

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9191 HOUSE JUDICIARY

HEB

159

Revision Date: _____ Dept. Affected: Revenue
 Title: Tobacco Purchase, Possession, Sale, etc. BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: Representative Kott
 Requestor: (H) L&C COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Section 6 of the proposed legislation amends the licensing provisions for manufacturers, distributors and vending machine operators (required to file tax returns). The amendments allow the department to suspend or revoke tobacco licenses, for up to one year, for criminally negligent violations of AS 11.76.107. Licensees would be able to appeal this action. There are approximately 45 businesses who would be subject to the new provisions. DOR can administer the revocations and potential appeal actions with current resources.

Prepared by: Robert Bartholomew
 Division: Income and Excise Audit
 Approved by Commissioner: Wilson L. Condon *Rehins for*
 Agency: Revenue

Phone: 465-4773
 Date: April 9, 1997
 Date: April 9, 1997

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE.

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

NO. _____
 Bill Version: CS SSHB 159(L&C)
 (H) Publish Date: 4/17/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the sale, gift, exchange,
possession, and purchase of tobacco and tobacco products; . . .
 Sponsor: Representative Kott BRU: Criminal Division/Civil Division
 Requester: House Labor and Commerce Committee Component: Criminal Division
 COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any-current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SSHB 159 proposes additional restrictions and penalties for the sale, gift, exchange, possession, and purchase of tobacco and tobacco products. The proposed additional restrictions on the placement of vending machines and other amendments concerning the sale of tobacco products to minors will have no impact on the Department of Law. The sponsor substitute removes the requirements for administrative revocation of drivers' licenses as a penalty for violation of the proposed statute, and the Department of Law no longer anticipates any fiscal impact from this bill.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*
 Agency: Department of Law

Phone: 465-5370
 Date: 4/7/97
 Date: 4/7/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

Bill Version: CS SSHB 159(L&C)
(H) Publish Date: 4/17/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____
Title: "An Act relating to sale, gift, exchange, possession and purchase of tobacco and tobacco products..."
Sponsor: Representative Kott
Requestor: (H) L & C

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This sponsor substitute to the original bill removes the penalty of administrative revocation of a driver's license for the violation of under-age purchase or possession of tobacco products by a minor. It makes the sale, exchange or giving of tobacco products to a minor, the presentation of false proof of age to obtain tobacco products by a minor, and the failure to demand proof of age by the vendor, violations. There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 4/8/97

COMMITTEE COPY PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

Bill Version: CS SSHB 159(LW)

(H) Publish Date: 4/17/97

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Sale and possession of tobacco BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Kott
 Requestor: _____ COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	7.9	7.9	7.9	7.9	7.9	7.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	7.9	7.9	7.9	7.9	7.9	7.9

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.9	7.9	7.9	7.9	7.9	7.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	7.9	7.9	7.9	7.9	7.9	7.9

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time	1.0	1.0	1.0	1.0	1.0	1.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Doug Wooliver, Administrative Attorney
 Agency: Alaska Court System
 Approved by: Stephanie J. Cole, Acting Administrative Director
 Agency: Alaska Court System

Phone: 264-8228
 Date: 04/08/97
 Date: 04/08/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Alaska Court System
Fiscal Analysis
SSHB 159

Section 5 of SSHB 159 requires the court system to separately account for the fines collected for violations of various tobacco related offenses. Because the court system computer software cannot be adapted for such a function, the separate accounting will have to be done by hand. This note represents the clerical cost to manually search through each days receipts to find, tally, and record any fines collected from tobacco related violations.

The estimated cost is based on the conservative estimate that there were 1,000 citations written by local police agencies around the state in FY 96. It should be noted that this figure only represents citations written for minors in possession of tobacco and does not include other tobacco related offenses.

Further, this note does not account for the likely increase in citations which may result from the enforcement incentive created under section 5, which provides that the fines collected may be appropriated by the legislature back to municipal law enforcement agencies.

Alaska Court System

Fiscal Analysis

SSHB 159

Personal Services

Position

Salary

Benefits

Total

Court Clerk II, 10A, Anchorage, permanent part-time position, 3 months

\$6,315

\$1,627

\$7,942

FISCAL NOTE

Bill Version: CS SSHB 159 L&C

(H) Publish Date: 4/17/97

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

Revision Date: _____
 Title: An Act relating to sale, possession, and purchase
of tobacco and tobacco products;.....
 Sponsor: Reps. Kott, Mulder, Kohring, Sanders, Ryan
 Requestor: House Labor & Commerce

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES	66.3	49.2	66.3	49.2	66.3	49.2
--------------------	------	------	------	------	------	------

