students who entered the program in 1971 and who graduated. Of those graduates who entered in 1972, 73, 74, 75, and 76, none were located in Alaska as of 1979-80. The 1977, 78, 79, and 80 students were still in training at U. of W.

A review of the 1979-80 status of Alaska WAMI students yields the following:

Entering Class	Alaska	Washington	California	Remaining U.S.	In School	Total
1971-76	1	10	5	17	1	34
1977-80			still in school			

I will update this for you, when we receive the 1980-81 report, but to date we have a very low return rate.

In-state residency site.

I firmly believe that if we wish to enhance our Alaska medical student return rate, the most effective way of doing so is to provide for a residency training program in Alaska. Nationally, the vast majority of doctors practice, at least initially, within the same geographic region in which they do their residency training.

Anchorage has the population base, and Providence Hospital has the capability of participating in this type of program. A Family Medicine residency training program could be established in conjunction with Providence and could serve as the training center for Alaskan medical students (or others wishing to practice in Alaska).

This type of program is expensive, with operating costs of around $1,000,000 per year at first, but over time it would become one-third to one-half self-supporting and would provide medical training for students and medical service for Alaskans.

I hope this information is of use to you. If you have further questions, please let me know.

Sincerely,

Kerry D. Romesburg
Executive Director

cc: Senator Jay Kerttula
Senator Joe Josephson

-File-

UNIVERSITY OF ALASKA

25 April 83
Senator Kerttula
This may have reached you thru University channels. It provides some indication of WAMI Program costs & benefits
Blayne

MEMORANDUM

TO: Dr. Patrick O'Rourke
Chancellor, UAF

FROM: Wayne Myers W.M.
Director, WAMI Program

RE: Legislative Request for Information on:
A. Return of Alaska WAMI Students
B. Impact of WAMI Graduates
C. WAMI Operating Budget

DATE: 4 March 1983

A. Attached is a table showing the present status of Alaska resident WAMI students who entered the program between 1971 and 1975. It took four years to recruit full classes of ten Alaskans. Because the post M.D. training period is at least seven years long, the class which entered in 1975 is the most recent cohort to enter practice. As you see, we are getting back about 40% of our Alaska entrants.

B. The second table reflects the number of physicians in private practice in Alaska in 1971 and 1981, the difference by specialty in absolute numbers and percentages, and the number of physicians trained in any part of the WAMI Program who entered practice in Alaska. As you can see, 43% of the family physicians who entered practice in Alaska received part of their training through the WAMI Program.

C. A summary of the Alaska WAMI operating budget by income source is attached. The figure for payment to the University of Washington is as most recently revised.

/bm

Alaska Resident WAMI Program Graduates - Current Status

Year of Matriculation	Now Practicing in Alaska	Now Practicing Elsewhere or Current Status Unknown	Still in training or Serving Federal Obligations
1971	John Mues - Internal Medicine Anchorage	Robert Bundtzen Patrick Maloney Susan Salo Kathleen Welch	
1972	William Marx - Familiy Medicine Sitka	Albert Ryckman Stanley Feero	
1973		Marc Boudreaux Jack Hickel	Robert Urata
1974	William Bell - Family Medicine Homer Jean Wilbur - Family Medicine Fairbanks William Worrall - Industrial Med. Anchorage		Pamela Kulin
1975	Larry Harp - Biochemistry Anchorage Sarah Isto - Family Medicine Juneau John Spencer - Family Medicine Anchorage W. Boyle - INT. MED. ANC.	Ester Gwinnell Roy Jared Bradley Maroni Mary Wilson	Mark Spencer Stephen Kulin Leo Obermiller
TOTAL	8	12	5

Note: All entrants since 1976 are still in training

M.D.s in Alaska 1981 vs. 1971

Specialty	1971	1981	Diff.	% Change	# WAMI Grads	%
General/Family Practice	74	111	+37	50	16	43
Internal Medicine	39	92	53	136	10	18
Surgery	65	119	54	83	2	4
Other Specialties	36	103	67	106	7	18
TOTAL	214	425	211	99	35	17

HB

10

Alaska State Legislature

INTERIM OFFICE:
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843
HOME (907) 274-3102

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4947

HOUSE MAJORITY WHIP
CHAIRMAN
STATE AFFAIRS
MEMBER
TRANSPORTATION
LEGISLATIVE COUNCIL

Representative Mitch Abood
HOUSE DISTRICT 11

MEMORANDUM

TO: Senator Joe Josephson
Chairman, Senate State Affairs Committee

FROM: Representative Mitch Abood

DATE: May 3, 1983

RE: HOUSE BILL NO. 10 -
"An Act relating to imitation controlled substances"
Synopsis

* *

House Bill 10 has been introduced to prohibit the sale and possession of imitation controlled substances, known as "look-alikes".

Look-alike drugs are carefully designed to resemble or duplicate the appearance of brand name controlled substances found in prescription sedatives, stimulants, tranquilizers and narcotic pain killers in both capsule and tablet form. A good majority of these look-alikes contain caffeine, and substances found in cough medicines and other non-prescription over-the-counter drugs. On the street, they are known by the same names as the real drugs, but they contain substances which, if taken in large quantities, produce a "similar high" to that of the prescription drug.

The manufacturers of these substances claim that the substances are not harmful and are safe and legal. Advertisements found in certain publications appeal to the young, and they have encouraged wide-spread acceptance and use of these substances. You might note that while the advertisements show a fairly inexpensive price range, that the street value of this type of product is exorbitant.

Although substances found in look-alike drugs, such as caffeine, are not harmful per se, when taken in large quantities could prove to be a health hazard. The look-alike drugs are often mistaken for controlled substances. One problem we face when we talk about the look-alike drugs involves the young consumer who thinks that he has been buying "speed", when it is only a look-alike drug and needs to take quite a few to get the "full effect". He then buys the real drug and takes it in the same large quantities he is accustomed to with the look-alike substances. The danger here is that he runs the risk of an overdose or even death in some cases. Another very serious problem that arises is that of the doctors who try to treat the overdose victim and the confusion in determining whether the patient has taken the prescription drug or the counterfeit. According to the Alaska State Troopers, look-alike drug sales have lead to violence in some instances when the purchaser finds out that he was sold a "bill of goods" and tries to retaliate. Look alikes are becoming an alarming problem with our youth.

As of August, 1982, 36 states have adopted legislation restricting the sale of look alike drugs and legislation is pending in 4 more states. Recently, Minnesota and New Jersey followed suit by prohibiting the sale of look-alike substances and Utah imposed penalties for possession of imitation controlled substances. The Drug Enforcement Agency had drafted a model look-alike drug law for states and CSSSHB 10 is right along the lines of the DEA Model Drug Act.

In summary, the use of look-alike drugs has become an alarming problem, especially with our youth. HB 10 addresses the issue of eliminating the source of the evil.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

M E M O R A N D U M

February 21, 1983

SUBJECT: Imitation controlled substances (SSHB 10)

TO: Representative Mitchell E. Abood, Jr.

FROM: James H. Lear
Legislative Counsel

JHL

You have asked for a sectional analysis of SSHB 10 (An Act relating to imitation controlled substances). SSHB 10 is based on the Model Imitation Controlled Substances Act drafted by the Drug Enforcement Agency of the United States Department of Justice in October, 1981.

The bill consists of one section creating a new Chapter 73 in AS 11. The chapter contains several new sections:

Sec. 11.73.010. Prohibits the manufacture or distribution of imitation controlled substances as defined in Sec. 11.73.099(3) or possession of the same with intent to distribute. Violation of the section is punishable as a class C felony (maximum of five years in prison and maximum fine of $50,000).

It is not a crime in certain instances if the substance is to be used as a placebo for medical treatment. This section is intended to curb the distribution of noncontrolled substances currently sold over-the-counter if manufactured or distributed as imitation controlled substances. See also sec. 11.73.050.

Sec. 11.73.020. Prohibits the possession of certain noncontrolled substances* with the intent to manufacture an imitation controlled substance. The substances are those most frequently used to manufacture imitation controlled substances. Violation of this section is punishable as a class C felony. This section is not part of the "Model Act".

