

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

4133 SJUD HB 35 - HB 55 1913

**§ 1507.1 Scope.**

This Part 1507 prescribes requirements for those fireworks devices (other than firecrackers) not otherwise banned under the act. Any fireworks device (other than firecrackers) which fails to conform to applicable requirements is a banned hazardous substance and is prohibited from the channels of interstate commerce. Any fireworks device not otherwise banned under the act shall not be a banned hazardous substance by virtue of the fact that there are no applicable requirements prescribed herein.

**§ 1507.2 Prohibited chemicals.**

Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

(b) Boron.

(c) Chlorates, except:

(1) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included.

(2) In caps and party poppers.

(3) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.

(d) Gallates or gallic acid.

(e) Magnesium (magnesium/aluminum alloys, called magnesium, are permitted).

(f) Mercury salts.

(g) Phosphorus (red or white). Except that red phosphorus is permissible in caps and party poppers.

(h) Picrates or picric acid.

(i) Thiocyanates.

(j) Titanium, except in particle size greater than 100-mesh.

(k) Zirconium.

**§ 1507.3 Fuses.**

(a) Fireworks devices that require a fuse shall:

(1) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempted from § 1507.3(a)(1).

(2) Utilize only a fuse which will burn at least 3 seconds but not more than 6 seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus 8 ounces of dead weight or double the weight of the device, whether less, without separation from the fireworks device.

**§ 1507.4 Bases.**

The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.

**§ 1507.5 Pyrotechnic leakage.**

The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation.

**§ 1507.6 Burnout and blowout.**

The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

**§ 1507.7 Handles and spikes.**

(a) Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length (see § 1500.14(b)(7)). Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber.

(b) Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than 1/4-inch in diameter of 1/4-inch square.

**§ 1507.8 Wheel devices.**

Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that

they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

**§ 1507.9 Toy smoke devices and filter devices.**

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and first fire upon ignition) during normal operation.

(b) Toy smoke devices and filter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M-80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition comes in direct contact with the plastic.

**§ 1507.10 Rockets with sticks.**

Rockets with sticks (including sky-rockets and bottle rockets) shall utilize a straight and rigid stick to provide a direct and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, and normal operation.

**§ 1507.11 Party poppers.**

Party poppers (also known by other names such as "Champagne Party Poppers," and "Party Surprise Poppers,") shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

**PART 1508—REQUIREMENTS FOR FULL-SIZE BABY CRIBS**

- 1508.1 Definitions.
- 1508.2 Scope of part.
- 1508.3 Dimensions.
- 1508.4 Spacing of crib components.
- 1508.5 Component spacing test method for § 1508.4(b).

**Sec.**

- 1508.6 Hardware.
- 1508.7 Construction and finishing.
- 1508.8 Assembly instructions.
- 1508.9 Identifying marks, warning statement, and compliance declaration.
- 1508.10 Recordkeeping.
- 1508.11 Requirements for cutouts.

**FIGURES 1-3**

**AUTHORITY:** Secs. 261XND, 261XNA, (a), 261X, 74 Stat. 373, 374, 375, as amended, 80 Stat. 1304-06, 83 Stat. 187-89 (15 U.S.C. 1261, 1262).

**SOURCE:** 38 FR 33129, Nov. 31, 1973, unless otherwise noted.

**§ 1508.1 Definitions.**

For the purposes of this part:  
(a) "Full-size baby crib" means a bed (1) that is designed to provide sleeping accommodations for an infant, (2) that is intended for use in the home, and (3) that is within a range of  $\pm 5.1$  centimeters ( $\pm 2$  inches) of the interior length or width dimensions specified for full-size baby cribs in § 1508.3.

**§ 1508.2 Scope of part.**

This part sets forth the requirements whereby full-size baby cribs (as defined in § 1508.1(a)) are not banned articles under § 1500.18(a)(13) of this chapter.

**§ 1508.3 Dimensions.**

Full-size baby cribs shall have dimensions as follows:

(a) **Interior.** The interior dimensions shall be  $71 \pm 1.6$  centimeters ( $28 \pm 1/4$  inches) wide as measured between the innermost surfaces of the crib sides and  $133 \pm 1.6$  centimeters ( $52 \pm 1/4$  inches) long as measured between the innermost surfaces of the crib end panels, slats, rods, or spindles. Both measurements are to be made at the level of the mattress support spring in each of its adjustable positions and no more than 5 centimeters (2 inches) from the crib corner posts or from the first spindle to the corresponding point of the first spindle at the other end of the crib. If a crib has contoured or decorative spindles, in either or both of the sides or ends, the measurement shall be determined from the largest diameter of the first turned spindle within a range of 10 centimeters (4 inches) above the mattress sup-

## A ban on fireworks

ONE OF THESE days all local governments in Alaska will do what most of the cities already have done, and that's ban the private use of fireworks. Maybe the state will have to do the job through a simple bit of legislation that makes the old-fashioned pyrotechnics illegal.

Fireworks have been a part of America's heritage for a couple hundred years. But the fact is they've become too dangerous to be allowed, outside of professionally staged events. Those should be enough.

IN ANCHORAGE, fireworks have been banned for many years and their absence hasn't been all that hard to live with. But they're still permitted in other areas close by. The Kenai Peninsula is a ready example. It was there, near Seward, that a fireworks explosion in a camper took the life of a little girl on the Fourth of July

weekend.

Every year, it seems, someone is badly burned or disfigured or fatally injured while playing with fireworks. They just aren't worth the pain and suffering and grief.

**THERE ARE THOSE** who will argue that making fireworks illegal would be just one more erosion of the rights and liberties of individual citizens. Maybe it would be, but sometimes the greater public good must prevail.

We could still have fireworks — in all the public displays and exhibitions anybody would be willing to pay for. The job could be handled by professionals who know the perils involved.

But for the safety of other little girls — and little boys and their parents and friends — our Independence Day celebrations can do without people tossing firecrackers around.

## Seward boy dies after fireworks explode in truck cab on road

by Earl Swift  
and Christopher Jarvis  
Times Writers

A Seward boy died at an Anchorage hospital Friday after fireworks he and his family were carrying in a truck exploded and set the pickup afire.

Wesley Jones, 5, was declared dead at Providence Hospital at 2:08 p.m. Friday, about 23 hours after he suffered severe burns in the accident on Seward's Bear Creek Road.

Alaska State Trooper spokesman Paul Edscorn said the boy was apparently injured as he, his two siblings, his parents and a family friend rode in a 1979 Ford Club Cab truck after buying fire-

works at a stand on the town's outskirts.

Edscorn said Wesley, his 4-year-old stepsister, Camille Castillo, and his 6-year-old brother, Louis, were riding in the truck's back seat while their father, 41-year-old Kenneth Jones, rode up front with their mother, Linda Jones, and the driver, Seward resident Michael Corcoran.

As the vehicle traveled down Bear Creek Road, Edscorn said, the newly-purchased fireworks ignited.

"They have determined that there was a fairly large quantity of fireworks both in the front and rear seats — actually on the floor

in the front and rear," Edscorn said.

While the pyrotechnics exploded and flames swept through the truck's large cab, Corcoran and the elder Jones jumped from the truck and pulled the children from the pickup, Edscorn said.

Both men suffered burns to their hands and arms in the process, Edscorn said, and Jones was still hospitalized at Providence late Friday in serious, but stable, condition.

Louis Jones and Camille Castillo — airlifted to Providence with their father and Wesley after they were initially treated at Seward General Hospital —

were listed in serious condition late Friday, hospital officials said.

Linda Jones was not injured, he said.

Edscorn said details of the incident remained sketchy Friday, because there were few witnesses to the fire besides its victims.

Still unknown, he said, was the cause of the fireworks' ignition.

"They're all gone," he said. "At this point, we just don't know."

Bear Creek Volunteer Fire Department Chief Len Weimar said his men found the truck burning after the blaze was reported about 4 p.m.

## A deaf ear

IT'S ALMOST unpatriotic to be concerned about the hazards inherent in the use of fireworks. After all, they're part of the nation's heritage — Fourth of July celebrations, state fairs, big festivals, carnivals and so on. Anyone who opposes the unrestricted use of fireworks finds himself in an uncomfortable position.

Yet the nagging thought persists that fireworks are dangerous and, as population increases, it makes more and more sense to limit fireworks to exhibitions staged by professional handlers.

**THAT'S OUR VIEW** from Anchorage. The view from Soldotna, where the Kenai Peninsula Borough sits, is quite different. Despite an overwhelming October advisory vote to the contrary,

the borough assembly decided this week to allow continued public sale and use of fireworks.

In that same election, Kenai voters rejected a compromise that would have imposed a seasonal ban on fireworks — opting, instead, for the year-round prohibition.

**THE BOROUGH** assembly now has proposed an ordinance calling for a seasonal ban. It will be voted on Dec. 17.

The assembly could wind up doing exactly the opposite of what the people said in those advisory votes two months ago. If nothing else, that may ensure that the fireworks issue on the Kenai Peninsula will remain an explosive one for some time to come.

## Cease-fire on the Peninsula

**WITH A FIZZLE** rather than a bang, the great fireworks controversy on the Kenai Peninsula apparently has ended. Let's commend those involved for taking final action in a dispute that has been smoldering for years.

The members of the Kenai Peninsula Borough Assembly get the kudos for reversing an earlier decision and voting last week to ban the sale and private use of fireworks, effective Jan. 15.

The issue has been argued for years. Opponents said unrestricted fireworks in the hands of a growing population would bring increasing threat to life and limb. The danger of summer forest fires resulting from careless use of fireworks was seen as another peril.

**ON THE OTHER** side, the free-spirited mood that treasures liberty and freedom from government regulation makes Peninsula residents, old and new, oppose bans of

any kind. Those who fit this mold favored continued permission for the private sale and use of fireworks.

In an advisory referendum last fall, a majority of voters cast ballots in favor of outlawing fireworks. The borough assembly still balked and two weeks ago it voted to continue legalizing them.

**IN A LARGE** of complaints, public bombarded assemblymen by mail and telephone demanding that they reverse their action. The assembly capitulated.

But the new law doesn't mean there will be no fireworks at all next Fourth of July at Seward and elsewhere on the Peninsula. Public displays sponsored by cities, fair associations, amusement parks, charities, churches and civic organizations will be allowed.

That sounds, from this distance at least, like a proper way to go.

# Kenai Peninsula Assembly reverses stand, bans fireworks

By RONNIE CHAPPELL  
Daily News reporter

**SOLDOTNA** — After years of debate, the Kenai Peninsula Borough Assembly Tuesday voted to outlaw the sale and use of fireworks on the Kenai Peninsula.

The year-round ban, which will take effect Jan. 15, was a reversal of an assembly vote two weeks ago, when an al-

most identical ordinance was defeated despite a borough referendum this fall calling for a total fireworks ban.

The assembly had been expected Tuesday to consider only a substitute ordinance allowing the sale and use of fireworks between Nov. 1 and April 1.

A deluge of phone calls and letters from angry voters ap-

pears to have salvaged the year-round ban.

"I received 26 letters and postcards," said Assemblywoman Marie Walli. "Phone calls, I couldn't begin to tell you." At one point, she said, the phone in her Anchor Point home was ringing so often she started referring callers to the borough clerk.

"I was leaning toward sea-

sonal" restrictions, Walli said. But because of the calls and letters she changed her mind.

Other assembly members also said they were swamped with calls and letters.

Public fireworks displays sponsored by cities, fair associations, amusement parks, charities, churches and civic organizations will be allowed

TUNDRA DRUMS - July 11, 1985

ANCHORAGE DAILY NEWS - July 6, 1985

## Firecracker sets van afire on Ridgcrest

A 1975 Chevy suburban was the only Bethel victim of fire cracker related incidents over the Fourth of July holiday.

Police said the vehicle caught fire in the post office parking lot after a 17-year-old juvenile tossed a fire cracker bottle rocket into a puddle near the car. The puddle apparently had some sort of flammable liquid in it,

and the fire cracker explosion caused it to catch fire.

The car, which belonged to the juvenile's parents, caught fire as well and officials estimated damage at at least \$2,500.

The incident, which happened on Saturday, is still under investigation but no charges have been filed, police said.