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SSHB 159 establishes penalties for individuals and businesses who sell or give tobacco or tobacco related products to minors. The statutory amendments made to the tobacco endorsement attached to a business license will not require new funding to implement. However, the increase of the tobacco endorsement fee from \$25 to \$100 will generate additional revenue. There are currently 994 business licenses with tobacco endorsements due for renewal in FY 98 that will be expected to pay the new fee at the 12/31/97 renewal. There are currently 656 business licenses with tobacco endorsements that will renew in FY 99 at the 12/31/98 renewal. Assuming licensing activity remains relatively constant, the revenue can be expected to repeat in subsequent years. The amount shown above represents "new" revenue resulting from the increase of \$25 to \$100.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 4/4/97
 Date: 4/17/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

COMMITTEE COPY

FISCAL NOTE

Bill Version: CS SSB 159

(H) Publish Date: 4/17/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: _____

Revision Date: 03/15/97 Dept. Affected: Public Safety
 Title: Minor Possession of Tobacco BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Rep. Kott
 Requestor: House Labor & Commerce COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill may increase the number of persons with revoked licenses, however, it is not expected to have any significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 03/15/97

Approved by Commissioner: Ronald L. Otte *[Signature]* Date: 3/1/97
 Agency: Department of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

COMMITTEE COPY

For further distribution information call the Governor's Legislative Office

HOUSE COMMITTEE REPORT

Referred to Committee: April 17, 1997

FURTHER REFERRALS:

of Committee Action: 5/5/97

JUDICIARY Committee considered:

SSHB 159

NSOR SUBSTITUTE FOR HOUSE BILL NO. 159

TOBACCO PURCHASE, POSSESSION, SALE, ETC.

Act relating to sale, gift, exchange, possession, and purchase of tobacco and tobacco products; and providing for effective date."

Commends it be replaced with the following committee substitute CS SHB 159 (JUD) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

DOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____ fiscal note(s) COURTS, DCED

zero fiscal note(s) _____ zero fiscal note(s) DPS, REVENUE
LAW & ADMIN.

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Norm Rokeberg</u> ROKEBERG	<input checked="" type="checkbox"/>			
<u>Brian D. Porter</u> PORTER	<input checked="" type="checkbox"/>			
<u>James Green</u> GREEN	<input checked="" type="checkbox"/>			
<u>James James</u> JAMES			<input checked="" type="checkbox"/>	
<u>Bill Bunde</u> BUNDE			<input checked="" type="checkbox"/>	
<u>Ed Berkowitz</u> BERKOWITZ			<input checked="" type="checkbox"/>	
<u>Jim Croft</u> CROFT			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE [Signature]

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 159(JUD)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
 Referred:

Sponsor(s): REPRESENTATIVES KOTT, Mulder, Kohring, Sanders, Ryan, Cowdery

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sale, gift, exchange, possession, and purchase of tobacco and
 2 tobacco products; and providing for an effective date."

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

4 * Section 1. AS 11.76.100(a) is amended to read:

5 (a) A person commits the offense of selling or giving tobacco to a minor if the
 6 person is 19 years of age or older and

7 [(1)] negligently sells, exchanges, or gives a cigarette, a cigar, tobacco,
 8 or a product containing tobacco to a person under 19 years of age [; OR

9 (2) MAINTAINS A VENDING MACHINE THAT DISPENSES
 10 CIGARETTES, CIGARS, TOBACCO, OR PRODUCTS CONTAINING TOBACCO].

11 * Sec. 2. AS 11.76.105 is repealed and reenacted to read:

12 Sec. 11.76.105. Possession, purchase, or use of false identification to obtain
 13 tobacco by a person under 19. (a) A person under 19 years of age may not
 14 knowingly

- 1 (1) possess or attempt to purchase a tobacco product in this state; or
 2 (2) present false or fraudulent proof of age for the purpose of
 3 purchasing a tobacco product.

4 (b) A person who violates this section is guilty of a violation and upon
 5 conviction shall be punished by a fine of not less than \$250 for a first offense within
 6 a two-year period, not less than \$500 for a second offense within a two-year period,
 7 and not less than \$1,000 for a third or subsequent offense within a two-year period.

8 (c) In this section, "possess" does not include possession for the purpose of
 9 retail sale by a person under 19 years of age who holds a license endorsement under
 10 AS 43.70.075 or who is the employee of a person who holds a license endorsement
 11 under AS 43.70.075.