*"or their salts"

Sec. 11.73.030. This section imposes a stricter punishment for distribution of imitation controlled substances by an adult to a minor. The crime is a class B felony punishable by a maximum of ten years in prison and a maximum fine of $50,000.

Sec. 11.73.040. Prohibits advertisement to promote the distribution of an imitation controlled substance. This crime is punishable as a class C felony. The section is directed mainly at those persons who promote the distribution of an imitation controlled substance by soliciting advertising space in newspapers, magazines, et cetera, or by publicly distributing advertisements for an imitation controlled substance. A publisher and a distributor of not only a local but of a national publication could be prosecuted for violation of sec. 11.73.040 if the state can establish beyond a reasonable doubt that the person had the requisite mental state. The defendant must have known that the purpose of the advertisement or solicitation was to promote the distribution of an imitation controlled substance in the State of Alaska. It is obvious that it would be easier for the state to prosecute an individual who resides within the state, but Alaska has criminal jurisdiction over a nonresident publisher of a national magazine or newspaper who knowingly publishes an advertisement to promote the distribution of an imitation controlled substance if that person consumates the crime from outside the state by the intervention of an innocent or guilty agent, such as a newsstand operator, within the state (AS 12.05.010 -- crime commenced outside the state but consumated inside).

Sec. 11.73.050. This section specifies that manufacturing, distributing, or possessing an imitation controlled substance solely for use as a placebo under prescription is not a crime. See also sec. 11.73.010.

Sec. 11.73.060. This section addresses the circumstances under which a violator of the chapter may have to forfeit to the state those items associated with the perpetration of offenses involving imitation controlled substances. The section is rather lengthy since it is intended to provide adequate guidelines for determining what property may be subject to forfeiture, how it is to be seized, what procedure is to be used for litigating the interests of possible owners, disposition of forfeited property, et cetera. If the degree of detail in this section were absent, an individual might successfully challenge the

NB
10

PRELIMINARY STATEMENT OF FISCAL IMPACT *

No. 1

Bill No: CSSS HB 10 (Jud) Page 1 of 2 Date on Bill: 2-23-83
Title: "An Act relating to imitation controlled substances."
Sponsor: Representative Abood
Requestor: House Finance Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating				34.6	38.8	41.1		
				34.6	38.8	41.1		

b. Revenues:

Revenue								

2. Source of funds to offset fiscal impact of bill:

NO information provided.

3. Assumptions: It is estimated that enactment of this bill will result in 50 to 60 new criminal prosecutions throughout the state each year. This estimate is based upon a survey taken by the department of local police agencies and the state troopers. These new prosecutions and the handling of forfeiture actions allowed under the bill represent additional workload which will require the allocation of additional prosecutor resources.

4. Disclaimer:
This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the final estimate of fiscal impact.

Prepared By: Daniel R. Hickey, Chief Prosecutor Phone: 465-3428
Division: Department of Law, Criminal Division Date: 3-9-83

Approved by Commissioner: Norman C. Gorsuch, Attorney General Date: 3-9-83
Department: Law

5. Distribution:
Original to Legislative Finance
Copy to OMB
Copy to Sponsor
Copy to Requestor

2/15/83

No. 1
Page 2 of 2

CSSS HB 10(Jud) Fiscal Analysis

The impact of CSSS HB 10 is expected to result in the addition of prosecutor time equivalent to one-half of an Attorney III (SR22), statewide. For purposes of the analysis, salary schedule A has been used. Actual placement of a position cannot be determined until after the Legislature has acted and we know what bills have been approved.

The first year of the analysis will be for FY 84 and costs have been calculated on a 10 month basis to account for the time required to establish a new position and the time it takes to get a new program underway. The costs beyond FY 84 are on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	AIII (PPT)	TOTAL
Personal Services	23.8	23.8
Travel	2.5	2.5
Contractual	4.0	4.0
Commodities - ongoing	.8	.8
Commodities - single time	2.0	2.0
Equipment - single time	1.5	1.5
		34.6

2nd Year (12 months + 6% annual inflation)

Personal Services	30.0	30.0
Travel	3.2	3.2
Contractual	4.6	4.6
Commodities	1.0	1.0
		38.8

PRELIMINARY STATEMENT OF FISCAL IMPACT

Page 1 of 2

Bill No: CS for SS for H.B. No. 10 No. 2 Date on Bill: February 23, 1983
Title: "An Act relating to imitation controlled substances."
Sponsor: Judiciary Committee
Requestor: House Judiciary Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
Capital				730.0	-0-	-0-		
Operating				13.9	122.4	129.8		
Total			-0-	743.9	122.4	129.8		

b. Revenues:

Revenue			-0-	-0-	-0-	-0-		

2. Source of funds to offset fiscal impact of bill:

The source of funds to implement this bill has not been identified by the sponsors.

3. Assumptions:

A. Estimated arrest and conviction information was gathered from the Department of Law and the Alaska Judicial Council statistics. They estimate that there would annually be five convictions resulting in prison terms for Class B and Class C felonies. Class A misdemeanors have been omitted in the committee substitute.

B. It is assumed that all convictions are of first time offenders.

C. The following table displays data regarding additional bed needs with enactment of HB 10:

Prepared by: Roger C. Lange Phone: 465-3376
Division: Division of Adult Corrections Date:
Approved by Commissioner: Date: 3/16/83
Department: Health & Social Services

5. Distribution:
Original to Legislative Finance
Copy to OMB
Copy to Sponsor
Copy to Requestor

2/8

FISCAL NOTE Page 2 of 2
CS for SS for HB No. 10 (Judiciary)
Page 2 of 2

Class of Offense	Expected # of Convictions	% & # to Jail	Avg. Sentence Length	Flat Years	Person Years
B Felony	1	50%/ .5	2.5 Yr.	1.9	.95
C Felony	23	20%/4.6	1.09 Yr.	.02	3.77
	24	5.1			4.72

Therefore, 4.72 beds would be needed. For purposes of this fiscal note, th s was rounded to the nearest whole number resulting in 5 new beds identified s being required.

D. Cost Estimates:

1. Capital Expenditures

It is assumed that medium security beds would be the appropriate classificatio It is estimated that construction costs for this type of bed will be approximately $146,000 per bed. Therefore, capital expenditures would be:

5 x $146,000 = $730,000

2. Personal Services 1 Staff - Correction Officer II 2½ months = 1 SY dependent on Aircomb.

It is assumed that these 5 beds would be combined with other construction where staff will be identified. It is estimated two staff positions will be required to provide security and supervision for the additional inmates.

3. Other Costs -13.9

Other costs identified reflect only food, clothing, bedding, and medical services necessary to meet the physical care and medical needs of the projected inmate increase.

4. Inflation of 6% per year was used for projecting cost after FY 1985, the year which the total bed impact would be experienced.

4. Disclaimer:
This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fis impact.

SENATE [illegible]

COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 5/25/93 SPONSOR: Abood

SUBJECT(S): CSSHB 10 - Imitation controlled substances

NAME	REPRESENTING	ADDRESS	PHONE	Observer	Witness		
Rep. Abood	Sponsor - HB 10	Pouch V	465-4964		X		
Roger McCoy	Dept. of Public Safety	Pouch N.	789-2161		X		
GAYLE HORETSKI	DEPT OF LAW	POUCH KC	-3428		X		

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY

3/24/83

Date: May 25 1983

Mr. President:

The Committee on HESS has had CS SSHB 10 (Jud)

Relating to imitation controlled substances

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[X] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for _____ [ ] same title [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Rick Halford

MEMBERS HAVING
OTHER RECOMMENDATIONS:

_____
CHAIRMAN

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CS SS HB 10 (JUD) Date on Bill: 2-23-83
Title: "An Act Relating to imitation controlled substances"
Sponsor: Abood, etc.
Requestor: House Judiciary

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			-0-	-0-	-0-	-0-		

b. Revenues:

Revenue								

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No Fiscal Impact

4. Disclaimer:
This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Francis C. Allan Phone: 269-5691
Division: Alaska State Troopers Date: 3-2-83

Approved by Commissioner: [signature] Date: 3/8/83
Department: Public Safety

5. Distribution:
Original to Legislative Finance
Copy to OMB
Copy to Sponsor
Copy to Requestor

2/15/83

I. REQUEST

Bill/Resolution No. HB 10

Title "An Act relating to limitation controlled substances."