## Doctors busy with victims of fireworks

By ROBERT FURLOW  
The Associated Press

**WASHINGTON** — As traditional as July Fourth fireworks, day-after reports of firecracker injuries spread Friday as doctors who try to repair the damage sought greater awareness of dangers involved — and perhaps a national ban.

Dr. Sloane Wilson, a Little Rock, Ark., ophthalmologist, commenting during a break in a day of surgery on several accident victims, said: "When children lose their eyes it's a tragedy, and most of them simply aren't aware of the risk."

Wilson said he doubted a federal ban would be forthcoming. But he has begun a national survey on behalf of the American Academy of Ophthalmology, hoping to get a better idea of just how many injuries fireworks do cause and whether there is much difference between states that do and don't have laws limiting or banning sales and use.

Estimates by his and other medical groups now put the yearly injury toll at between 14,000 and 20,000, many of them around the Fourth of July.

Dr. Joe Greensher, a Long Island, N.Y., pediatrician who is head of an accident prevention committee of the American Academy of Pediatrics, said, "There should be federal involvement," including a ban on general use of all but the smallest fireworks.

But he, too, said congressional action was unlikely, especially "with the present climate of letting business do things voluntarily."

"It's been a national problem for quite a number of years," he said in a telephone interview. "Here's another July Fourth gone by, and you see the reports," he added, noting in particular a news account he'd just heard of a 4-year-old Yonkers, N.Y., boy who'd lost parts of two fingers when a firecracker exploded in his hand.

Wilson, also speaking by telephone, said he had just been working on a 16-year-old boy who almost surely had lost his sight in one eye after being injured in a playful "fireworks war" in which teen-agers "re little firecracker rockets at each other."

Such little firecrackers, legal in many states, can reach a speed of 50 mph in a few feet, and erratic construction makes aim a guessing game, Wilson said.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 4/22/86

**REQUEST**

Bill/Resolution No. : CSHB 35(r/s)  
 Title : State Regulation of Fireworks  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Sponsor : Representative Pourchot  
 Requestor : House Rules  
 Date of Request : 4/22/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Fire Prevention  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

*K. H. H.*  
 Prepared by: Gordon E. Brunton *gub* Phone: 465-4331  
 Division: Fire Prevention Date: 4/22/86  
 Approved by Commissioner: *[Signature]* Date: 4/22/86  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CS HB 35 (Rules)  
 Title : An Act Relating to State  
Regulation of Fireworks...  
 Sponsor : Rep. Pourchot  
 Requestor : \_\_\_\_\_  
 Date of Request : 5/5/86

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : State Health Services, Adm.  
Services, Emergency Medical Services  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS :**

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

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Elizabeth Ward, M.N. *E. Ward*  
 Division : Public Health

Phone : 465-3090  
 Date : May 5, 1986

Approved by Commissioner : *J. R. O'Neil*  
 Agency : Dept. of Health & Social Services

Date : 5/5/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSHB 35 (Rules)  
 Title : "An Act relating to state regulation of fireworks; and providing for an effective date."  
 Sponsor : Repr. Pourchat  
 Requestor : Repr. Pourchat  
 Date of Request : May 2, 1986

**FISCAL DETAIL**

Agency Affected : Department of Law  
 BRU : Prosecution  
 Components : All

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

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

**ANALYSIS :** Attach a separate page if necessary

-Please see attached analysis.-

Prepared by : Richard I. Pegues, Director Phone : 465-3672  
 Division : Administrative Services Division Date : 5/5/86  
 Approved by Commissioner : Richard I. Pegues/for Date : 5/5/86  
 Agency : Department of Law

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 35

The committee substitute is less restrictive than the original bill and now prohibits the sale of firecrackers and bottle rockets. By further restricting the types of fireworks that may be sold, this bill will result in some additional misdemeanor prosecutions. Based upon past experience, it does not appear that the increase in prosecution will be significant enough to warrant fiscal note costs. This is the type of bill that, when taken by itself, will not result in a fiscal impact. However, when taken in conjunction with other similar measures, bills of this nature direct prosecution resources from other more serious offenses because of their cumulative effect.

## Original Contributions

### Risk Factors for Fireworks-Related Injury in Washington State

Lynne V. McFarland, MS; Jeffrey R. Harris, MD; John M. Kobayashi, MD, MPH; Richard C. Dicker, MD, MPH

To determine the frequency and effects of and risk factors for fireworks-related injury, we identified all 146 persons who were injured by fireworks and sought emergency care during the 1983 July 4 holiday in the Seattle area. The mean charge for medical care for the injuries received was \$582; 7.1% of those injured required hospitalization. In a matched-pair case-control study, use of either of two fireworks types—firecrackers or aerial devices—was significantly associated with injury (odds ratios (ORs), 3.3 and 2.9, respectively; 95% confidence intervals (CI), 1.2, 8.5, and 1.2, 6.6, respectively). Also associated with injury were several fireworks misuse behaviors, including lack of adult supervision of children (OR, 11.5; CI, 2.8, 100.6). We conclude that fireworks cause serious injuries that theoretically could be prevented by behavioral changes or decreased availability of high-risk fireworks devices.

(JAMA 1984;251:3251-3254)

IN 1982, Washington State changed its law governing the sale of fireworks. Under federal law, fireworks are categorized into three classes: class A and B devices contain more than 50 mg of gunpowder and are illegal for sale to the general public, and class C devices contain 50 mg of gunpowder or less. The sale of individual types of class C fireworks is under state control. Previously, Washington State allowed only the sale of class C ground-display devices (devices that stay on the ground, often omitting sparks). However, in 1982, the sale of class C firecrackers (devices that explode and make noise) and some class C aerial devices (devices that either fly or shoot projectiles into the air) was legalized, but

skyrockets and missile rockets remained illegal. During the July 4 holiday that followed the law change, we reported a doubling, from the previous year, in the number of fireworks-related injuries reported by 11 hospitals, from 39 injuries in 1981 to 88 injuries in 1982.<sup>1</sup> In response to this increase, in 1983, we conducted active surveillance to determine the number, circumstances, and costs of these injuries and a case-control study to determine risk factors for injury.

#### METHODS Surveillance

We identified all fireworks-related injuries in King County (metropolitan Seattle, population, 1.3 million) by active surveillance of all emergency rooms and emergency clinics open during the legal days of fireworks sale (June 23 to July 6, 1983). A designated contact person, usually the emergency room supervisor, collected demographic and injury information on all patients. Injured persons were counted as cases if they had been admitted to an emergency facility with an injury related to fireworks and the injury they received had occurred during the legal days of

fireworks sale. We designated two types of cases: those in active users (persons who were using fireworks at the time of injury) and those in innocent bystanders (persons who were not using fireworks themselves at the time of injury).

After the patients were identified, we mailed each a letter that explained our study and included a picture of fireworks types (for determining which device caused their injury). After one week, we called the patients, verified the age, sex, and injury information, and administered a standard questionnaire about the circumstances and costs of injury, fireworks exposure, and fireworks use behaviors. In most cases, charges for medical care were ascertained directly from medical bills. We interviewed only the parents of children aged 5 years or younger but interviewed all other injured persons directly.

#### Case-Control Study

We conducted a matched-pair case-control study by telephone. For each active user who was a King County resident, we obtained a control who was a King County resident, had used fireworks during the 1983 July 4 holiday but remained uninjured, and who was matched by sex and age plus or minus two years. Controls were contacted by a modified random-digit dialing technique.<sup>2</sup> The first five numbers of the injured person's telephone number were fixed, then combined with two other numbers obtained successively (from a random number table, until a proper match was found). Each control was interviewed immediately after completion of the corresponding injured person's interview. As with the injured persons, we interviewed only the parents of children aged 5 years or younger but interviewed all other controls directly. We obtained informed verbal consent from both the injured persons and controls before administering the questionnaire. When children were interviewed, we obtained consent from both the child and a parent. Injured persons and

From the Department of Epidemiology, University of Washington (Lynne V. McFarland), and the Department of Social and Health Services, Division of Health, Office of Public Health Laboratories and Epidemiology (Dr. Kobayashi), Seattle, and the Divisions of Field Services (Dr. Harris) and Surveillance and Epidemiologic Studies (Dr. Dicker), Epidemiology Program Office, Centers for Disease Control, Atlanta.

From requests to Division of Field Services, Epidemiology Program Office, Centers for Disease Control, Atlanta, GA 30333 (Dr. Harris).

controls were asked identical questions regarding exposure to fireworks and their methods of fireworks use. The questions on fireworks use were designed to reflect the "customary" use of fireworks and not the circumstances that led to injury. All interviews were performed by one person (L.V.M.), and all interview questions were read in a standard manner.

#### Data Analysis

Differences in means for the surveillance data were analyzed by Student's *t* test for unpaired data. The matched-pair data were analyzed in matched fashion, and McNemar  $\chi^2$ , odds ratios (ORs), and exact 95% confidence intervals (CI) were calculated,<sup>1</sup> and conditional logistic regression analysis was carried out.<sup>2</sup> Differences between the means of matched-pair groups were analyzed with Student's *t* test for paired data. A significance level of .05 was used for all tests.

#### RESULTS

A total of 146 persons with fireworks-related injuries were identified in King County during the study period. All 22 hospitals and ten emergency clinics open during the July 4 holiday participated. Of the 146 injured persons, 126 (86%) were initially treated in hospital emergency rooms, and 20 (14%) were initially treated in emergency clinics.

The site and type of injury (Table 1) were available for all 146 persons, while age and sex were available for all but one person. Most common were multiple injuries, followed by single-site burns, eye injuries, lacerations, and ear injuries (usually perforated eardrums). Isolated eye injuries made up 16% of the total injuries; however, nine of the multiple injuries involved the eye, so that overall, 32 (22%) of the 146 injuries involved the eye. Two of the multiple injuries resulted in amputation (one of a finger and one of a complete hand). Injured persons were from 2 to 64 years old; 72 (50%) were younger than 16 years. One hundred six (73%) of the injured were males, and 39 (27%) were females.

We were able to interview by telephone 113 (77%) of the 146 injured persons. Of those not interviewed, 12 refused participation and 21 were lost due to unavailable or incorrect telephone numbers. Three persons interviewed did not differ significantly by age or sex from those persons not interviewed. For the persons inter-

Table 1.—Fireworks-Related Injuries, by Site and Type, King County, Washington, July 4 Holiday, 1983

Injury Site	No. Injured (%)
Multiple site	87 (59)
Single site	
Burns	41 (28)
Eye	23 (16)
Lacerations	17 (12)
Ear	8 (4)
Other	2 (1)
Total	146 (100)

Table 2.—Fireworks-Related Injuries and Hospitalization Rates, by Responsible Device, King County, Washington, July 4 Holiday, 1983

Fireworks Type	No. Injured (%)	No. Hospitalized (%)*
Ground display	41 (30)	1 (2)
Firecrackers	38 (26)	3 (8)
Aerial	28 (22)	2 (8)
Homemade	8 (6)	2 (33)
Public display	1 (1)	0 (0)
Other	1 (1)	0 (0)
Total	113 (100)	8 (7)

\*Percent is number hospitalized divided by number injured times 100, for a given fireworks type.

viewed, the mean time from injury to interview was 25 days. From the telephone interviews, we obtained information on the race of the injured persons, their county of residence, the charges for medical care they received for their injury, the type of fireworks that caused their injury, and the circumstances of injury. The race of those interviewed reflected the racial composition of King County: 101 (89%) were white and 12 (11%) were nonwhite.<sup>3</sup>

The county of residence information allowed a population-based estimate of the incidence of fireworks-related injury during the July 4 holiday in King County. Of the 113 persons interviewed, 98 (87%) were King County residents. Applied to the total of 146 injured persons, this provided an estimated total of 128 King County residents injured by fireworks. The incidence of fireworks-related injury, therefore, was 126 per 1.3 million King County residents, or 9.7 per 100,000 persons for the nine-day interval from June 28 through July 6. The information obtained on medical care charges included both dollars spent and the type and amount of treatment required. The mean dollar charge for care for all injured persons was \$562 (median,

Table 3.—Fireworks-Related Injuries and Hospitalization Rates, by Federal Legal Status of Device Causing Injury, King County, Washington, July 4 Holiday, 1983

	No. Injured (%)	No. Hospitalized (%)*
Federally legal	86 (58)	2 (3)
Illegal	22 (16)	4 (18)
Unknown status	26 (22)	2 (8)
Total	113 (98)	8 (7)

\*Percent is number hospitalized divided by number injured times 100, for a given fireworks type.