12 * Sec. 3. AS 11.76.107 is repealed and reenacted to read:

13 **Sec. 11.76.107. Restrictions on sale of tobacco and tobacco products. (a)**

14 A person may not sell a tobacco product unless

15 (1) the

16 (A) person also holds a license endorsement issued under
 17 AS 43.70.075;

18 (B) sale occurs on the retail premises; and

19 (C) person purchasing or receiving the tobacco product provides
 20 proof of age if proof is demanded as provided under (c) of this section;

21 (2) the sale is a wholesale transaction by a person licensed as a
 22 manufacturer under AS 43.50.010;

23 (3) the sale is by mail order, and the person selling the tobacco product
 24 has a copy of the purchaser's photo identification indicating that the purchaser is at
 25 least 19 years of age; or

26 (4) the sale is by vending machine as provided under (b) of this section.

27 (b) Except as provided in this subsection, a person may not sell a tobacco
 28 product by vending machine. The sale of a tobacco product through a vending
 29 machine is permitted if the vending machine is located in

30 (1) an employee break room or other controlled area of a private work
 31 place that is not generally considered a public place; or

1 (2) a place where alcoholic beverages are sold, but only if the vending
2 machine is

3 (A) located as far as practicable from the primary entrance; and

4 (B) inaccessible to the public when the licensed premises is
5 closed.

6 (c) A person engaged in the sale of a tobacco product shall demand proof of
7 age from a prospective purchaser or recipient if the person has reason to believe that
8 the prospective purchaser or recipient is under 27 years of age. A prosecution for
9 violation of this subsection may not be brought unless a prosecution is also brought
10 for violation of AS 11.76.100.

11 (d) A person engaged in the retail business of selling a tobacco product shall
12 notify each individual employed by that person as a retail sales clerk that state law (1)
13 prohibits the sale of a tobacco product to any person under 19 years of age and the
14 purchase or receipt of a tobacco product by any person under 19 years of age; and (2)
15 requires that proof of age be demanded from a prospective purchaser or recipient if the
16 person engaged in sale of the tobacco product has reason to believe that the
17 prospective purchaser or recipient is under 27 years of age. This notice shall be
18 provided before the individual commences work as a retail sales clerk. The individual
19 shall signify receipt of the notice required by this subsection by signing a form stating
20 as follows:

21 "I understand that state law prohibits the sale of a tobacco
22 product to persons under 19 years of age and requires that proof
23 of age be demanded from a prospective purchaser or recipient
24 if I have reason to believe that the prospective purchaser or
25 recipient is under 27 years of age. I promise, as a condition of
26 my employment, to observe this law."

27 Each form signed by an individual shall indicate the date of signature. The employer
28 shall retain the form signed by an individual employed as a retail sales clerk until 120
29 days after the individual has left the employer's employ.

30 (e) The court shall forward to the Department of Commerce and Economic
31 Development a record of each person convicted under this section.

1 (f) A person who holds a business license endorsement under AS 43.70.075,
 2 or an agent or employee of the person, may not sell cigarettes to another person if the
 3 cigarettes are sold singly or in numbers that are fewer than contained in the
 4 manufacturer's original cigarette pack or contained in a cigarette carton or box.

5 (g) A person who violates this section is guilty of a violation and upon
 6 conviction shall be punished by a fine of not less than \$250 for a first offense within
 7 a two-year period, of not less than \$500 for a second offense within a two-year period,
 8 and for a third or subsequent violation within a two-year period by a fine of not less
 9 than \$1,000 and suspension of the license endorsement required under AS 43.70.075
 10 for a period of not more than one year.

11 * Sec. 4. AS 11.76 is amended by adding a new section to read:

12 **Sec. 11.76.109. Definitions for AS 11.76.100 - 11.76.109.** In AS 11.76.100 -
 13 11.76.109, unless the context requires otherwise,

14 (1) "person" has the meaning given in AS 11.81.900;

15 (2) "proof of age" means a driver's license or other documentary or
 16 written evidence that is made of or encased in plastic and contains a photograph of the
 17 holder and a statement of age or date of birth that establishes that the person is 19
 18 years of age or older;

19 (3) "tobacco product" means a product that contains tobacco and is
 20 intended for human consumption;

21 (4) "vending machine" means a mechanical, electric, or electronic self-
 22 service device that, upon insertion of money, tokens, or another form of payment,
 23 automatically dispenses a tobacco product.

24 * Sec. 5. AS 22.35 is amended by adding a new section to read:

25 **Sec. 22.35.020. Use of fine proceeds.** The administrative director of the court
 26 system shall separately account for fines collected for violations of AS 11.76.100,
 27 11.76.105, and 11.76.107 and deposit them in the general fund. The annual estimated
 28 balance in the account maintained under this section for fines collected under
 29 AS 11.76.100, 11.76.105, or 11.76.107 may be appropriated by the legislature to
 30 support municipal law enforcement.