Requested by Representative Abood Date 1/19/83

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected Administration of Justice

BRU, Program, Or Subprogram(s) Affected Prosecution

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS,CLAIMS,ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

It is estimated that enactment of this bill will result in 50 to 60 new criminal prosecutions throughout the state each year. This estimate is based upon a survey taken by the department, of local police agencies and the state troopers. Examined singly, no additional prosecution person nel will be required to implement the provisions of the bill. These new prosecutions, however, do represent additional workload which, when added to other crime bills, will have the effect of hampering the department's overall ability to prosecute criminal offenses. The forfeiture provisions in the bill will also require additional attorney time to handle the court hearings required if a forfeiture of specific property is contested by the owner, and may have the effect of diverting resources from other matters currently being addressed.

IV. DATE 1/19/83 PREPARED BY Daniel W. Hickey, Chief Prosecutor

AGENCY Department of Law

PHONE 465-3428

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Office of Management and Budget

Reviewed by: Mike Mahar, Program Budget Analyst

Division of Budget Review

HB 242, (cont'd)

education be submitted as part of the annual budget for the University of Alaska." (See SB 161, this report.)

Bering Sea Herring Fishery (stripping of fish)

HOUSE BILL NO. 267, (see page 323). Reported back to the House March 25 by the House Special Committee on Fisheries recommending it do pass. Concurring: Herrmann (Chairman), Grussendorf, Bussell, McBride, and Fuller. To Resources.

Cable T.V. (exempting from reg. by APUC)

HOUSE BILL NO. 274, (see page 325). Reported back to the House March 23 by Labor & Commerce recommending it do pass. Concurring: Furnace (Chairman), Uehling, Cowdery and Ringstad. Not concurring: Malone and Koponen signed "do pass if amended." To Rules.

Tax Exempt Home Mortgage Bonds (supporting legislation)

HOUSE JOINT RESOLUTION NO. 37, (see page 333). Reported back to the House March 25 by the House Special Committee on Loans recommending it do pass. Concurring: Uehling (Chairman), Furnace and Koponen. To Finance. Rep. Adams asked that the Finance referral be waived, and the bill was referred to the Rules Committee.

Appropriation (Special) (Hepatitus B inoculations)

CS SENATE BILL NO. 96 (FINANCE), (see pages 108;146;244; 283;295). Reported back to the House March 23 by Health, Education and Social Services recommending it do pass. Concurring: Fritz (Co-Chairman), Tischer (Co-Chairman), Koponen, M.W. Miller, Davis and Cato. To Finance.

State Commis. on Personnel Act (extending)

SENATE CONCURRENT RESOLUTION NO. 3, (see pages 118;147;209; 245;256;295). Reported back to the House March 21 by Finance recommending it do pass. Concurring: Bettisworth, Flood, Ward, Hurlbert, Zharoff, Duncan, Grussendorf, and Lindauer. Not concurring: Pestinger recommends do not pass. Adams (Chairman) and Martin had no recommendation. To Rules.

BILLS PASSED IN THE HOUSE

Imitation Controlled Substances

CS FOR SS FOR HOUSE BILL NO. 10 (JUDICIARY), (see pages 28; 134;149;226;343;362). Before the House in 3rd reading March 21 (see page 343, previous action). The bill passed the House, 34-3-1-2. Nays: Clocksin, Koponen, Malone. Excused: Adams. Absent: Goll, Uehling. Rep. Vaska gave notice of reconsideration, but it was not taken up and the bill was sent to the Senate.

Commercial Fishing Loans

CS FOR HOUSE BILL NO. 15 (LOANS)(AM), (see pages 31;105;296; 336;362). On March 21 the Loans substitute was adopted (see page 296).

Amendment 1 by Fuller was adopted, relating to the allocation of loans. The amendment changes language in AS 16.10.315 (Fisheries and Fishing Regulations, Commercial Fishing Loan Act, Allocation of Loans) to provide that the Department of Commerce and Economic Development shall allocate at least ten percent of the money that

HOUSE BILLS RECEIVED IN THE SENATE

Imitation Controlled Substances — CS FOR SS FOR HOUSE BILL NO. 10 (JUDICIARY), (see pages 28; 134;149;226;343;391). Received in the Senate on March 24 and referred to Health, Education & Social Services and Judiciary.

Commercial Fishing Loans — CS FOR HOUSE BILL NO. 15 (LOANS)(AMENDED), (see pages 31; 105;296;336;391). Received in the Senate on March 22 and referred to Labor & Commerce.

Property Tax Exemptions (disabled vets) — CS FOR HOUSE BILL NO. 31 (C&RA)(AMENDED), (see pages 37;187; 260;302;345). Received in the Senate on March 21 and referred to Community & Regional Affairs and Finance.

Elected Atty. General (const. am.) — CS FOR SS FOR HOUSE JOINT RESOLUTION NO. 7 (JUDICIARY), (see pages 62;159;259;347;393). Received in the Senate on March 24 and referred to State Affairs and Judiciary.

COMMITTEE REPORTS (Senate)

Bd. of Marine Pilots (continuing existence) — CS FOR HOUSE BILL NO. 218 (FINANCE), (see pages 215;301; 310;347). Reported back to the Senate on March 25 by Labor & Commerce with the committee recommending it do pass. Concurring: Eliason (Chmn.), Rodey, Sackett and Mulcahy. To Rules.

Board of Nursing (continuing existence) — HOUSE BILL NO. 224 (E.D. ADDED), (see pages 220;302;310). Reported back to the Senate on March 25 by Labor & Commerce with the committee recommending it do pass. Concurring: Eliason (Chmn.), Rodey, Sackett and Mulcahy. To Rules.

Ferry System (free travel for senior citizens) — HOUSE CONCURRENT RESOLUTION NO. 2, (see pages 66;162;241; 262). Reported back to the Senate on March 25 by State Affairs with the committee recommending it be replaced with State Affairs Committee Substitute and that it do pass. Concurring: Vic Fischer (Chmn.), Rodey and Ray. To Finance.

State Affairs SCS seeks to extend year-round free travel and reduced rates for staterooms on certain state ferries to handicapped persons as well as to senior citizens. Adds new paragraph to the preamble: "WHEREAS, since 1981, in response to Legislative Resolve No. 39, 1981, the state marine highway system has provided for travel of handicapped persons on ferries on a space-available basis within Alaska without charge from October 1 to May 15 inclusive."

Petit Jurors (use of earphones by) — HOUSE CONCURRENT RESOLUTION NO. 11, (see pages 68;190;204; 229;311). Reported back to the Senate on March 25 by Rules with the committee recommending it be placed on the March 28 calendar. Concurring: Faiks (Chmn.), Ray and Ferguson.

Appropriation (U of A/dorms) — SENATE BILL NO. 19, (see pages 6;205). Reported back to the Senate on March 25 by Finance with a majority of the committee recommending it be replaced with Finance CS and that it do pass. Concurring: Bennett (Co-Chmn.), Ferguson, Sackett and

BILLS PASSED IN THE HOUSE

Alaska Halibut Fishery (moritorium & share quota system)

CS FOR SENATE JOINT RESOLUTION NO. 7 (RES), (see pages 23; 177;210;256;295;319;348). Reported back to the House March 14 by Resources recommending it be replaced with a House Resources subst. and as follows: Ringstad (Co-Chairman), Shultz Co-Chairman), Larson, Bussell, Goll, Liska, Cowdery and Uehling recommended do pass. To Rules.