\$132), and 14% of those interviewed required care that cost more than \$500. Eight (7%) of those interviewed required hospitalization, for an average of seven days. For these, the average charge for medical care was \$5,431 (median, \$4,688). The other 105 (93%) injured persons were not hospitalized but required an average of 2.4 outpatient visits, at a mean charge of \$191 (median, \$130). Twenty percent of those injured remained under medical care a month after injury.

The type of fireworks device responsible for injury was also determined for all 113 persons interviewed (Table 2). Ground display devices caused 36% of all injuries, 47% of burns, 43% of multiple injuries, and 25% of eye injuries. Firecrackers caused 34% of all injuries, 75% of ear injuries, 42% of lacerations, and 35% of multiple injuries. Aerial devices caused 23% of all injuries, 44% of eye injuries, and 42% of lacerations. Homemade devices, such as lead pipe bombs, caused 5% of all injuries. Hospitalization rates differed by device type, ranging from 0% for injuries caused by public display devices to 33% for injuries caused by homemade devices (Table 2).

We were able to determine the legal status of 88 (76%) of the fireworks devices causing injury (Table 3). If the devices are classified according to the 1982 Washington law, 59 (66%) of the 88 classifiable injuries were caused by legal fireworks and 29 (34%) by illegal fireworks. Nineteen (22%) of the injuries were caused by devices "newly legalized" in 1982. If the devices are classified according to federal law, 66 (75%) of the 88 classifiable injuries were caused by legal devices. The hospitalization rate for persons injured by devices illegal

**Table 4.—Fireworks-Related Injuries, by Circumstance at Time of Injury, King County, Washington, July 4 Holiday, 1983**

Circumstance	No. Injured (%)
<b>Means of devices</b>	
Holding in hand	36 (31)
Aerial devices	12 (11)
Relighting	9 (8)
Hit by thrown device	6 (6)
Exploding inside container	6 (4)
Misused aerial devices	4 (4)
Harassment	3 (3)
Carried in pocket	1 (1)
Malfunctioning devices	17 (15)
<b>Other</b>	
Hit by sports	16 (14)
Hit by car while avoiding fireworks, etc.	5 (4)
<b>Total</b>	<b>113 (100)</b>

under federal law (18%) was six times higher than that for persons injured by devices legal under federal law.

Information on the circumstances of injury included the date and time of day of injury, the fireworks use behavior at the time of injury, and whether the person injured was actively using fireworks at the time of injury. Seventy-nine (70%) of the injuries occurred over the three-day July 4 holiday weekend. Of the 113 injuries, 81 (72%) occurred before dark and only 32 (28%) occurred after dark. The fireworks use behaviors at the time of injury are given in Table 4. Misuse or mishandling of fireworks was the cause of 76 (66%) of the injuries, while malfunctioning fireworks caused only 17 (15%) of the injuries. Holding fireworks in the hand was the most common misuse behavior.

Of the 113 persons interviewed, 97 (86%) were actively using fireworks at the time of their injury, and 16 (14%) were innocent bystanders. The active users were predominantly male (78%) and older (mean age, 19.1 years), while the innocent bystanders were more commonly female (62%) and younger (mean age, 14.2 years).

Eighty-four of the injured persons were active users from King County and thus were eligible for the case-control study. Injured persons were compared with controls for both their quantity of exposure to fireworks and their fireworks use behaviors. The quantity of exposure to fireworks over the entire July 4 holiday season,

**Table 5.—Risk of Fireworks-Related Injury, by Device Used, King County, Washington, July 4 Holiday, 1983\***

Fireworks Type	Disseverant Matched Pairs†	Odds Ratio‡ (Confidence Interval§)
Firecrackers	19/8	3.3 (1.2, 8.8)
Aerial	23/8	7.8 (1.2, 48.8)
Ground display	13/13	0.9 (0.4, 2.0)

\*n=188.

†Cases exposed, control not exposed/case not exposed, control exposed.

‡Odds ratio from conditional logistic regression model.

§95% confidence intervals, precision-based.

**Table 6.—Risk Factors for Fireworks-Related Injuries, King County, Washington, July 4 Holiday, 1983\***

Behavior	Disseverant Matched Pairs†	Odds Ratio‡ (95% Confidence Interval§)
Not usually supervised by adult‡	23/2	11.5 (2.8, 100.8)¶
Drinking‡	11/19	0.8 (0.3, 2.0)¶
Relighting	27/3	6.8 (1.8, 43.0)¶
Throwing	30/4	6.0 (1.2, 28.2)¶
Holding in hand	24/8	4.7 (1.2, 18.0)¶
Bending over to light	30/8	4.0 (1.2, 12.0)¶
Carrying in pocket	22/3	1.8 (0.4, 8.3)¶
Others throwing	24/13	1.8 (0.6, 4.9)¶
Exploding inside containers	24/12	0.8 (0.2, 2.5)¶
Others striking	16/26	0.3 (0.1, 0.9)¶

\*n=188 unless otherwise indicated.

†Cases exposed, control not exposed/case not exposed, control exposed.

‡If aged 18 years or younger, n=82.

§McNemar odds ratio, with exact 95% confidence intervals.

¶If aged 18 years or older, n=82.

¶Odds ratio from conditional logistic regression model with precision-based 95% confidence intervals.

as measured by dollars spent and number of days used, was not significantly different for injured persons and controls. Injured persons spent a mean of \$41 (median, \$24) on fireworks, and controls spent \$31 (median, \$20). Injured persons used fireworks for a mean of 3.0 days, and controls used fireworks for a mean of 2.7 days.

Injured persons and controls did differ significantly in their use of specific fireworks types (Table 5). Use of firecrackers had the highest risk of injury, and use of aerial devices also carried a significant risk. Use of ground display devices, however, was not associated with injury. A conditional logistic regression model that included all three of these variables yielded similar results (Table 5).

The risks of injury associated with various fireworks use behaviors are given in Table 6. The highest risk was associated with lack of adult supervision (asked only of those aged 15 years or younger). Other behaviors with significantly elevated risk in a univariate analysis were relighting fireworks that do not ignite at first, throwing fireworks, carrying fire-

works in one's pocket, bending over fireworks to light them (instead of approaching them from the side), and holding fireworks in the hand. Behaviors that were not found to carry a significantly elevated risk of injury were exploding fireworks inside of containers, accompanying persons who were throwing fireworks, drinking alcohol while using fireworks (asked only of those aged 18 years or older), or accompanying persons who were drinking alcohol while using fireworks. A conditional logistic regression model included the eight behavior questions that were asked of persons of all ages and excluded the parental supervision and alcohol use questions. Results were similar to those of the univariate analysis; however, carrying fireworks in one's pocket was no longer significantly associated with injury in this model.

#### COMMENT

We carried out active surveillance of fireworks-related injuries via emergency facilities in the metropolitan Seattle area during the 1983 July 4 holiday and found a substantial number of expensive injuries. Our

surveillance identified 148 persons who were injured during the nine-day sales period and provided an estimated incidence of 2.7 fireworks-related injuries per 100,000 persons. This incidence is three times as high as the 9.1 injuries per 100,000 persons estimated by the National Electronic Injury Surveillance System (NEISS) during the 1981 July 4 holiday.<sup>1</sup> Although most of the difference between our estimate and the NEISS estimate can probably be accounted for by the fact that some other states have more restrictive fireworks laws than Washington, some of the difference may be due to our more complete case ascertainment. The NEISS reporting network includes only hospital emergency rooms. In our study, 14% of the fireworks-related injuries were reported by nonhospital emergency clinics.

The average charge for medical care required for the injured persons we interviewed was quite high—\$562. Even higher was the average cost for hospitalized injured persons—\$5,431. If we accept the NEISS estimate of 11,400 fireworks-related injuries in the United States in 1981,<sup>2</sup> then the direct costs of fireworks-related injuries in that year approximated \$6.5 million. This estimate includes only immediate direct costs but does not include lifetime medical care costs, or indirect costs, such as time lost from work and decreased productivity. These other costs may be large. Twenty-two percent of the injuries in our study involved the eye. While we did not systematically determine the long-term sequelae of these injuries, Wilson found that 30% of fireworks-related eye injuries in Arkansas resulted in irreversible visual loss.<sup>3</sup>

Our study showed that most persons injured by fireworks were young males. Half of the injured persons were younger than 16 years, and almost three fourths were male.

These findings agree with those of earlier studies.<sup>4,5</sup> Our study design did not allow us to determine, however, whether young males are truly at greater risk for fireworks-related injury or whether they are simply more frequent users of fireworks.

As in other studies, most (75%) of the injuries we identified resulted from use of fireworks that are legal under federal law. The NEISS<sup>1</sup> found that 80% of fireworks-related injuries were caused by federally legal class C devices, while McPheeters and Straehley<sup>6</sup> in Hawaii found that 90% were caused by federally legal devices. Injuries caused by legal devices were not as likely to result in hospitalization, however, as those caused by illegal devices.

Our case-control study determined that it was not greater exposure to fireworks in general, but exposure to firecrackers and aerial devices in particular, that was associated with increased risk of injury. The case-control method differentiated between the popularity of devices (ground-display devices caused the most injuries) and the relative danger of the devices (firecrackers and aerial devices had significantly elevated risk associated with their use).

Several fireworks use behaviors were associated with increased risk of injury. Paramount among these was the use of fireworks by children without adult supervision. A surprising result was the lack of association between alcohol use and fireworks-related injury. This is inconsistent with the association between alcohol use and other types of injury.<sup>7</sup> The apparent protective effect of being accompanied by a person using alcohol was a result of confounding by parental supervision.

The combined results of our surveillance and case-control studies suggest legislative and educational strategies for prevention of fire-

works related injury. Most of the injuries we found were caused by legal fireworks. In addition, we identified two types of fireworks—firecrackers and aerial devices—that place their users at increased risk of injury. Legislation, on either a federal or state level, to decrease the availability of these two device types may result in a decrease in the number of fireworks-related injuries. The other prevention strategy is education. Most of the injuries we identified were caused by misuse of fireworks, and most occurred in children. The high risk associated with lack of parental supervision of children indicates that increased parental supervision and a consequent reduction in general fireworks misuse might decrease the number of injuries among children. Washington State's recent experience suggests that legislation is the more effective of these two strategies. Sale of firecrackers and some aerial devices was legalized in 1982, and the number of injuries in 1982 was twice that in 1981.<sup>1</sup> Between the 1982 and 1983 seasons, no further law changes were made, but a large fireworks safety educational campaign was undertaken, and the number of injuries did not decrease but increased slightly (authors' unpublished observations).

We will have the opportunity to evaluate further the effect of legislation. In March 1984, Washington's Governor John Spellman signed into law Engrossed Substitute House Bill 1652, which will again make the sale of firecrackers and some exploding aerial devices illegal.

We are grateful to the emergency facility supervisors who helped with data collection, to Joy Herndon, MS, Division of Surveillance and Epidemiologic Studies, Epidemiology Program Office, Centers for Disease Control, Atlanta, for statistical assistance, to Bette Lebens for manuscript preparation, and to Elizabeth Hatfield, MPH, National Society to Prevent Blindness, for guidance in study design.

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BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

DIVISION OF FORESTRY

Pouch 7-005  
Anchorage, Alaska 99510  
PHONE: (907) 276-2653

9-1111

January 17, 1985

JAN 23 1985

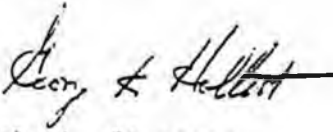
Representative Pat Pourchot  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Attention: Mr. Richard Ramsey

Dear Mr. Ramsey:

You recently requested that my office provide you with statistics for wildland fires caused by fireworks. We have consolidated the available data from both the State and federal fire protection agencies for the past three years. This should provide a representative picture of fireworks impact on the fire suppression effort. Please realize that the data presented cannot be 100 percent accurate because of the difficulty of accurately determining the exact cause of all fires to which these agencies respond. Associated acreages burned and suppression cost data is also supplied for your information.