The House Resources Substitute adds new language providing that much testimony has been given regarding the negative impact of the high incidental catch of halibut. Urges the Secretary of Commerce and the administrator of the National Oceanic and Atmospheric Administration to consider alternative halibut management techniques, such as shorter openings over a longer period of time, area registration, and harvest limits as a means of accommodating substantial regional differences and addressing the problem of short seasons. Also urges the Secretary and the administrator to seek methods of reducing the incidental catch of halibut.

Before the House on March 16. The House Resources CS was adopted and the resolution passed, 37-1-1-1. Nays: Malone. Excused: Szymanski. Absent: Wendte. Barnes gave notice of reconsideration of her vote and requested that it be taken up immediately. Passed again on reconsideration, 38-1-1-0.

Imitation Controlled Substances

CS FOR SS FOR HOUSE BILL NO. 10 (JUDICIARY), (see pages 23; 134;149;226). Reported back to the House March 14 by Finance recommending it do pass. Concurring: Adams (Chairman), Flood, Grussendorf, Ward, Hurlbert, Pestinger and Martin. Reps. Duncan, Zharoff and Bettisworth had no recommendation. To Rules.

Before the House on March 18. The Judiciary CS was adopted by unanimous consent. Four amendments failed:

Am. No 1 by Duncan. Would have amended section which seeks to make it a felony to delivery an imitation controlled substance to a person under 19. Sought to delete provision that requires person delivering substance to be at least three years older than person under 19. Failed, 11-21.

Am. No. 2 by Clocksin. Would have amended new AS 11.73.010 to read: ". . . a person may not knowingly or intentionally manufacture, deliver, or possess with intent to deliver, an imitation controlled substance." Failed, 9-22.

Am. No. 3 by Clocksin. Would have deleted new AS 11.73.020, "Possession of Substance with Intent to Manufacture." Failed, 10-22.

Am. No. 4 by Clocksin. Would have added a new section:

CSSS HB 10(Jud) (cont'd)

> Sec. 11.73.055. EXCEPTIONS. Nothing in this chapter shall apply to (A) a noncontrolled substance that was initially introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate, or (B) an imitation controlled substance for use in U. S. Food and Drug Administration investigational new drug trials."

Am. 4 failed, 10-22.

The bill failed to advance to third reading on March 18, lacking the necessary 30 votes. The vote was 21-11-7-1. Nays: Clocksin, Davis, Duncan, Koponen, Larson, Malone, McBride, M.M. Miller, Vaska, Wendte, Zharoff. Excused: Adams, Fritz, Liska, Phillips, Ringstad, Szymanski, Uehling. Absent: Goll. Will automatically appear in third reading on the March 21 calendar.

Drinking Age (raising)

CS FOR HOUSE BILL NO. 17 (JUDICIARY)(AMENDED), (see pages 32;161;298;310). Before the House on March 14. The Judiciary CS was adopted, 20-18-2. Nays: Adams, Bettisworth, Cato, Clocksin, Davis, Duncan, Fuller, Goll, Grussendorf, Herrmann, Hurlbert, Larson, Malone, Ringstad, Shultz, Vaska, Wendte, Zharoff. Excused: Koponen, McBride.

The House failed to rescind its action in adopting CSHB 17(Jud), 19-19. The following amendments were adopted, incorporating portions of the Finance CS:

Am. No. 1 by Duncan. Deletes Sec. 4 of the Judiciary CS and adds Secs. 3, 4, 5 and 6 of the Finance version. Adopted 22-16-2. Nays: Abood, Barnes, Bussell, Cowdery, Flood, Fritz, Furnace, Hayes, Lacher, Liska, Martin, M.W. Miller, Pestinger, Tischer, Uehling, Ward. Excused: Cato, Koponen. The amendment relates to access of those under 19 to licensed premises. Would allow a person under 19 to enter a bar if accompanied by a parent, guardian or spouse who is over 21. Would allow those 16 or over to enter restaurants which serve liquor if the person enters and remains only for dining. Persons under 16 could enter a restaurant that serves liquor if accompanied by a person over 21 and the parent or guardian of the minor consents. Would allow those between the ages of 16 and 19 to work in restaurants that serve alcohol if the employment does not involve the serving, mixing, delivering, or dispensing of drinks.

Am. No. 2 by Duncan. Adds Sec. 7 of Finance CS. Adopted 22-16-2 (see above for nays) Amendment allows those 19 or over to work in the licensed premises of a hotel, restaurant or eating place and, in the course of employment, to serve, deliver or dispense drinks.

Am. No. 4 by Clocksin was adopted by unanimous consent. It makes a technical correction to statutes references in Sec. 13--necessary due to adoption of Am. No. 1.

Am. No. 5 by Clocksin was adopted by unanimous consent. Deletes

Surplus Military Equipment for Fire Fighting

HOUSE JOINT RESOLUTION NO. 32, by Reps. Koponen and Davis. Identical to SJR 6, page 23.

Introduced February 21 and referred to Community & Regional Affairs and State Affairs.

SENATE BILLS RECEIVED IN THE HOUSE

Const. Convention Question (info. in election pamphlet)

SENATE BILL NO. 54, (see pages 19;121;209). Received in the House February 23 and referred to State Affairs.

Financial Disclosure (certain Legis. officers)

SENATE BILL NO. 95, (see pages 108;172;209). Received in the House February 25 and referred to Judiciary.

Appropriation (Snettisham power proj.)

SENATE BILL NO. 105, (see pages 112;172;209). Received in the House February 25 and referred to Resources, then to Finance.

U.S. Public Health Svc. (care for non-Native dependents)

SENATE JOINT RESOLUTION NO. 11 (AMENDED), (see pages 84;145; 210). Received in the House February 23 and referred to Health, Education & Social Services.

COMMITTEE REPORTS (House)

Imitation Controlled Substances

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 10, (see pages 28;134; 149). Reported back to the House February 23 by Judiciary recommending it be replaced with a Judiciary Substitute and that it do pass. Concurring: Bussell (Chairman), Liska, Hayes, Wendte and Barnes. Not concurring: Clocksin signed "do not pass." To Finance.

The Judiciary Substitute changes section relating to delivery of an imitation controlled substance to a minor, providing a person 19 years of age or older (was 18 years or older) may not deliver an imitation controlled substance to a person under 19 years of age (was 18), ". . .who is at least three years younger than the person delivering the substance." (quoted language added by Judiciary). Also changes definition of "imitation controlled substances" to include "their salts".

Voter Registration (proof of eligibility)

HOUSE BILL NO. 30, (see page 37). Reported back to the House February 25 by State Affairs recommending it do pass. Concurring: Abood (Chairman), Larson, Furnace, Cowdery and Shultz. To Judiciary.

Imitation Controlled Substances

HOUSE BILL NO. 10, by Reps. Abood, Wendte, Lindauer, Pestinger. Would establish laws regulating the possession, manufacture, and distribution of "imitation controlled substances."

Defines an imitation controlled substance as "a substance containing ephedrine, ephedrine sulfate, pseudoephedrine, pseudoephedrine hydrochloride, phenylpropanolamine, caffeine, or theophylline, that is not a controlled substance, and that by dosage unit appearance (including color, shape, size, and markings) or by representations would lead a reasonable person to believe that the substance is a controlled substance; . . . " A controlled substance, as defined in AS 11.81.900(6) includes the commonly known "hard" drugs, such as opium, morphine, heroin, LSD, mescaline, etc., as well as prescription barbituates and pep pills and marijuana.

Makes it illegal to possess the following substances with the intent to manufacture an imitation controlled substance: ephedrine, ephedrine sulfate, pseudoephedrine, pseudoephedrine hydrochloride, phenylpropanolamine, caffeine, or theophylline. Would be illegal to "manufacture, distribute, or possess with intent to distribute, an imitation controlled substance." Would be unlawful for a person to "knowingly place in a newspaper, magazine, handbill, or other publication, or to post or distribute in a public place, an advertisement or solicitation knowing that . . . [its] purpose is to promote the distribution of an imitation controlled substance in the state." A person violating any of the above would be guilty of a Class C felony.

Makes it a Class B felony to distribute an imitation controlled substance to a minor. Provides that no civil or criminal liability may be imposed on a person who manufactures, distributes, or possesses an imitation controlled substance solely for use as a placebo for medical or research purposes.

Lists property that may be forfeited to the state in a conviction for possession, manufacture, or distribution of controlled substances. Provides for seizure of property without a court order under certain circumstances.

Does not provide for an effective date (effective 90 days after Governor's signature).

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 10, (see pages 28 and 134). The major change in the bill is elimination of lengthy section on forfeitures. Instead provides that property used during or in aid of a violation of laws regulating imitation controlled substances may be forfeited to the state to the extent permitted under laws regulating controlled substances (AS 17.30--see AS 17.30.110, Forfeitures).

The Sponsor Substitute would add "Imitation Controlled Substances Act" to Title 11 (Criminal Law) rather than to Title 17 (Food and Drugs).

Replaces the term "distribute" with "deliver" throughout the bill (e.g. "Delivery of an Imitation Controlled Substance to a Minor"). Definition reads "the actual, constructive, or attempted transfer from one person to another of an imitation controlled substance, whether or not there is an agency relationship."

Adds the following to the list of illegal imitation drugs contained in original bill: lidocaine; procaine; tetracaine; dyclonine; acetaminophen; salicylamide; doxylamine; diphenhydramine; pheniramine; chlorpheniramine; pyrilamine. Would also make possession or delivery of a salt of an imitation controlled substance illegal.

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 10, (see pages 28;134; 149). Reported back to the House February 23 by Judiciary recommending it be replaced with a Judiciary Substitute and that it do pass. Concurring: Bussell (Chairman), Liska, Hayes, Wendte and Barnes. Not concurring: Clocksin signed "do not pass." To Finance.

The Judiciary Substitute changes section relating to delivery of an imitation controlled substance to a minor, providing a person 19 years of age or older (was 18 years or older) may not deliver an imitation controlled substance to a person under 19 years of age (was 18), ". . .who is at least three years younger than the person delivering the substance." (quoted language added by Judiciary). Also changes definition of "imitation controlled substances" to include "their salts".

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

November 3, 1982

MEMORANDUM

TO: Representative Mitch Abood
Attention: Carol Horos

FROM: Christine Johnson, Research Staff

RE: Look-alike Drug Laws
Research Request 82-186

Carol Horos of your staff has asked us for the number of states which have passed look-alike drug laws and the number of states in which such legislation has been proposed. We received the following information from the National Conference of State Legislatures (NCSL):

- As of August 1982, thirty-six states had adopted legislation restricting the sale of look-alike drugs.

- Fourteen states* did not have look-alike drug laws in August of this year; however, legislation was pending in four of these states (Michigan, Nebraska, New Mexico, and Tennessee). Legislation has also been considered in one other state (Texas), although no law was ever passed.

The federal Drug Enforcement Administration has drafted a model look-alike drug law for states; we have requested a copy of this legislation and will forward it to you when it arrives. We have also enclosed two articles on look-alike drugs which may be of interest to you.

If we can provide any further information, please don't hesitate to contact us.

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*States without look-alike drug laws include: Alaska, Hawaii, Massachusetts, Michigan, Montana, Nebraska, New Hampshire, Nevada, New Mexico, North Dakota, Tennessee, Texas, West Virginia, Wyoming.

FDA Seeking to Bottle Up Fake Narcotics

By Pete Earley
Washington Post Staff Writer

In 1980, an Albuquerque teen-ager died after drinking several shots of bourbon at a Christmas party and swallowing two capsules he had been told were amphetamines. Police discovered that the capsules were not amphetamines, but non-prescription drugs made to look like them.

Since then, imitation amphetamines and barbiturates have been linked to 11 other teen-age deaths, according to the Food and Drug Administration.

The federal government faces an unusual jurisdictional problem in trying to control the so-called look-alike drugs. Because their ingredients can be obtained without a prescription, the Drug Enforcement Administration said it doesn't have jurisdiction. The FDA maintains it can play only a limited role because it has certified the ingredients as safe.

While the agencies say they are taking what steps they can, they are somewhat reluctant to take on new enforcement tasks in times of tight budgets.

Fake amphetamines contain large amounts of caffeine, phenylpropanolamine (a nasal decongestant and appetite suppressant) and the decongestant ephedrine. "Imitation" barbiturates contain acetaminophen, salicylamide, chlorpheniramine or other sedatives and hypnotic agents.

When the ingredients are taken separately and in small doses, they are considered safe, an FDA spokesman said. But they can cause nervousness, insomnia, temporary psychotic episodes, cerebral hemorrhage, drowsiness or death if mixed together in large amounts or taken with alcohol.

Many young people take them that way, a DEA spokesman said, because they believe that will help simulate the "high" caused by controlled substances. In mid-1981, DEA estimated that 30 million doses of fake narcotics were being manufactured each week and distributed through a network of 200 dealers.

Since 1980, FDA has filed administrative complaints against 45 companies that it claims violated counterfeit provisions of the Food, Drug and Cosmetic Act by making imitation drugs. Over the same period, the U.S. Postal Service has filed 20 complaints that accused drug makers of false advertising because they did not disclose that their products could cause illness or death.

Last week, FDA unveiled what it believes is its toughest tactic to date. It informed 16 small companies that they must submit any products that contain combinations of caffeine, ephedrine and phenylpropanolamine for certification as new drugs. "We have researched this extensively and can find no precedent for the three-drug combination. It would be hard to believe that anyone can show a medical purpose for any of these drugs," said Bill Grigg, an FDA spokesman. In effect, Grigg said, FDA's action will force many of the stimulants off the market.

Last year, DEA drafted a model law for states to ban look-alike drugs. So far, 30 states have enacted legislation. DEA also convinced three companies that make drug capsules to voluntarily refuse orders from suspected imitation drug makers.

While federal officials are confident that their tactics have driven

By James K. W. Atherton—The Washington Post

An example of look-alike imitation drugs, left, and the real controlled substances.

Sen. Gordon J. Humphrey (R-N.H.) said such maneuvering has convinced him that the only way to eliminate the imitation drugs is by giving the DEA, FDA and the Postal Service jurisdiction. He has introduced legislation that would prohibit the manufacture of drugs that "look-like or are represented to be controlled substances." Products that promote drug abuse would be barred from the mails and FDA counterfeit laws would be expanded.

But at a recent hearing, Hinkip urged Congress to delay passing new legislation. "We are trying to solve this problem through leadership. If we can't solve the problem through state laws then we might need to do it at a federal level, but that's not yet clear," he said.

Illinois Attorney General Tyrone Fahner disagreed with Hinkip. Fahner told Congress that although his state has moved against dealers, it still has problems. "Some companies we have sued and closed have popped up again under a new name and location. Just because we stop a look-a-like distributor in Illinois doesn't mean we have solved the national problem."

Washington Post Aug 30 1982

mits" which allow a convicted drunk driver to drive only a specified route at a specified time without unauthorized stops.

Several states, Utah, Idaho and Maryland among them, have set the blood alcohol concentration (BAC) level, which determines intoxication, at 0.08 percent, closer to the more stringent laws in Europe where the Netherlands and Norway have the level at 0.05 percent. The new Maryland law adds that state to at least 16 others that allow police officers to administer a breath test at the scene without first arresting the driver. Refusal to take the test then subjects the driver to a six-month license suspension.

Photo courtesy of *The Denver Post*

The new solutions, however, are not expected to be panaceas, the experts admit. Stiff mandatory sentences can irk some judges who find ingenious ways to avoid applying them. Mandatory sentences may result in long lists of offenders waiting to get into crowded jails. Experts also recognize that tougher laws do not always reduce the number of alcohol-related driving deaths. For instance, the British Road Safety Act of 1967 set a BAC level of 0.08 percent as prima facie evidence of drunk driving and made punishment upon conviction a mandatory one-year license suspension. Weekend alcohol-related driving deaths declined immediately following implementation of the law but rose to previous levels within a year.