Sincerely,

  
John L. Sturgeon  
State Forester

WILDLAND FIRES CAUSED BY FIREWORKS  
ALASKA DIVISION OF FORESTRY  
1982-1984

YEAR	NUMBER OF FIREWKS FIRES	TOTAL HUMAN CAUSED FIRES	PERCENT FIREWORKS	ACRES BURNED BY FIREWORKS	ACRES BURNED TOTAL	FIREWORKS FIRES SUPPRESSION COST	TOTAL FIRE SUPPRESSION COST
<u>Area Protected by Alaska Division of Forestry</u>							
1982	13	149	8%	5.25	1,295	26,386	2,300,000
1983	19	366	5%	3.15	32,276	5,477	6,400,000
1984	27	436	6%	369.0	8,167	31,924	5,800,000
<u>Area Protected by the USDA Forest Service</u>							
1982	1	25	4%	.1	4	400	DNA
1983	2	26	8%	.2	37.6	800	DNA
1984	4	20	20%	7.2	13	7,600	DNA
<u>Area Protected by the USDI - BLM Alaska Fires Service</u>							
1982	DNA						
1983	3	11	2.5%	0.0	98,154	942	9,200,000
1984	4	99	4%	5.0	115,871	DNA	DNA

DNA = Data Not Available

FIREWKS = fireworks

YEAR	NUMBER OF FIREWKS FIRES	TOTAL HUMAN CAUSED FIRES	PERCENT FIREWORKS	ACRES BURNED BY FIREWORKS	ACRES BURNED TOTAL	FIREWORKS FIRES SUPPRESSION COST	TOTAL FIRE SUPPRESSION COST
<u>Area Protected by Alaska Division of Forestry</u>							
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1984	4	20	20%	7.2	13	7,600	DNA
<u>Area Protected by the USDI - BLM Alaska Fires Service</u>							
1982	DNA						
1983	3	117	2.5%	0.0	98,154	942	9,200,000
1984	4	99	4%	5.0	115,871	DNA	DNA

DNA = Data Not Available



# National Safety Council

---

## National Safety Council Policy on USE OF FIREWORKS

### POLICY

The National Safety Council opposes the use of fireworks by adults and children, except by professional pyrotechnicians under controlled conditions.

### BASIS

The misuse of fireworks by adults and children continues to cause several thousand needless injuries and deaths each year. Such accidents occur in spite of legislation banning the sale of certain types of fireworks in many states, as well as recently enacted federal regulations.

Enforcement of these regulations is exceedingly difficult, or lax, and use of fireworks continues to be a common practice.

### IMPLEMENTATION

The National Safety Council supports in principle the public displays of fireworks under controlled conditions, but advocates more stringent regulations prohibiting the sale and indiscriminate use by adults and children. It is very evident that present regulations have not achieved the predicted reduction in fires and in deaths and injuries to children and adults from fireworks.

The National Safety Council strongly urges appropriate federal and state agencies to rigidly enforce existing regulations prohibiting sales of fireworks or their ingredients.

And it encourages local and state authorities to more diligently enforce existing legislation banning the sale and use of fireworks by the general public.

The National Safety Council calls upon all organizations and agencies concerned with the safety of the American public to intensify their educational efforts to inform adults and children regarding the hazards inherent in the use of fireworks.

FIREWORKS INJURIES

1981

Deborah Kale

Beatrice Harwood

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Directorate for Epidemiology

Division of Hazard Analysis

## FIREWORKS

### Summary

Firework-related injuries have increased, albeit irregularly, since 1974. The 1981 estimate, 11,400 injuries, equals the previous high of 11,100 estimated for the Bicentennial year.

An annual study conducted during the Independence Day holidays indicates that firecrackers continue to account for a major portion of firework-related injuries. Injuries attributed to the more powerful devices, the federally banned Class B firecrackers, appear to have decreased somewhat in recent years. However, injuries identified with Class C firecrackers, a category which since December 1976 has included both legal and illegal devices, have demonstrated an increase over the last couple of years to a point above that estimated for 1976. (In 1976 CPSC reduced the amount of permissible pyrotechnic charge in Class C firecrackers from 130 to 50 milligrams, but their physical dimensions, historically about 1½ by ¾ inch diameter, do not necessarily identify the amount of charge). Injuries associated with fireworks other than firecrackers have also increased over their previous high reported during the Bicentennial year.

Fire department data, which was reviewed from four states for years 1977 through 1980 indicates an increase in firework-related fires during this time period. Unlike personal injury cases, which involved firecrackers more frequently than other kinds of fireworks, house fire incidents most frequently involved rocket-type fireworks, which usually ignited roofing materials.

Data from previous years have indicated that most injuries associated with both (federally) legal and illegal fireworks involved misuse rather than product malfunction. Moreover, injuries attributed to permissible fireworks, from either misuse or malfunction, were generally minor, and did not often require hospitalization.

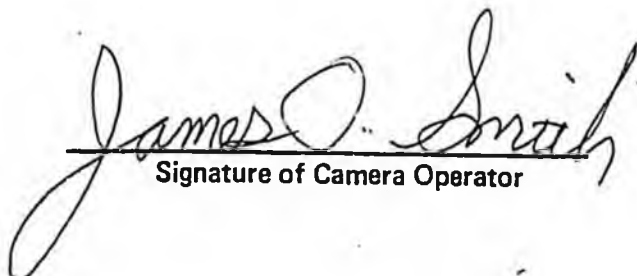
Nevertheless, the upward trend in injuries and fires over the last several years is disconcerting. Even if the increase merely reflects production and sales trends, the fact that fireworks continue to be associated with a large number of preventable injuries each year is a problem of continuing concern.

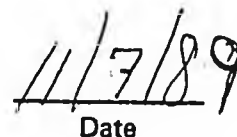


# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

H

B

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BILL CONTACT/ACTION

DATE	CONTACT/ACTION
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	7829/2828
	NO ANSWER CALL 4 TIMES

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
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JUNEAU, ALASKA 99811  
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

*House Judiciary Committee 4/13/1985, 9:00 am*

Offered: 4/15/85  
Referred: Finance

Original sponsors: Collins, Uehling  
and Gruenberg

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 55 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to liquor licensees' duty to contact  
7 taxis for patrons and to display alcohol warning  
8 signs."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 04.21 is amended by adding new sections to read:

11 Sec. 04.21.035. DUTY TO CONTACT TAXI. A licensee or a licens-  
12 ee's agent or employee shall make reasonable efforts to procure a  
13 taxi, where regular taxi service is available, for any person in the  
14 premises who requests a taxi. The licensee is not responsible for  
15 paying the cost of the taxi.

16 Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A li-  
17 censee, except a common carrier licensee, shall conspicuously display  
18 at each public entrance and exit of premises where alcohol is sold at  
19 retail, a sign that reads "Drunk Drivers Go To Jail, Pay Fines and  
20 Lose Their Licenses - Why Risk It - Call A Taxi." The sign shall  
21 include a prohibitory symbol. The sign must be at least 18 inches  
22 wide and six inches high, with lettering at least one and one-fourth  
23 inches high.

24 (b) *ST. J. Hilda*  
25 The Department of Revenue shall furnish, without cost, signs  
required under this section to any licensee requesting them.

# State of Alaska

## COMMITTEES

HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES  
(Co-Chairman)  
HOUSE JUDICIARY  
HOUSE COMMUNITY AND  
REGIONAL AFFAIRS



POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4968

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 275-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

April 22, 1985

Representative Al Adams  
Chairman, House Finance Committee  
Pouch V  
Juneau, AK 99811

Dear Mr. Chairman:

We respectfully request that the House Finance Committee schedule a hearing on CSHB 55 (Jud); "An Act relating to liquor licensees duty to contact taxis for patrons and to display alcohol warning signs" as quickly as possible for the following reasons:

-The bill has a zero fiscal note.

-The \$3,000 cost for signs would be absorbed by the Department of Health and Social Services Office of Alcoholism and Drug Abuse. The funds will come from the operating budget and require no additional appropriations.

-This represents a bipartisan effort to deal with the problem using a positive approach at minimal cost to the state. This is a priority for both of us.

Thank you for your attention to this matter.

Sincerely,

*Max F. Gruenberg*  
Representative Max Gruenberg

*Virginia Collins*  
Representative Virginia Collins

Attachment

HOUSE JOURNAL SUPPLEMENT

April 15, 1985

No. 48

HB  
55

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSHB 55(JUD)  
 Title: An Act relating to licenses,  
contract taxi & display signs  
 Sponsor: Collins  
 Requestor: House Judiciary  
 Date of Request: 4/13/85

FISCAL DETAIL

Agency affected: Div. of Health & Social Services  
 Program Category Affected: Office of Alcoholism  
& Drug Abuse  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

duty to

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 89	FY 90
<b>FEDERAL FUNDS</b>						
OTHER						
TOTAL						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

According to testimony before the Judiciary Committee by the Department of Health & Social Services, Office of Alcoholism and Drug Abuse, that because this bill represents a positive approach to problems caused by alcohol abuse, the department is willing to fund the cost of the required signs up to the amount cited in the original fiscal note. The funds will come from the operating budget and require no additional appropriation.

Prepared By: Rayden Kaden, Counsel *HK* Phone: 465-4990  
 Division: House Judiciary Committee Date: 4/15/85  
 Approved by Commissioner: [Signature]  
 Agency: Legislature

HB0055 -POO DOCUMENT= 3 OF 5 PAGE = 1 OF 1

BILL = HB0055  
CHAMBER = H  
DATE = 01/18/85  
PAGE = 00088  
YEAR = 85

BILL HB0055  
PAGE 00088  
DATE 01/18/85

CHAMBER HOUSE

EXT Representative Uehling asked that his name be added as a co-sponsor to HOUSE BILL NO. 55 (relating to licensed premises).

END OF DOCUMENT

HB0055 -POO DOCUMENT= 4 OF 5 PAGE = 1 OF 1

BILL = HB0055  
CHAMBER = H  
DATE = 01/21/85  
PAGE = 00096  
YEAR = 85

BILL HB0055  
PAGE 00096  
DATE 01/21/85

CHAMBER HOUSE

EXT Representative Navarre moved and asked unanimous consent that the Labor & Commerce Committee referral on HOUSE BILL NO. 55 (licensed premises) be waived. There being no objection, it was so ordered.

HB 55 was removed from the Labor & Commerce Committee and sent to the Judiciary Committee with a further referral to the Finance Committee.

END OF DOCUMENT

HB0055 -POO DOCUMENT= 5 OF 5 PAGE = 1 OF 2

BILL = HB0055  
CHAMBER = H  
DATE = 04/15/85  
PAGE = 00918  
YEAR = 85

BILL HB0055  
PAGE 00918  
DATE 04/15/85

CHAMBER HOUSE

EXT The Judiciary Committee has considered HOUSE BILL NO. 55 (relating to licensed premises), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 55 (Judiciary):

"An Act relating to liquor licensees' duty to contact taxis for patrons and to display alcohol warning signs."

and reports it back as follows: M.M. Miller (Chairman), Gruenberg, Phillips, Clocksin, Taylor and Sund recommend do pass. A zero fiscal note with analysis was attached.

HB 55 was referred to the Finance Committee.

HB0055 -POO DOCUMENT= 5 OF 5 PAGE = 2 OF 2

The zero fiscal note with analysis appears in House Journal Supplement No. 48.

601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

IN THE HOUSE

By Gruenberg

Committee Substitute for House Bill 55

For an Act entitled: "An Act relating to Liquor Licensees' duty to contact Taxis for patrons and to display alcohol warning signs."

BE IN ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\*Section 1. AS 04.21 is amended by adding new sections to read:

Sec. 04.21.035. DUTY TO CONTACT TAXI. A licensee or a licensee's agent or employee shall make reasonable efforts to procure a taxi, where regular taxi service is available, for any person in the premises who requests a taxi. The licensee shall not be responsible for paying the cost of the taxi.

Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A licensee shall conspicuously display at each entrance and exit of premises where alcohol is sold at retail, a sign that reads "Drunk Drivers Go To Jail, Pay a Fines and Lose Their Licenses - Why Risk It - Call A Taxi". The sign shall include a prohibitory symbol containing a stylized automobile and cocktail glass. It must be at least 18 inches wide and six inches high, with lettering at least one and one-fourth inches high.

The Department of Revenue shall furnish, without cost, signs required under this section to any licensee requesting them.

# Alaska State Legislature

P. O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-2828

DISTRICT 10  
2600 Denali, Suite 501  
ANCHORAGE, ALASKA 99503  
(907) 276-7943



MEMBER  
Labor and Commerce  
State Affairs  
Special Committee on  
Telecommunications  
Finance Sub-Committee

Minority Whip

Representative Virginia M. Collins

DATE: April 30, 1986

TO: Senator Pat Rodey, Chairman  
Senate Judiciary

FROM: Representative Virginia Collins *VM*

RE: HB 55

Thank you for taking the time out of your busy schedule to meet with me on April 1 regarding HB 55. At that time, you indicated that HB 55 would be scheduled and heard in Senate Judiciary toward the end of session. The purpose of this memo is to follow up on our meeting regarding HB 55.

Please notify my office regarding the scheduling date that HB 55 will be heard in Senate Judiciary.

Again, Pat, thank you for your consideration and attention to this matter.

# State of Alaska

## COMMITTEES

HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES  
(Co-Chairman)  
HOUSE JUDICIARY  
HOUSE COMMUNITY AND  
REGIONAL AFFAIRS



POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4968  
914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spennard, Upper Midtown Anchorage

## PRESS RELEASE

For Immediate Use

BY: Representative Virginia Collins  
Representative Max Gruenberg  
DATE: April 15, 1985  
RE: HB 55 "DWI" warning signs and taxi rides

An act relating to liquor licensees' duty to contact taxis for patrons and to display alcohol "DWI" warning signs passed the House Judiciary Committee this weekend. House Bill 55 was introduced by Representatives Virginia Collins (R. Anch.) and Max Gruenberg (D. Anch.).

If enacted, the measure would require employees of licensed establishments to, "make reasonable efforts to procure a taxi, where regular taxi service is available, for any person in the premises who requests a taxi".

The bill also requires that all licensed liquor dispensers, including retail package liquor stores, conspicuously display at each public entrance and exit a sign that reads, "Drunk drivers go to jail, pay a fine and lose their licenses - why risk it? Call a taxi." The 18 inch sign would also include the international prohibitive symbol for drinking and driving

Sponsor Virginia Collins commented, "This legislation has been a joint effort by Representative Gruenberg and myself -- a clear indication of the bi-partisan effort in the House of Representatives to fight drunk driving."

According to co-sponsor Max Gruenberg, "The bill has passed two House committees and will now be referred to the House Finance Committee. Hopefully, it will reach the House floor before the end of the session. HB 55 is a good example of the kinds of creative, low-cost ideas the state can pursue in combating drunk driving".

Representative Collins continued, "During the past ten years, Alaska has enacted some of the nation's strictest laws against drunk driving. Despite all of these efforts, drinking and driving continue to be a significant problem for the citizens of our State. The prominent display of DWI warning signs in establishments that sell alcohol will affect consumer behavior in a positive manner, because repeated exposure to the warning reinforces its effect and eventually leads to subliminal changes in behavior which influences consumers of alcoholic beverages to act responsibly -- not necessarily for the good of others, but for themselves. To increase the effectiveness of our current efforts, the public must know the laws and penalties leading to an increased fear of apprehension and correction."

CHAR (Cabaret, Hotel and Restaurant Association), representing the liquor industry, has endorsed House Bill 55.

Staff Contacts: Rep. Collins: Kevin Farrell 465-2828

Rep. Gruenberg: Dave Donley 465-4968

HOUSE BILL 55

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE

April 8, 1985

Purpose. One of the priority issues identified by the Governor's Task Force on Drunk Driving was State funding for directing and funding public awareness programs on alcohol and drug use and responsible motor vehicle operation. House Bill 55 is an attempt to respond to this concern. HB 55 is designed to improve public awareness and information at the sites where alcoholic beverages are purchased or consumed.

Statement of the Problem: In the last few years there has been an increased public interest in the problem of drinking and driving. In response to this rising concern, the State of Alaska in recent years has enacted legislation aimed at removing the drunk driver from our streets and thus reducing alcohol-related accidents and fatalities. These statutes provide for the following:

1. Raised legal drinking age of twenty-one.
2. An implied consent statute
3. Preliminary breath testing on the roadway
4. Administrative license revocation upon arrest
5. Breath test refusal penalties same as DWI conviction
6. Citizen reporting, i.e., REDDI
7. Definition of Breath Alcohol level at .10 illegal per se
8. Mandatory sentencing
9. Mandatory fines
10. Victim compensation
11. Driver licensing information
12. Rehabilitation education
13. Compliance with conditions of court order
14. Mandatory liability insurance
15. Four new judges in the Anchorage area
16. Decrease in time between arrest and sentencing

Despite all of these efforts, drinking and driving continues to be a significant problem for the citizens of our state.

Recent newspaper headlines attest to the increasing public interest in the drunk-driving problem. Much of this increase results from campaigns conducted by such citizen groups as MADD (Mothers Against Drunk Driving). Organizations like MADD have been very effective in enlisting public and official support for more severe penalties for drunk drivers. In the past, efforts to strengthen drunk-driving laws have generally focused on increasing penalties.

One justification frequently cited for this approach is the apparent success of drunk-driving laws carrying strict penalties and ensuring that such penalties are actually carried out. Unfortunately, in the past it generally has been the experience that public concern has been temporary, and when the interest of the moment has passed, the intensity of the effort to overcome the drinking-driving problem tends to fade. If current efforts are to have a long-term effect, it is important that public awareness accompany all current and future legislation to stem the tide of drunk driving.

The passage of stricter drunk-driving laws alone will not reduce alcohol-related accidents or the incidents of drunk driving. For stricter laws to be effective, the public must know the laws and penalties and have an increased fear of apprehension and conviction.

To have an impact on the rate of accidents caused by drunk drivers, laws must not only be enacted but also well publicized and enforced. In some cases, it appears that current DWI laws and their penalties are not as highly publicized throughout Alaska as they could be.

A review of the research on the scope of the problem as it exists in other states as well as in Alaska is well documented. It is clear from reviewing the information that drinking and driving is a very complex problem which requires a combination or a variety of approaches. Although it appears from reviewing the literature that enactment of stronger drunk-driving laws has been successful in stemming the tide, it has not been entirely successful in eliminating the problem.

To be effective, enforcement programs must be accompanied by public information activities which ensure that there is a perception of increased probability of detection. A review of the research further indicates there is a strong connection between public awareness and the effectiveness of drunk-driving laws. Public awareness and accurate knowledge of the law, along with thorough enforcement procedures and stiff penalties are the major components, which will have a lasting impact on the large numbers of persons drinking and driving in Alaska, particularly in the case of social drinkers. Although this approach may not be as effective with problem drinkers, research indicates that the passage of stricter drunk-driving laws alone does not reduce alcohol-related accidents or the incidence of drunk driving. To increase the effectiveness of our efforts, the public must know the laws and the penalties and have an increased fear of apprehension and conviction.

The sale of alcohol is one of society's most highly regulated industries. There is good reason for this; it is a potentially dangerous substance posing extreme hazards to the health and welfare of consumers and motor vehicle operators on our public roads.

In the past decade, the vast majority of Americans have been concerned over public safety. This concern has risen steadily since 1971. In a recent Harris survey, 87% of the adult Americans polled blamed consumers themselves for injury resulting from misuse of products. Of the consumers surveyed, 73% believed that product safety objectives should be accomplished through publicity on product risks and dangers or by health warnings such as those required for cigarettes and over-the-counter drugs.

If a product has a hidden hazard, an unknowing consumer may be denied the valuable information necessary in deciding whether or not to risk using the product in the first place or how abuse of the product could impact his future welfare. Often, hazards in the use of alcohol are not visible to a consumer, and thus the consumer may not have a full appreciation for the severity of the decision to expose himself to that hazard. The probability of a hazard actually occurring, therefore, is of prime consideration in the consumer's behavior. Following this line of reasoning, an educated product consumer of alcoholic beverages is likely to be a more responsible consumer.

RECOMMENDATIONS:

The approaches for dealing with the drunk-driving problem are many, which include punitive, educational, rehabilitation, and behavioral. The value of placing warning signs in establishments where alcohol is sold and/or consumed should be effective because the message is subliminal. Research has shown that subliminal advertising has a greater long-term effect in influencing behavior than any other form of advertising. The prominent display of DWI warning signs in establishments that sell alcohol would, over a period of time, effect consumer behavior in a positive manner. Subliminal messages are conveyed to the unconscious rather than to the conscious level. Once having established the message on the unconscious level, repeated exposure to the message reinforces its effect and eventually will lead to changes in behavior which will influence consumers of alcoholic beverages to act responsibly, not necessarily for the good of others, but for themselves.

HB 55 REPRESENTS GOOD LEGISLATION; IT MAXIMIZES THE EFFECT OF CURRENT LAW AT MINIMAL EXPENSE TO THE PUBLIC TREASURY. HB 55 CARRIES A FISCAL NOTE OF APPROXIMATELY \$3,000.00; A SMALL PRICE FOR A BIG PROBLEM.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY. ON BEHALF OF MYSELF AND  
ALL THOSE WHO WILL BENEFIT FROM THIS BILL, I REQUEST YOUR SUPPORT IN PASSING  
HB 55 OUT OF COMMITTEE.

I AM AVAILABLE FOR ANY QUESTIONS YOU MAY HAVE.

TIMELINE SUMMARY OF SIGNIFICANT LEGISLATION  
REGARDING CONTROL OF DRUNK DRIVERS

---

MUNICIPALITY OF ANCHORAGE

ALASKA STATE STATUTE

---

January, 1977

Established Mandatory

Minimum Sentence:

1st offense            24 hours  
2nd offense            3 days  
3rd & subsequent    10 days

Illegal to operate motor  
vehicle with BAC .10% or  
higher (Per Se law)  
(AO 267-76)

January, 1978

[Adopted procedure whereby in-  
voluntary blood test was made  
in medical setting upon refu-  
sal of breathalyzer test.  
(Administrative Procedure)]

Established mandatory judicial re-  
ferral for alcohol screening/reha-  
bilitation  
(ch. 152 SLA 1978)

Established mandatory jail sentence  
of 10 days for DWLS.

Disallowed limited license on second  
offense for serious traffic misde-  
meanors  
(ch. 178 SLA 1978)

November, 1978  
(11/28/78)

Increased Mandatory Minimum  
sentence:

1st offense            3 consecutive days  
2nd & subsequent    10 consecutive days  
(AO 78-230S)

November, 1979

Adopted breath as well as  
blood standard for measurement  
of BAC  
(AO 79-194)

1980

(September)

Adopted mandatory minimum jail sentence:

1st offense 3 consecutive days  
2nd offense 10 consecutive days

Illegal to operate motor vehicle with BAC .10% or higher

Adopted breath alcohol measurement standard

Established admissibility of refusal under implied consent law as evidence in prosecution  
(ch. 129 SLA 1980)

(August)

Adopted state statute  
(AO 80-122)

1981

Assumes validity of chemical test if taken within four hours of arrest  
(AO 81-75)

[Reduction in hours of  
legal sale of alcohol]

1982

(September)

Established refusal under implied consent laws as misdemeanor offense with same sentence as DWI offense

Allowed for application of DWI law to airplanes and watercraft

Allowed forceable blood test for EAC in fatalities, injuries or cases where defendant is incapable of refusing

Required use of limited license for at least 60 days (rather than only 30 days)

Revised mandatory minimum sentence  
1st offense 72 consecutive hours  
2nd offense 10 consecutive days  
20 days if subsequent offense  
within one year  
(ch. 117 SLA 1982)

Adopted state statute but leaves  
in validity of chemical test if  
taken within four hours of arrest  
(AO 82-126)

November, 1982

Allows forfeiture of motor  
vehicle to Municipality on  
2nd or subsequent offense  
within 5 years of first  
offense

Permit impoundment (temporary  
seizure) of vehicle to Munici-  
pality for 30 days for 1st and  
2nd offense, 60 days for 3rd  
offense and 90 days on 4th or  
subsequent offense.  
(AO 82-205)

June, 1983  
Effective 10/17/83

Revised mandatory minimum sentence  
1st offense 72 hours (unchanged)  
2nd offense w/in 10 years 20 days  
3rd offense w/in 10 years 30 days

Established mandatory minimum fines  
1st offense \$250  
2nd offense \$500  
3rd offense \$1000

Established administrative revoca-  
tion of driver's license by law  
enforcement officer if BAC is .10%  
or higher or driver refuses breath  
test. Driver receives 7-day tem-  
porary license; driver has seven  
days to appeal.