In general, though, the result of the new state laws has been increased media attention and more public awareness, two phenomena welcomed by traffic safety professionals at the National Highway Traffic Safety Administration (NHTSA) where millions of dollars have been spent on public information campaigns in the past. One NHTSA official, Clayton Hall, who specializes in the drunk-driving issue, called the new attention "a squeaky wheel thing." "People are getting interested at the community level and there is an awakening of a feeling that something must be done," Hall said.

Richard W. Foster

The 'look-alike' game: Deception in street drugs

In the shadowy world of abuse of illegal and legal drugs, a new issue that is drawing the attention of state legislatures has surfaced: the sale and use of over-the-counter drugs—called "look-alikes"—that imitate prescription stimulants. Eleven states have banned the distribution of these drugs, and seven more have considered such legislation.*

The federal Food and Drug Administration (FDA) has received numerous inquiries and complaints about look-alikes, which are generally similar in size, shape, color, and markings to amphetamine-type products such as biphetamines and Dexedrine, but which have slight deviations in markings that often go undetected by the buyer.

Illicit drug dealers have recognized that more money could be made selling counterfeits than actual prescription drugs and, in addition, they would be immune to prosecution for selling look-alikes.

The fact that these drugs are frequently mistaken for prescription drugs has caused serious problems. Many young users have overdosed by confusing the strong prescription drug with its imitation. Also, confusion of counterfeits with prescription drugs interferes with the ability of doctors to treat an overdose victim. Although the FDA has received four reports of deaths associated with the use of these drugs, the causes of death could not be directly attributed to look-alikes.

Look-alikes typically contain two-thirds caffeine and one-third cough-cold ingredients such as phenylpropanolamine (an appetite suppressant and nasal decongestant) and ephedrine sulfate (a decongestant). They are labeled in compliance with current FDA labeling requirements for use as stimulants for mental alertness and as decongestants and bronchodilators for managing bronchial asthma. Since these drugs are legitimately manufactured and properly labeled, they are considered legally marketable. By the time they filter down to the user level, however, they are almost always unlabeled and misrepresented.

The drugs produce constriction of blood vessels, which in turn elevates blood pressure and, if taken in large quantities, can cause blood vessels to collapse. Reported abuse syndromes—very similar to the amphetamine abuse syndrome—include over-excitement, insomnia and hallucinations, all of which can lead to toxic psychosis.

The FDA is encouraging and supporting state attempts to formulate and develop regulatory laws to deal with this problem. Delaware took the lead by passing anti-fraud legislation in 1980. When the Maryland General Assembly learned of increasing use of look-alike drugs in schools, the Anne Arundel County delegation sponsored a bill that expanded on Delaware's statute.

The Maryland law prohibits "distribution, attempted distribution, or possession with intent to distribute non-controlled substances intended for use or distribution as controlled dangerous substances." The law is aimed at mass volume distributors, not just street dealers. Since the law became effective in June 1981, 12 major distributors have closed or moved their business out of the state, and there are now no known distributors in Maryland. The counterfeit problem still exists, however, because of mail order businesses. Many of the complaints the FDA has received have been from the parents of children who ordered fake "pep pills" after receiving unsolicited mail-order literature.

Despite state and federal attempts to prohibit the distribution of these drugs, sales are on the rise. It is estimated that as many as 100 million look-alikes may be sold this year, compared to 70 million pills of amphetamines.

The FDA had not fully articulated its position on counterfeit drugs until September 28, 1981, when the agency raided nine factories in Alabama, Florida, Illinois, New York, and Pennsylvania. Equipment and over 10 million drugs were seized under a section of the Food, Drug and Cosmetic Act that defines a counterfeit drug and states that such drugs are liable to seizure.

Jane Germano

Kaye Bache-Snyder is a free lance writer in the Denver area. Michele R. Magri is editorial assistant for NCSL's Publication Department. Richard W. Foster, a former Associated Press reporter, is a free-lance writer based in Denver. Jane Germano is a support staff member with NCSL's Natural Resource Information Systems.

*Arkansas, Colorado, Connecticut, Delaware, Florida, Indiana, Kansas, Louisiana, Maryland, Oklahoma, and South Dakota have passed legislation banning the distribution of these drugs, and Illinois, Minnesota, New Mexico, Ohio, Pennsylvania, Tennessee, and Texas have considered similar bills.

Fake 'Speed' Causes Almost as Much Fear As the Real Thing

* * *

Look-Alikes, Mainly Caffeine, Used by Many Youngsters; Some Deaths Are Reported

By Steve R. Massey
Staff Reporter of The Wall Street Journal

CLEVELAND—"Pink footballs," "black beauties" and "yellow jackets" were confiscated here during the recent arrest of a street dealer who sells drugs to kids. But the dealer had to be released.

It turned out that the capsules were misnamed. They weren't what many of the dealer's customers thought they were: forms of "speed," the drug-world term for potent amphetamines that make a user's heart race and his nervous system tingle. Doctors prescribe amphetamines mainly for losing weight. Without a prescription, it is illegal to sell them.

But the capsules that the dealer was nabbed with are perfectly legal to sell in most places. Though disguised as pink footballs and the like, they are no stronger than three cups of coffee. In fact, caffeine is the main ingredient in most of them. Yet they, too, can be dangerous.

These stimulants are called "look-alikes" by narcotics agents. Once found almost exclusively in truck drivers' pockets, they have been cropping up all around the country. College and high-school students are gulping them for pick-me-ups. So are junior-high pupils and even younger children. The trend worries many adults.

Reports of Overdoses

The fake speed is causing almost as much alarm as genuine speed. Laurence B. Golden, a staff assistant with the intelligence office of the federal Drug Enforcement Administration, says his office receives daily reports of overdoses—and occasionally of deaths.

The dangers of look-alikes, however, are certainly less than the dangers of speed. "The real problem is that the young people are getting in on the drug scene and taking these things," says James Tudor of the Ohio State Board of Pharmacy. "It's a very natural step up into the real thing."

On the other hand, the buyer of a look-alike may already be a speed user who thinks he is getting speed again this time. If so, he almost certainly won't get the buzz he expected to get, so he may take more and more of the look-alike. That could lead to an overdose. Or it could lead him to think that he needs more speed than he used to. Then, the next time he gets *real* speed, he may overdose on that.

A look-alike pill typically is two-thirds caffeine. The remaining one-third usually is composed of two anti-allergic agents: ephedrine sulfate and phenylpropanolamine. These constrict blood vessels, and if taken in excessive quantities can collapse them.

More Work for Police

When a drug is sold as speed, the authorities have to assume that it is speed. "Once this stuff gets on the street, it's dope," says Mr. Golden. "It's dealt with the same way." So the upsurge in look-alike traffic means more work for the police. It also means more work for drug companies fighting misuse of their products. It is bad enough when your product finds its way into the street-drug trade. It is even more infuriating when it's something *disguised* as your product.

Despite efforts by local, state and federal officials, the look-alikes keep coming. One federal official estimates that as many as 100 million may be sold this year. That compares with 70 million of the actual amphetamines. The number of wholesalers pushing the bogus speed, Mr. Golden says, has jump[ed] from a dozen a few years ago to about 120 now.

"It is like dealing with a greased pig," says Richard J. McMahon of the attorney general's office in Delaware. In June 1980, that state became the first to pass an anti-fraud law aimed at halting the flow of look-alikes. So far, only two cases have reached the courts; the state won one of them, "and even then the penalty was probation," Mr. McMahon says. More recently, nine other states have passed such laws: Arkansas, Colorado, Connecticut, Indiana, Kansas, Louisiana, Maryland, Oklahoma and South Dakota.

It may seem strange to charge someone with fraud for selling something legal instead of illegally selling something that is more dangerous anyway. But the federal drug authorities seem powerless to halt the look-alike traffic, so the states, with federal encouragement, are doing whatever they can.

There is no federal law protecting people who think they are buying speed but get look-alikes instead, and the ingredients in the look-alikes aren't controlled substances under federal regulations. So federal offi-

Please Turn to Page 21, Column 2

Almost as Much Fear as Real Ones

Continued From First Page

cials are forced to pass the buck.