Revises terms of license revocation under administrative or court authority - provides minimums:

- 1st offense 90 days (last 60 days may be limited)
- 2nd offense 1 year
- 3rd offense 10 years

Court revocation may be either concurrent or consecutive with administrative action.

Revises procedure to recover valid license: driver must post SR22, pay fee and pass written and road test.

Revises penalty for driving with license revoked. If revocation was for 1st DWI conviction, mandatory minimum 30 days in jail. If revoked for 2nd or subsequent DWI, mandatory jail sentence of 90 days to serve.

Allows for impoundment or forfeiture of vehicle on 3rd & subsequent offense.

Suspended imposition of sentence is no longer permitted for DWI, Breath Test Refusal, or Driving with License Revoked.

[ Minimum legal age to purchase/consume increased from 19 to 21 -- over three year period, effective January, 1984. ]

[ State tax on alcohol increased (last increase was 1962). ]

Introduced: 1/15/85  
Referred: Labor & Commerce,  
Judiciary and Finance

1 IN THE HOUSE

BY COLLINS

2

HOUSE BILL NO. 55

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to licensed premises."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 04.21 is amended by adding new sections to read:

9       Sec. 04.21.035. DUTY TO CONTACT TAXI. A licensee or a licens-  
10 ee's agent or employee shall make reasonable efforts to procure a  
11 taxi, where taxi service is available, for any person in the premises  
12 who requests a taxi.

13       Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (2) A li-  
14 censee shall conspicuously display at each entrance and exit of prem-  
15 ises where alcohol is sold at retail, a sign that reads "Intoxicated  
16 Drivers Go To Jail, Pay a Fine and Lose Their License - Why Risk It? -  
17 Call a Taxi" and that includes a prohibitory symbol containing a  
18 stylized automobile and cocktail glass.

19       (b) The sign required by (a) of this section must be at least 18  
20 inches wide and six inches high, with lettering at least one and  
21 one-fourth inches high.

22       (c) The Department of Revenue shall furnish signs required under  
23 this section to a licensee who requests them.

Introduced: 1/16/85  
Referred: Labor & Commerce,  
Judiciary and Finance

IN THE HOUSE

*ADAMENDMENT*  
BY COLLINS

HOUSE BILL NO. 55

IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to licensed premises."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 04.21 is amended by adding new sections to read:

Sec. 04.21.035. DUTY TO CONTACT TAXI. A licensee or a licensee's agent or employee shall make reasonable efforts to procure a taxi, where regular taxi service is available, for any person in the premises who requests a taxi.

Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A licensee shall conspicuously display at each entrance and exit of premises where alcohol is sold at retail, a sign that reads "drunk Drivers go to Jail, Pay a Fine and Lose Their License - Why Risk It? - Call a Taxi" and that includes a prohibitory symbol containing a stylized automobile and cocktail glass.

(b) The sign required by (a) of this section must be at least 18 inches wide and six inches high, with lettering at least one and one-fourth inches high.

(c) The Department of Revenue shall furnish signs required under this section to a licensee who requests them.

April 11, 1985

TO: Kevin

FROM: Annette

Here is the information you requested regarding other states which may have laws similar to HR 9.

The National Conference of State Legislators research person whom I spoke with took HR 9 from its two separate features: warning signs and requiring taxis to be called if requested. There are no laws presently on the books that she is aware of regarding either of these measures. She will make a few more calls tomorrow to verify this, and will call me back.

However, the following state legislatures have bills introduced which are similar to Rep. Collins's:

-Alabama: SB 303 would require warning signs to be posted in liquor stores warning that drinking of alcoholic beverages is harmful for pregnant women. This bill is in second reading.

- New York: SB 2004 affects off-premise retailers except grocery stores and bars (that narrows it to liquor stores) also requiring posting of signs warning that drinking of alcoholic beverages is harmful to pregnant women.

- Texas: HB 215 requires all permittees to post DWI warning signs in a prominent place on the premises. The bill doesn't specify who would pay for the signs. This bill is still in committee.

- Washington: HB 1017 requires any establishment that sells liquor to post at least one warning sign regarding DWI, pregnancy/liquor, and liquor/prescription drugs. Signs provided by the state Liquor Control Board. Signs will be 11x14 or larger. Still in committee. All information is on one sign.

There are two other bills that the researcher was aware of that have to do with warnings in advertising of liquor.

On the subject of taxis:

She is not aware of any states that require this since it is usually a "common sense" measure. She will finalize this today.

She said however, that states are trying lots of creative ways to cut down on drunk driving. Several states have REGULATIONS which ban happy hours. The most extreme case seems to be Rhode Island where a bill presently before the Legislature would require that patrons of bars surrender their keys and drivers' licenses before they could be served

alcohol. Patrons would have to pass a sobriety test administered ostensibly by the bartender before they could get their property back. Non-driving drinkers would have to sign a statement saying they were not going to be driving. The motivating factor for the bar owners: absence of liability and lower insurance rates.

HOUSE BILL NO. 1017

State of Washington      49th Legislature      1985 Regular Session  
by Representatives Tilly, Locke, Patrick and Ballard.

Read first time 2/8/85 and referred to Committee on Judiciary.  
Referred to Committee on Commerce & Labor 2/11/85.

1        AN ACT Relating to alcoholic beverages; and adding a new section  
2 to chapter 66.28 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4        NEW SECTION. Sec. 1. A new section is added to chapter 66.28  
5 RCW to read as follows:

6        (1) Any place where alcoholic beverages are sold for off-premises  
7 consumption shall post at least one warning sign as provided in  
8 subsection (2) of this section regarding the dangers of drinking and  
9 driving, fetal alcohol syndrome, and drinking while taking other  
10 medication.

11        (2) The liquor control board shall prepare and make available  
12 warning signs to be posted in places selling alcoholic beverages for  
13 off-premises consumption. These signs shall be eleven inches by  
14 fourteen inches or larger, with print large enough to be read  
15 clearly.

# STATE OF NEW YORK

2004

1985-1986 Regular Sessions

## IN SENATE

February 5, 1985

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations, Taxation and Government Operations

AN ACT to amend the alcoholic beverage control law, in relation to warnings regarding alcoholic beverages

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section one hundred four-a of the alcoholic beverage control law is amended by adding a new subdivision five to read as follows:  
2  
3 5. All retailers who sell alcoholic beverages for off-premises consumption, excluding grocery stores, and all retailers who sell alcoholic beverages for on-premises consumption, shall have posted, in a conspicuous place, a sign which clearly reads: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects."  
4  
5  
6  
7  
8 § 2. Section one hundred thirty of such law is amended by adding a new subdivision six to read as follows:  
9  
10 6. Notwithstanding any other provision of this section, a violation of the provisions of subdivision five of section one hundred four-a of this chapter shall not be a crime, but the violator shall be liable for a civil penalty of not more than one hundred dollars. Each day that the said provisions are not complied with shall constitute a separate violation.  
11  
12  
13  
14  
15  
16 § 3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.  
17

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD05984-01-5

1 LRS 85-459:2/6/85

2

3

4 S. 303  
5 By Senator Parsons  
6 RFD - GA  
7 Rd 1 - 2-12-85

7

8

9 SYNOPSIS: This bill requires all persons who are licensed to  
10 sell or serve, on-premises or off-premises,  
11 alcoholic beverages to post warning signs that the  
12 drinking of alcoholic beverages may be harmful to  
13 the health of pregnant women. It authorizes the  
14 Alcoholic Beverage Control Board to issue rules and  
15 regulations for the enforcement of the provisions  
16 of this act.

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A B I L L  
T O B E E N T I T L E D  
A N A C T

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34

To prescribe that any person who is licensed to  
sell or serve, on-premises or off-premises, alcoholic  
beverages to post warning signs that the drinking of  
alcoholic beverages may be harmful to the health of pregnant  
women; to authorize that the Alcoholic Beverage Control Board  
may issue and enforce reasonable rules and regulations  
necessary to enforce the provisions of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any person who is licensed to sell or  
serve alcoholic beverages, on-premises or off-premises, shall  
post a warning sign that the drinking of alcoholic beverages  
may be harmful to the health of pregnant women. Such sign  
shall be prominently displayed in letters large enough to

1 read at a distance of fifty feet.

2 Section 2. The Alcoholic Beverage Control Board  
3 may formulate, issue and enforce reasonable rules and  
4 regulations necessary to implement the provisions of this  
5 act. Such rules and regulations shall be made pursuant to  
6 the Administrative Procedure Act.

7 Section 3. The provisions of this act are  
8 severable. If any part of the act is declared invalid or  
9 unconstitutional, such declaration shall not affect the part  
10 which remains.

11 Section 4. All laws or parts of laws which  
12 conflict with this act are hereby repealed.

13 Section 5. This act shall become effective  
14 immediately upon its passage and approval by the Governor, or  
15 upon its otherwise becoming a law.

MAILING ADDRESS:  
711 H Street, Box 108  
Anchorage, Alaska 99501

(907) 279-MADD

BUSINESS ADDRESS  
733 West 4th Avenue  
Anchorage, Alaska 99501

MARCH, 1985 MADD NEWSLETTER  
EDITOR - J.L. "Larry" Henderson Jr.  
READING DIRECTIONS TO FEBRUARY ISSUE

Beginning on page 4 of the Feb. Newsletter, some Blithe Spirit scrambled and excluded portions of the Newsletter. To restore some semblance of orderly meaning, these two columns of paragraph captions will show:

How It Should Have Been	How It Was
COURT MONITOR: REPORTS; EVALUTES...	RECENT ADDITIONS; POLITICAL ACTIVIST
MEDIA SAYS WHAT IT PLEASES	"TOWN CLOSED TO ATTEND TRIAL"
ANCIENT JUDICIAL TYPES: FAIR; ...	VIOLATIONS
RECENT ADDITIONS; POLITICAL ACTIVIST..	JM180879.RAB
"TOWN CLOSED TO ATTEND TRIAL"	COURT MONITOR: REPORTS; EVALUATES...
VIOLATIONS	ANCIENT JUDICIAL TYPES: FAIR...
JM180879.RAB...	Omitted - MEDIA SAYS WHAT IT PLEASES

COURT MONITORS NEEDED --- YOU'RE OUR EYES AND EARS

Unfortunately all of us do not have sufficient time to attend all the trials and yet still do everything else that we need to. Yet if we had a sufficient number of monitors to attend all the trials, these monitors by reporting their factual findings and impressions, have expanded our awareness far beyond what any one person could have sensed in person. We all share in common, an intense interest in knowing the TRUTH of what occurs in the courtroom. We also have a developing sensitivity to the myriad factors that affect, adversely and otherwise, CRIME AND PUNISHMENT and whether any deficiencies in the system are adequately reported. to the concerned citizenry. Such motivation and sensitivity enables our Court Monitors to record impressions and actions likely to be completely overlooked by the media. Therefore, when you're asked to be a Court Monitor, (as you are right now), don't exclaim, "But I'm not a newspaper reporter." I'd merely breathe a fervent, "Thank Goodness." Give us a call. We need you. So does mankind.

MEDIA SAYS WHAT IT PLEASES

The flip-side of Freedom Of The Press is that the media is not legally obligated to report anything. They can, and do, boycott events. The resulting news blackouts may serve their purposes, but not necessarily those of the readers. Two Examples:

TEXT COMPLAINT BOYCOTT Recently I questioned the use of a textbook in the Palmer Jr. High School because of numerous biased half-truths, evasions, omissions and outright falsities scattered throughout the book which repeatedly slighted the Western Democracies in general and the U.S. in particular, and in marked contrast, falsely enhanced and glorified the Communist nations in general and Red China in particular. Believing this to be newsworthy, I blanketed local and State media, including newspapers, radio and TV, with press releases. To the best of my knowledge - none of the media outlets said one word about it.

BOYCOTT OF JUDGES' POPULARITY POLL Following the recent State and National elections, the Anchorage Chapter President, Katherine Bigler noticed that the results of the Approve/Disapprove vote on the Judges had not been published by the media. President Bigler's inquiry prompted this lame excuse, "We didn't think anyone would be interested."

Use The Media ! Work With It ! But Don't Rely Upon It !

MADD SUPPORTS THE FOLLOWING 1985 LEGISLATIVE BILLS

Dram Shop Revision

Last year, the Governor's Task Force on Drunk Driving recommended:

(1) Increasing the civil liability of liquor licensees for damages caused by serving alcohol illegally from "criminal negligence" to "civil negligence", and; (2) Expanding the civil liability to "social hosts". The purpose is to deter the serving of alcoholic beverages to persons that are already drunk. The Governor has promised to introduce this legislation, but has failed to do so, by the time of this writing. COMMENT: Failure to introduce it earlier precludes passage this session.

House Bill No.3

Provides an additional situation when the Officer may administer a breath test when the driver was driving with an open container of an alcoholic beverage in the car. This Bill was passed by the House and was before the Senate State Affairs Committee on 3/28. SB 71 is similar and in the same Committee.

House Bill No.34

Requires that restaurants having an alcoholic beverage license, must show that 50% of their proceeds are received from the sale of food, which must continue while liquor is being sold. This Bill was before the House Judiciary Committee on 3/28.

House Bill No.55

Requires the bar owner to obtain a taxi for one who requests it. The bar owner must also display an alcohol warning sign that reads, "Intoxicated Drivers Go To Jail, Pay A Fine and Lose Their License - Why Risk It?" This measure was in the House Judiciary Committee on 3/28.

Senate Bill No.69

Makes various administrative changes in licensing and regulation of the sale and distribution of alcoholic beverages and defines an "established village" as having 25 or more permanent residents or is within a 5 mile radius circle centered on a post office or other designated point. This measure was in the Senate Community and Regional Affairs Committee on 3/28.

Senate Bill No.73

Requires that one arrested for DWI must be photographed and fingerprinted before being released from custody. This measure was in the Senate Judiciary Committee on 3/28.

Senate Bill No.74

Provides that DWI includes any influence that results from a combination of intoxicating liquor and a controlled substance "that acts as a central nervous system depressant, hallucinogen or stimulant." This bill was in the Senate Finance Committee on 3/28.

Senate Bill No.75

Adds the phrase, "or the privilege to obtain a license" to cover the situations where the Defendant was driving with out a current driver's license. This Bill passed the Senate and was going to the House Finance Committee on 3/28.

Senate Bill No.76

Provides that the Defendant shall have the right to call his attorney etc. only "after law enforcement officers have conducted any tests necessary to preserve dissipating physical evidence of intoxication," This amends Rule 5(b) of the Alaska Rules of Criminal Procedure which allows the Defendant to stall the taking of the test (which tends to lessen its validity) until after he had called and carried on at length with his attorney. This ploy enabled a skilled practitioner to considerably weaken the physical evidence of intoxication. This Bill was in the Senate Judiciary Committee on 3/28.

MADD SUPPORTS THE FOLLOWING 1985 LEGISLATIVE BILLS (Cont.)

Senate Bill No.136

Increased the membership of the ABC Board from 5 to 7 and requires that one member shall be the coordinator of the office of alcoholism and drug abuse. This Bill was in the Senate Health, Education and Social Services Committee on 3/28.

Senate Bill No.138

Prohibits "Happy Hour" and certain other discounting or free dispensing of drinks. This Bill was in the Senate State Affairs Committee on 3/28.

TELL YOUR LEGISLATOR(S) HOW TO VOTE

WHAT A DEAL ! ABSOLUTELY FREE ! Collect Calls accepted. Just call your Legislative Information Office: Anchorage...278-3668; Wasilla...376-3704; Soldotna...262-9364; Tell them you'd like to send a Public Opinion Message (POM) to the Legislators that you specify, one or all. POMs have a 50 word limit. Office personnel will tell you what committee a particular bill is in when you call. Tell her that you'd like to send a POM to the members of that Committee urging passage of the Bill. She will then prepare the POM to be sent under your name to those Legislators. A Bill will probably be sent to more than one Committee. Therefore, keep track of its whereabouts at every step of the way while its being considered. Continue to urge its passage, by those particular Legislators who are in the specific Committee that is considering it at that time, . It doesn't become law unless it's approved at all stages of its gestation period.

VIOLATIONS CHARGED

GA010183.MEO 5 MAY 83 DWI charges were filed against Mark E. Owens, a serviceman driving a car with Texas plates, before Judge Glen Anderson. Defendant was found slumped over the steering wheel of his car that was stopped partly on the roadway with the engine running. The brake was not on. The arresting officer smelled intoxicants. Defendant flunked all field sobriety tests. His breathalyzer reading was .21. Defendant represented himself and claimed that he was waiting for his friend inside the house with a girl. Defendant found guilty; Fined \$350; Sentenced to 90 days in jail with 70 suspended; Alcohol screening; License revoked for three years; No traffic violation for three years. (CASE NO.83-5CR) Reporters: Lois Sudkamp, Anchorage; Selma Schmidt (Mrs. H.A.) Anchorage; Wilma Larsen, Anchorage.

JH010183.DKB 10 MAY 83 David Keith Bowers pled Not Guilty before Judge James Hornaday to indecent exposure. Priors included: Case #814097; 812209; 818049; 801816. Defendant said he had seizure and did this after drinking but no alcohol was observed on breath. Found guilty upon testimony of liquor store clerk and manager. Reporter, Linda Racenia, Anchorage. COMMENT: Disposition not known.

XG030183.DEM 6 JAN 84 David E. Nerbs pled Nolo Contendere to DWI before Judge Greene. Defendant's breathalyzer reading was .21 taken one hour and 15 minutes after arrest. Defendant was found guilty, Fined \$1,000 which was suspended; sentenced 45 days in jail with all but 96 hours suspended, no similar or criminal violation for one year, alcohol screening; license revoked for 60 days. Reporter Sam McClain, Anchorage.

WF060183.PXG 15 AUG 83 19 year old Patricia Golden pled Not Guilty DWI before Judge William Fuld. At about 02:13 AM, Defendant had entered into, but not thru the intersection, on a red light. THE Officer reported Defendant had a strong odor of alcohol, poor balance, an open can of beer in the car and a breathalyzer reading of .15 (which was not introduced into evidence). On video her face appeared flushed and she said she had started drinking about 2100 PM and had had about 5 bottles of beer. At the trial she denied drinking at the time of the arrest. Defendant was found Not Guilty. Reporter Wanda Wheeler.



MEMBERSHIP: As a member, you will be entitled to any and all services MADD has to offer, including newsletters, current legislation and drunk driving information.

\$20 Individual     \$40 Family     \$150 or more Organization Affiliate

I would like to make a contribution of \$\_\_\_\_\_ in support of MADD.

I would like to volunteer my time, please call me.

I am a victim.

I am a concerned citizen.

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

CITY, STATE AND ZIP: \_\_\_\_\_ PHONE: (    ) \_\_\_\_\_

PLEASE SEND THIS MEMBERSHIP FORM TO:

MADD

MOTHERS AGAINST DRUNK DRIVERS  
MAILING ADDRESS:  
711 H Street, Box 108  
Anchorage, AK 99501

NON-PROFIT ORG  
U. S. Postage  
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ANCHORAGE, AK  
PERMIT #485

Represtatative Collins  
Alaska State Legisalture  
Pouch V (MS 3100)  
Juneau, Alaska 99811

FILED JAN 3 1965

By C. Jones

# 3. No. 215

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to warning signs to be posted by alcoholic beverage  
3 retailers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 11, Alcoholic Beverage Code, is amended  
6 by adding Section 11.11 to read as follows:

7 Sec. 11.11. WARNING SIGN REQUIRED. (a) Each holder of a  
8 permis that authorizes the holder to sell alcoholic beverages to  
9 consumers at retail shall display in a prominent place on his  
10 premises a sign at least 17 inches high and 8 inches wide, stating  
11 in letters easily legible: .

12 D W I

13 DID YOU KNOW?

14 PENALTIES:

15 1st Offense--Jail: 3 days to 2 years

16 Fine: max. \$2,000

17 License: possible suspension

18 2nd Offense--Jail: 15 days to 2 years

19 Fine: max. \$2,000

20 License: max. suspension of 2 years

21 3rd Offense--Penitentiary: max. of 5 years

22 Fine: max. \$2,000

23 License: max. suspension of 2 years

24 IT'S NOT WORTH IT!

1           (b) A permittee who fails to comply with this section  
2 commits a misdemeanor punishable by a fine of not more than \$25.

3           SECTION 2.     Section 61.11, Alcoholic Beverage Code, is  
4 amended to read as follows:

5           Sec. 61.11.   WARNING SIGNS [SIGN] REQUIRED.   (a) Each holder  
6 of a license shall display in a prominent place on his premises a  
7 sign, at least 6 inches high and 14 inches wide, stating: FELONY.  
8 STATE LAW PRESCRIBES A MAXIMUM PENALTY OF TEN YEARS' IMPRISONMENT  
9 AND A FINE NOT TO EXCEED \$5,000 FOR CARRYING WEAPONS WHERE  
10 ALCOHOLIC BEVERAGES ARE SOLD, SERVED, OR CONSUMED.

11           (b) Each holder of a license that authorizes the holder to  
12 sell alcoholic beverages to consumers at retail shall display in a  
13 prominent place on his premises a sign at least 17 inches high and  
14 8 inches wide, stating in letters easily legible:

15                           D W I

16                           DID YOU KNOW?

17                           PENALTIES:

18                   1st Offense--Jail: 3 days to 2 years

19                           Fine: max. \$2,000

20                           License: possible suspension

21                   2nd Offense--Jail: 15 days to 2 years

22                           Fine: max. \$2,000

23                           License: max. suspension of 2 years

24                   3rd Offense--Penitentiary: max. of 5 years

25                           Fine: max. \$2,000

26                           License: max. suspension of 2 years

27                           IT'S NOT WORTH IT!

1           (c) [(b)] A licensee who violates this section commits a  
2 misdemeanor punishable by a fine of not more than \$25.

3           SECTION 3. This Act takes effect September 1, 1985.

4           SECTION 4. The importance of this legislation and the  
5 crowded condition of the calendars in both houses create an  
6 emergency and an imperative public necessity that the  
7 constitutional rule requiring bills to be read on three several  
8 days in each house be suspended, and this rule is hereby suspended.

# State of Alaska

## COMMITTEES

HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES  
(Co-Chairman)  
HOUSE JUDICIARY  
HOUSE COMMUNITY AND  
REGIONAL AFFAIRS



POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4968

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

## PRESS RELEASE

For Immediate Use

BY: Representative Virginia Collins  
Representative Max Gruenberg  
DATE: April 15, 1985  
RE: HB 55 "DWI" warning signs and taxi rides

An act relating to liquor licensees' duty to contact taxis for patrons and to display alcohol "DWI" warning signs passed the House Judiciary Committee this weekend. House Bill 55 was introduced by Representatives Virginia Collins (R. Anch.) and Max Gruenberg (D. Anch.).

If enacted, the measure would require employees of licensed establishments to, "make reasonable efforts to procure a taxi, where regular taxi service is available, for any person in the premises who requests a taxi".

The bill also requires that all licensed liquor dispensers, including retail package liquor stores, conspicuously display at each public entrance and exit a sign that reads, "Drunk drivers go to jail, pay a fine and lose their licenses - why risk it? Call a taxi." The 18 inch sign would also include the international prohibitive symbol for drinking and driving

Sponsor Virginia Collins commented, "This legislation has been a joint effort by Representative Gruenberg and myself -- a clear indication of the bi-partisan effort in the House of Representatives to fight drunk driving."

According to co-sponsor Max Gruenberg, "The bill has passed two House committees and will now be referred to the House Finance Committee. Hopefully, it will reach the House floor before the end of the session. HB 55 is a good example of the kinds of creative, low-cost ideas the state can pursue in combating drunk driving".

Representative Collins continued, "During the past ten years, Alaska has enacted some of the nation's strictest laws against drunk driving. Despite all of these efforts, drinking and driving continue to be a significant problem for the citizens of our State. The prominent display of DWI warning signs in establishments that sell alcohol will affect consumer behavior in a positive manner, because repeated exposure to the warning reinforces its effect and eventually leads to subliminal changes in behavior which influences consumers of alcoholic beverages to act responsibly -- not necessarily for the good of others, but for themselves. To increase the effectiveness of our current efforts, the public must know the laws and penalties leading to an increased fear of apprehension and correction."