Not the postal service, though. Ned Friece of the U.S. Postal Inspector's Office says the agency has filed 39 complaints with an administrative-law judge, all charging distributors of the capsules with falsely representing them as safe. (Distributors may be developing a damned-if-I-do, damned-if-I-don't complex. If they say they are selling speed, the anti-fraud laws may get them. If they truthfully say they are selling the caffeine pills, and state or imply that they are safe, the post office may get them.)

Mostly, however, federal authorities simply urge states to enact stiffer anti-fraud penalties, and they give vocal support to state and local enforcement efforts.

Death in Michigan

Ohio is considering legislation requiring packages of look-alikes to disclose that the contents aren't speed. Michigan, operating under an existing deceptive-trade law, has shut down one look-alike wholesaler and banned three others from selling the pills in the state. According to the Michigan attorney general's office, two young women in Flint, Mich., died last year from overdoses of 50 or more look-alikes each. The deaths may have been suicides.

Douglas Vivian, a pharmacist for the poison-control center and drug-information service at Hurley Medical Center in Flint, says a dose of 10 grams can be fatal. The average look-alike, experts say, contains 200 milligrams, so a 10-gram dose would be 50 pills.

But Jerry O'Donnell, the director of the police-department laboratory in Albuquerque, N.M., says there is "no way to tell" what constitutes an overdose because "it varies from person to person." Mr. O'Donnell says that three young men aged 15 to 20 died in Albuquerque during the last year after taking look-alikes. While the victims had been doing some drinking, Mr. O'Donnell says, all had been "in excellent physical condition; they all died of brain hemorrhaging, which is symptomatic of ephedrine (sulfate) and PPA (phenylpropanolamine)."

Firms Take Steps

Some established drug companies are trying to dissociate themselves from look-alikes. SmithKline Corp. in Philadelphia discontinued its green-and-clear diet-capsule line, Dexamyl, after it discovered that capsules disguised as Dexamyl were being sold as speed. Pennwalt Corp.'s Philadelphia division has successfully barred four companies from pushing imitations of its popular Biphetamine 20—the real "black beauties."

The founder of the look-alike industry, William Saye, 38, of Fairburn, Ga., applauds the prohibitive measures. "Today, it is being abused," he says. "Kids don't know how to handle business. There are too many bathtub operations in existence now and not enough quality controls."

Mr. Saye started selling caffeine pills wholesale out of his truck cab in Georgia in 1975. The next year, as business expanded, he set up Saye Drug Co. there. In 1977, he moved the company to a Tampa warehouse and changed its name to OTW Distributors Inc. By the end of that year, he had almost 50 employes selling the pills at truck stops in almost every state. The salesmen were called "peashooters," and drivers would contact them over citizens'-band radio. Mr. Saye says that his salesmen, when asked, were supposed to tell a customer that the pills weren't speed—or risk being fired. By 1980, when he retired from the drug trade, Mr. Saye's business was bringing in about $8 million annually in sales. The pills were obtained from a Long Island manufacturer. Evidently it was all perfectly legal.

Despite "hassles with the police and the press," Mr. Saye says, "I'm proud of what I've done. I ran the business right. Now I just want to lead a normal life, raise some beef cattle, and enjoy my two girls and two boys."

Small Operations

Today, most wholesale distributors are small operations, often a husband-and-wife team working out of their home. "About all they have to do is file a one-page registration form," says an official of the Food and Drug Administration. Sales are handled mainly by mail or phone except for a few storefront concerns in Albuquerque and Los Angeles with such names as the Source and the Pick-Me-Ups.

The distributors don't advertise much, though some ads run occasionally in local and college newspapers and a few national magazines. Instead, they leave calling cards in such places as truck-stop restrooms and college dormitories—a practice started by them. Supplies come from larger wholesalers such as Clifton Pharmacal Inc. in Milroy, Pa., which has its own pharmaceutical factory, or from one of an estimated 10 to 12 big manufacturers in Pennsylvania and on Long Island. They are sold in high volumes, in lots of 100 or 1,000, at prices ranging from about two cents to 10 cents a pill. On the street, says Mr. Tudor of the Ohio pharmacy board, they fetch anywhere from 50 cents to $8 a pill.

Most distributors won't divulge earnings, but estimates are that average sales for a medium-sized company can range between $500,000 and $1 million a year. Jerry Hecht, the founder of the Pick-Me-Ups in Albuquerque, says that his six stores average $1,000 a week each in profits.

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At least 12 deaths attributed to use of 'look-alike' drugs

CHICAGO (UPI) — Counterfeit pills sold increasingly on the streets as "look-alike" hard drugs have kill[illegible] at least a dozen users, the American Medical Association reported Thursday.

Authorities are essentially powerless to prosecute the sale by pushers of such drugs, which contain a combination of easily attainable ingredients found in appetite suppressants and decongestants, the AMA report said.

"They're called look-alikes because they mimic the size, shape and color of controlled substances — usually amphetamines or tranquilizers," said the AMA report.

Counterfeit "black beauties," "yellow jackets," "dexies" and other drug culture names for speed have caused 12 deaths, federal Food and Drug Administration investigations have confirmed.

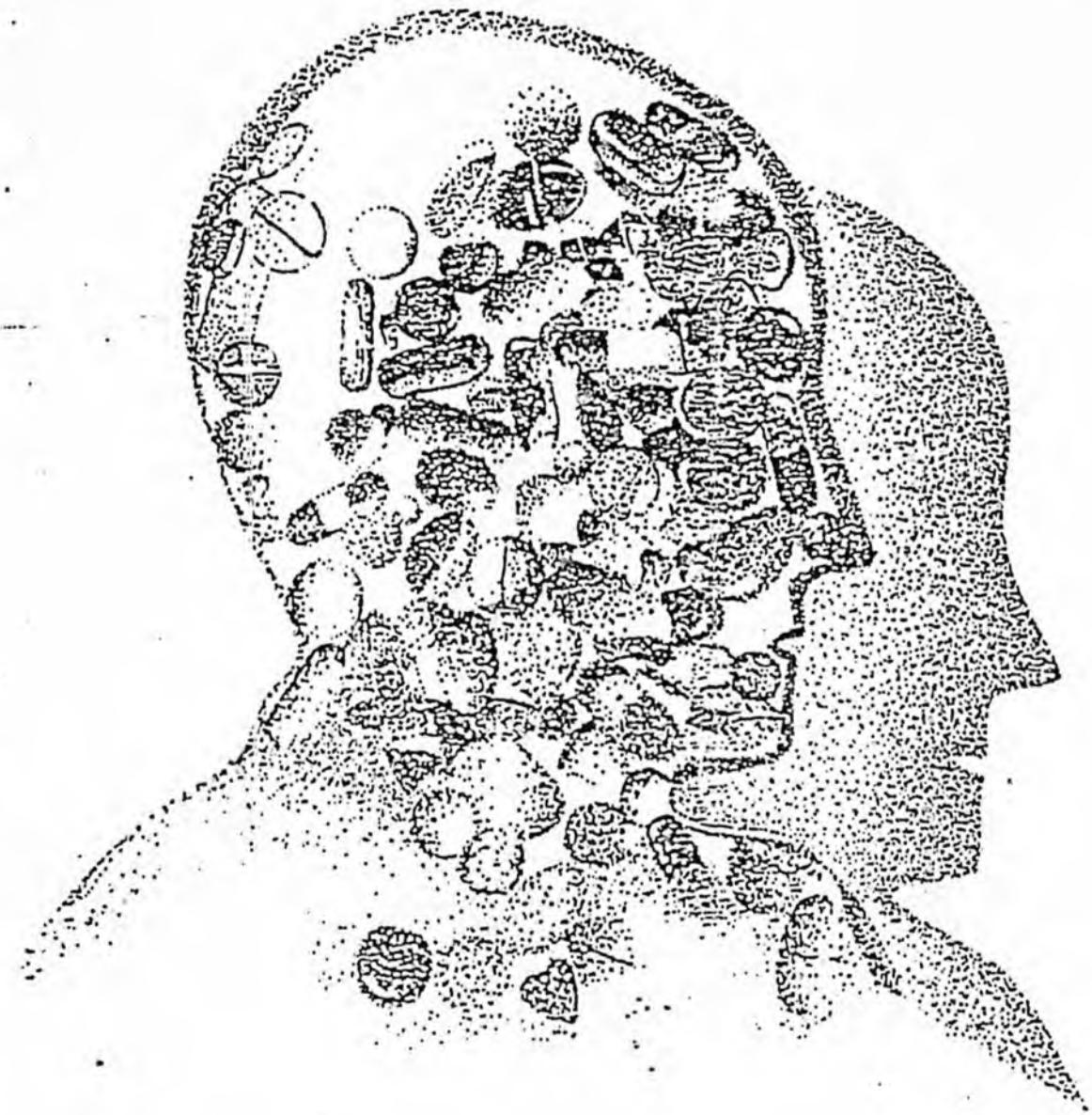
They include a 17-year-old Belvidere, Ill., girl who died after taking what police presumed to be "black beauties," and a 17-year-old Albuquerque boy who consumed two counterfeit biphetamines (a type of amphetamine), lapsed into a coma and died. Several other victims have suffered paralysis after suffering strokes because of the drugs.