CHAR (Cabaret, Hotel and Restaurant Association), representing the liquor industry, has endorsed House Bill 55.

Staff Contacts: Rep. Collins: Kevin Farrell 465-2828

Rep. Gruenberg: Dave Donley 465-4968

HOUSE BILL 55

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE

April 8, 1985

Purpose. One of the priority issues identified by the Governor's Task Force on Drunk Driving was State funding for directing and funding public awareness programs on alcohol and drug use and responsible motor vehicle operation. House Bill 55 is an attempt to respond to this concern. HB 55 is designed to improve public awareness and information at the sites where alcoholic beverages are purchased or consumed.

Statement of the Problem: In the last few years there has been an increased public interest in the problem of drinking and driving. In response to this rising concern, the State of Alaska in recent years has enacted legislation aimed at removing the drunk driver from our streets and thus reducing alcohol-related accidents and fatalities. These statutes provide for the following:

1. Raised legal drinking age of twenty-one.
2. An implied consent statute
3. Preliminary breath testing on the roadway
4. Administrative license revocation upon arrest
5. Breath test refusal penalties same as DWI conviction
6. Citizen reporting, i.e., REDDI
7. Definition of Breath Alcohol level at .10 illegal per se
8. Mandatory sentencing
9. Mandatory fines
10. Victim compensation
11. Driver licensing information
12. Rehabilitation education
13. Compliance with conditions of court order
14. Mandatory liability insurance
15. Four new judges in the Anchorage area
16. Decrease in time between arrest and sentencing

Despite all of these efforts, drinking and driving continues to be a significant problem for the citizens of our state.

Recent newspaper headlines attest to the increasing public interest in the drunk-driving problem. Much of this increase results from campaigns conducted by such citizen groups as MADD (Mothers Against Drunk Driving). Organizations like MADD have been very effective in enlisting public and official support for more severe penalties for drunk drivers. In the past, efforts to strengthen drunk-driving laws have generally focused on increasing penalties.

One justification frequently cited for this approach is the apparent success of drunk-driving laws carrying strict penalties and ensuring that such penalties are actually carried out. Unfortunately, in the past it generally has been the experience that public concern has been temporary, and when the interest of the moment has passed, the intensity of the effort to overcome the drinking-driving problem tends to fade. If current efforts are to have a long-term effect, it is important that public awareness accompany all current and future legislation to stem the tide of drunk driving.

The passage of stricter drunk-driving laws alone will not reduce alcohol-related accidents or the incidents of drunk driving. For stricter laws to be effective, the public must know the laws and penalties and have an increased fear of apprehension and conviction.

To have an impact on the rate of accidents caused by drunk drivers, laws must not only be enacted but also well publicized and enforced. In some cases, it appears that current DWI laws and their penalties are not as highly publicized throughout Alaska as they could be.

A review of the research on the scope of the problem as it exists in other states as well as in Alaska is well documented. It is clear from reviewing the information that drinking and driving is a very complex problem which requires a combination or a variety of approaches. Although it appears from reviewing the literature that enactment of stronger drunk-driving laws has been successful in stemming the tide, it has not been entirely successful in eliminating the problem.

To be effective, enforcement programs must be accompanied by public information activities which ensure that there is a perception of increased probability of detection. A review of the research further indicates there is a strong connection between public awareness and the effectiveness of drunk-driving laws. Public awareness and accurate knowledge of the law, along with thorough enforcement procedures and stiff penalties are the major components, which will have a lasting impact on the large numbers of persons drinking and driving in Alaska, particularly in the case of social drinkers. Although this approach may not be as effective with problem drinkers, research indicates that the passage of stricter drunk-driving laws alone does not reduce alcohol-related accidents or the incidence of drunk driving. To increase the effectiveness of our efforts, the public must know the laws and the penalties and have an increased fear of apprehension and conviction.

The sale of alcohol is one of society's most highly regulated industries. There is good reason for this; it is a potentially dangerous substance posing extreme hazards to the health and welfare of consumers and motor vehicle operators on our public roads.

In the past decade, the vast majority of Americans have been concerned over public safety. This concern has risen steadily since 1971. In a recent Harris survey, 87% of the adult Americans polled blamed consumers themselves for injury resulting from misuse of products. Of the consumers surveyed, 73% believed that product safety objectives should be accomplished through publicity on product risks and dangers or by health warnings such as those required for cigarettes and over-the-counter drugs.

If a product has a hidden hazard, an unknowing consumer may be denied the valuable information necessary in deciding whether or not to risk using the product in the first place or how abuse of the product could impact his future welfare. Often, hazards in the use of alcohol are not visible to a consumer, and thus the consumer may not have a full appreciation for the severity of the decision to expose himself to that hazard. The probability of a hazard actually occurring, therefore, is of prime consideration in the consumer's behavior. Following this line of reasoning, an educated product consumer of alcoholic beverages is likely to be a more responsible consumer.

RECOMMENDATIONS:

The approaches for dealing with the drunk-driving problem are many, which include punitive, educational, rehabilitation, and behavioral. The value of placing warning signs in establishments where alcohol is sold and/or consumed should be effective because the message is subliminal. Research has shown that subliminal advertising has a greater long-term effect in influencing behavior than any other form of advertising. The prominent display of DWI warning signs in establishments that sell alcohol would, over a period of time, effect consumer behavior in a positive manner. Subliminal messages are conveyed to the unconscious rather than to the conscious level. Once having established the message on the unconscious level, repeated exposure to the message reinforces its effect and eventually will lead to changes in behavior which will influence consumers of alcoholic beverages to act responsibly, not necessarily for the good of others, but for themselves.

HB 55 REPRESENTS GOOD LEGISLATION; IT MAXIMIZES THE EFFECT OF CURRENT LAW AT MINIMAL EXPENSE TO THE PUBLIC TREASURY. HB 55 CARRIES A FISCAL NOTE OF APPROXIMATELY \$3,000.00; A SMALL PRICE FOR A BIG PROBLEM.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY. ON BEHALF OF MYSELF AND  
ALL THOSE WHO WILL BENEFIT FROM THIS BILL, I REQUEST YOUR SUPPORT IN PASSING  
HB 55 OUT OF COMMITTEE.

I AM AVAILABLE FOR ANY QUESTIONS YOU MAY HAVE.

TIMELINE SUMMARY OF SIGNIFICANT LEGISLATION  
REGARDING CONTROL OF DRUNK DRIVERS

---

MUNICIPALITY OF ANCHORAGE

ALASKA STATE STATUTE

---

January, 1977

Established Mandatory

Minimum Sentence:

1st offense            24 hours  
2nd offense            3 days  
3rd & subsequent    10 days

Illegal to operate motor  
vehicle with BAC .10% or  
higher (Per Se law)  
(AO 267-76)

January, 1978

[Adopted procedure whereby in-  
voluntary blood test was made  
in medical setting upon refu-  
sal of breathalyzer test.  
(Administrative Procedure)]

Established mandatory judicial re-  
ferral for alcohol screening/reha-  
bilitation  
(ch. 152 SLA 1978)

Established mandatory jail sentence  
of 10 days for DWLS.

Disallowed limited license on second  
offense for serious traffic misde-  
meanors  
(ch. 178 SLA 1978)

November, 1978  
(11/23/78)

Increased Mandatory Minimum  
sentence:

1st offense            3 consecutive days  
2nd & subsequent    10 consecutive days  
(AO 78-2305)

November, 1979

Adopted breath as well as  
blood standard for measurement  
of BAC  
(AO 79-194)

1980

(September)

Adopted mandatory minimum jail sentence:

1st offense 3 consecutive days

2nd offense 10 consecutive days

Illegal to operate motor vehicle with BAC .10% or higher

Adopted breath alcohol measurement standard

Established admissibility of refusal under implied consent law as evidence in prosecution (ch. 129 SLA 1980)

(August)

Adopted state statute (AO 80-122)

1981

Assumes validity of chemical test if taken within four hours of arrest (AO 81-75)

[Reduction in hours of legal sale of alcohol]

1982

(September)

Established refusal under implied consent laws as misdemeanor offense with same sentence as DWI offense

Allowed for application of DWI law to airplanes and watercraft

Allowed forceable blood test for EAC in fatalities, injuries or cases where defendant is incapable of refusing

Required use of limited license for at least 60 days (rather than only 30 days)

Revised mandatory minimum sentence  
1st offense 72 consecutive hours  
2nd offense 10 consecutive days  
20 days if subsequent offense  
within one year  
(ch. 117 SLA 1982)

Adopted state statute but leaves  
in validity of chemical test if  
taken within four hours of arrest  
(AO 82-126)

November, 1982

Allows forfeiture of motor  
vehicle to Municipality on  
2nd or subsequent offense  
within 5 years of first  
offense

Permit impoundment (temporary  
seizure) of vehicle to Muni-  
cipality for 30 days for 1st and  
2nd offense, 60 days for 3rd  
offense and 90 days on 4th or  
subsequent offense.  
(AO 82-205)

June, 1983  
Effective 10/17/83

Revised mandatory minimum sentence  
1st offense 72 hours (unchanged)  
2nd offense w/in 10 years 20 days  
3rd offense w/in 10 years 30 days

Established mandatory minimum fines  
1st offense \$250  
2nd offense \$500  
3rd offense \$1000

Established administrative revoca-  
tion of driver's license by law  
enforcement officer if BAC is .10%  
or higher or driver refuses breath  
test. Driver receives 7-day tem-  
porary license; driver has seven  
days to appeal.

Revises terms of license revocation under administrative or court authority - provides minimums:

- 1st offense 90 days (last 60 days may be limited)
- 2nd offense 1 year
- 3rd offense 10 years

Court revocation may be either concurrent or consecutive with administrative action.

Revises procedure to recover valid license: driver must post SR22, pay fee and pass written and road test.

Revises penalty for driving with license revoked. If revocation was for 1st DWI conviction, mandatory minimum 30 days in jail. If revoked for 2nd or subsequent DWI, mandatory jail sentence of 90 days to serve.

Allows for impoundment or forfeiture of vehicle on 3rd & subsequent offense.

Suspended imposition of sentence is no longer permitted for DWI, Breath Test Refusal, or Driving with License Revoked.

[ Minimum legal age to purchase/ consume increased from 19 to 21 -- over three year period, effective January, 1984. ]

[ State tax on alcohol increased (last increase was 1962). ]

Introduced: 1/16/85  
Referred: Labor & Commerce,  
Judiciary and Finance

1 IN THE HOUSE

BY COLLINS

2

HOUSE BILL NO. 55

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to licensed premises."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 04.21 is amended by adding new sections to read:

9           Sec. 04.21.035. DUTY TO CONTACT TAXI. A licensee or a licens-  
10 ee's agent or employee shall make reasonable efforts to procure a  
11 taxi, where taxi service is available, for any person in the premises  
12 who requests a taxi.

13           Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A li-  
14 censee shall conspicuously display at each entrance and exit of prem-  
15 ises where alcohol is sold at retail, a sign that reads "Intoxicated  
16 Drivers Go To Jail, Pay a Fine and Lose Their License - Why Risk It? -  
17 Call a Taxi" and that includes a prohibitory symbol containing a  
18 stylized automobile and cocktail

19           (b) The sign required by (a) of this section must be at least 18  
20 inches wide and six inches high, with lettering at least one and  
21 one-fourth inches high.

22           (c) The Dep. t of Revenue shall furnish signs required under  
23 this section to a licensee who requests them.

Introduced: 1/16/85  
Referred: Labor & Commerce,  
Judiciary and Finance

IN THE HOUSE

*ADAMENDMENT*  
BY COLLINS

HOUSE BILL NO. 55

IN THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to licensed premises."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 04.21 is amended by adding new sections to read:

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Sec. 04.21.036. DISPLAY OF ALCOHOL WARNING SIGNS. (a) A licensee shall conspicuously display at each entrance and exit of premises where alcohol is sold at retail, a sign that reads " drunk Drivers go to Jail, Pay a Fine and Lose Their License - Why Risk It? - Call a Taxi" and that includes a prohibitory symbol containing a stylized automobile and cocktail glass.

(b) The sign required by (a) of this section must be at least 18 inches wide and six inches high, with lettering at least one and one-fourth inches high.

(c) The Department of Revenue shall furnish signs required under this section to a licensee who requests them.