In addition, at least nine suicides are linked to conterfeit drugs, most of them attributed to caffeine overdose.

A typical "look-alike," manufactured for a few pennies and sold to unwitting purchasers at huge profits, contains up to 200 milligrams caffeine, 50-75 milligrams phenylpropanolamine and 30 milligrams ephedrine. Their combined effect on a user "is unpredictable," the FDA said.

CPP

Trafficking in Look-Alikes; an Update



Trafficking in Look-Alikes; an Update

Recent federal and state actions have seriously affected the rampant trafficking in look-alikes that has been sweeping the country. Look-alike distributors, who began assaulting the nation with a blizzard of capsules and tablets early in 1980, and the manufacturers who supply them have been dealt a series of regulatory setbacks that may portend an end to this multi-million dollar industry.

Look-alikes are carefully designed to resemble or duplicate the appearance of brand name amphetamines, barbiturates, tranquilizers, and narcotic pain killers in both capsule and tablet form. On the street, they are known by the same names as their dangerous drugs counterparts: Black Beauties, Dexies, Yellows, Christmas Trees, and Rainbows. But look-alikes contain only non-controlled substances such as caffeine, ephedrine, phenylpropanolamine, acetaminophen, and other over-the-counter non-prescription drugs.

As the number of mail order and store front wholesale distributors grew from a mere handful in early 1980 to more than 150 outlets by November of 1981, the production of look-alikes was reported to have soared to 30 million dosage units per week. During the past year and a half, the look-alike industry has flooded the nation's campuses and schoolyards with hundreds of millions of these pills. Intelligence derived from local police agencies, hospital emergency rooms, and medical examiners reveals widespread abuse, especially among teen-agers and college age youths.

In marked contrast to the methods used by illicit drug traffickers, look-alike distributors have conducted extensive advertising campaigns claiming their products to be both safe and legal. They have utilized full color brochures, magazine ads, highway billboards, and even television spots designed to appeal to teen-agers and young adults. Using commercial mailing lists, distributors have mailed colorful business cards directly to young recipients.

The easy availability of look-alikes has encouraged a climate of acceptance among many teen-agers and has conditioned them to the daily trafficking, handling, and consumption of these "pharmacal stimulants." In many places, look-alikes have become as much a part of the drug culture as the shopping center head shop and the paraphernalia vendor.

As the abuse of look-alikes grew, the public health dangers of these substances quickly became apparent. It is obvious that the young consumer who thinks that he has been purchasing "speed" or "ludes" and has become used to taking several look-alike

capsules or tablets at a time in order to "get the full effect" runs the risk of serious overdose or death if one day he ingests the same number of real controlled substances. In addition to this danger, the look-alikes, themselves, can have serious damaging effects. The number of emergency room incidents attributable to these drugs has risen dramatically in the past year. More than a dozen deaths caused by look-alikes have been reported from around the country. More deaths from caffeine overdose and emergency room hypertensive incidents from severe reactions to phenylpropanolamine may have occurred but have gone unreported.

Although trafficking in look-alikes is not prohibited by the federal Controlled Substances Act, the Drug Enforcement Administration considers that the distribution and sale of look-alikes, as of drug paraphernalia, encourages and contributes to drug abuse and drug profiteering. The look-alike problem is one more facet of the nation-wide drug abuse problem. For these reasons, the DEA has undertaken a six-point program against look-alikes. Briefly stated, the six points are:

1. Drafting of a Model Imitation Controlled Substances Act[1] for concerned states to adopt.

2. Preparation of documentation describing the problem, distribution patterns and practices, and other information to be used in support of the Model Act.

3. Fostering intergovernmental agency cooperation and providing active support to other agency efforts.

4. Enlisting the support and voluntary cooperation of the legitimate pharmaceutical industry.

5. Publicizing the DEA initiative and encouraging the support of parent and community groups.

6. Targetting of states heavily involved in look-alike distribution and manufacture to encourage legislative action.

More than a dozen states have enacted or are considering legislation targetted against the manufacture and distribution of look-alikes. States with legislation now on the books include Arkansas, Colorado, Connecticut, Delaware, Florida, Indiana, Kansas, Louisiana, Maryland, North Carolina, Oklahoma, Oregon, and South Dakota. Some cities, such as Independence, Missouri, have passed local ordinances prohibiting storefront look-alike sales. In other state action, the Attorney General of Illinois has filed complaints against 39 look-alike distributors. To date, he has obtained verbal agreements from 15 distributors to cease and desist selling in the State of Illinois and he has obtained temporary restraining orders against three others.

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[1]Copies are available upon request from the Dangerous Drugs Section, Office of Intelligence, Headquarters, DEA.

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The legitimate pharmaceutical industry also has been cooperating in efforts to eliminate the look-alike problem. The Eli Lilly Company, one of the largest manufacturers of gelatin capsules, has, since July 1981, refused to sell capsules to look-alike manufacturers. Other capsule manufacturers also have indicated a willingness to cooperate in this effort. The resulting lack of capsules already has begun to affect the look-alike distribution chain and some distributors say they can no longer obtain "Yellows" and "Black Beauties."

Recent actions by federal government agencies are having salutary effects on the problem too. During the past several months, the U. S. Postal Service has filed complaints against 39 look-alike distributors. To date, the Postal Service has concluded consent agreements with nine distributors and has obtained False Representation Orders against nine others. The False Representation Orders require postmasters to stop the delivery of all mail to the subject distributors.

The most significant federal action yet taken occurred on September 30, 1981, when the Food and Drug Administration filed counterfeiting and mis-labeling complaints against nine manufacturers of look-alike drugs. With the assistance of U. S. Marshalls in five states, seizures of equipment, materials, and finished products were effected at the following locations:

BT Pharmaceuticals, Inc.
Tampa, Florida

Frye Pharmaceuticals, Inc.
Birmingham, Alabama

Jerome Stevens Pharmaceuticals, Inc.
Central Islip, New York

Valley Run Pharmaceutical
Milroy, Pennsylvania

Newtron, Pharmaceuticals, Inc.
Coram, New York

Pharmadose, Inc.
Bohemia, New York

Standard Pharmacal Corp.
Elgin, Illinois

LNK International, Inc.
Hauppauge, New York

VIP Pharmaceuticals, Inc.
Pearl River, New York

An inventory of seized items includes: 15 million filled capsules, 800,000 tablets, 20 million empty capsules, and over one million dollars worth of equipment including offset rollers, capsule printers, tablet punches and dies, and tablet presses. The FDA felt that its case against a tenth manufacturer, Ketchum Laboratories of Amityville, New York, was inadequate to support any enforcement action at that time.

As a result of the FDA actions, one of the manufacturers has already signed a consent agreement to cease and desist production of look-alikes, and two more companies are also negotiating consent agreements. Information on responses by the other manufacturers was unavailable as of the date of this report.