31 * Sec. 6. AS 43.50.070 is amended to read:

1 **Sec. 43.50.070. Revocation or suspension of licenses.** The department may
 2 suspend or revoke a license issued under AS 43.50.010 - 43.50.180, (1) for a
 3 criminally negligent violation of AS 11.76.100 [, 11.76.107] or a violation of
 4 AS 43.50.010 - 43.50.180 or a regulation of the department adopted under
 5 AS 43.50.010 - 43.50.180; (2) if a licensee ceases to act in the capacity for which the
 6 license was issued; or (3) if a manufacturer, distributor, or wholesale distributor
 7 negligently sells tobacco or products containing tobacco to a nonlicensed retailer or a
 8 retailer whose license endorsement under AS 43.70.075 has been suspended. The
 9 department may suspend or revoke a license issued under AS 43.50.010 -
 10 43.50.180 for a period of not more than one year for a criminally negligent
 11 violation of AS 11.76.107. A person whose license is suspended or revoked may not
 12 sell cigarettes or permit cigarettes to be sold during the period of the suspension or
 13 revocation on the premises occupied or controlled by that person and may not apply
 14 for a license under AS 43.50.010 - 43.50.180 under a different name. A
 15 disciplinary proceeding or action is not barred or abated by the expiration, transfer,
 16 surrender, renewal, or extension of a license issued under AS 43.50.010 - 43.50.180.
 17 The department shall comply with the provisions of AS 44.62 ([THE] Administrative
 18 Procedure Act [(AS 44.62)]).

19 * Sec. 7. AS 43.70.075(b) is amended to read:

20 (b) The department, upon payment of a fee of \$100 [\$25], shall issue a
 21 business license endorsement to a person who applies for a business license under this
 22 chapter, and may renew the endorsement issued under this subsection for a fee of \$100
 23 [\$25]. The endorsement expires at the same time as the license to which it attaches.

24 * Sec. 8. AS 43.70.075(d) is amended to read:

25 (d) If a person who holds an endorsement issued under this section, or an
 26 agent or an employee of a person who holds an endorsement issued under this section
 27 acting within the scope of the agency or employment, has been convicted of violating
 28 AS 11.76.100 or 11.76.107, or violates a provision of this section or a regulation
 29 implementing this section [ADOPTED UNDER AS 43.70.090], the department may
 30 suspend the endorsement for a period of not more than

31 (1) 45 days; [OR]

1 (2) 90 days, if within the past 24 months the person has been
 2 previously convicted of violating AS 11.76.100 or 11.76.107, or a provision of this
 3 section or a regulation implementing this section; or

4 (3) one year if within the past 24 months the person has been
 5 previously convicted two or more times of violating AS 11.76.100 or 11.76.107 or
 6 a provision of this section or a regulation implementing this section [ADOPTED
 7 UNDER AS 43.70.090].

8 * Sec. 9. AS 43.70.075(e) is amended to read:

9 (e) If a person who receives an endorsement under this section has multiple
 10 retail outlets, a suspension imposed under (d) of this section applies only to the retail
 11 outlet in which the violation occurs. If a person receives a suspension under (d) of
 12 this section, the person may not apply for a license endorsement under this section
 13 under a different name.

14 * Sec. 10. AS 47.12.030(b) is amended to read:

15 (b) When a minor is accused of violating a statute specified in this subsection,
 16 other than a statute the violation of which is a felony, this chapter and the Alaska
 17 Delinquency Rules do not apply and the minor accused of the offense shall be charged,
 18 prosecuted, and sentenced in the district court in the same manner as an adult; if a
 19 minor is charged, prosecuted, and sentenced for an offense under this subsection, the
 20 minor's parent, guardian, or legal custodian shall be present at all proceedings; the
 21 provisions of this subsection apply when a minor is accused of violating

22 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
 23 a municipality;

24 (2) AS 11.76.105 [, RELATING TO THE POSSESSION OF
 25 TOBACCO BY A PERSON UNDER 19 YEARS OF AGE];

26 (3) a fish and game statute or regulation under AS 16;

27 (4) a parks and recreational facilities statute or regulation under
 28 AS 41.21; and

29 (5) AS 04.16.050, relating to possession, control, or consumption of
 30 alcohol.

31 * Sec. 11. AS 11.76.100(b) and 11.76.100(c) are repealed

1 * Sec. 12. TRANSITIONAL NOTICE PROVISION. Within 30 days after the effective
2 date of this Act, the employee notice required under AS 11.76.107(d), enacted in sec. 3 of this
3 Act, shall be given to employees engaged in the retail business of selling a tobacco product
4 on the day before the effective date of this Act.

5 * Sec. 13. This Act takes effect July 1, 1997.

W/O OBJECTION

Statute	HB 79 - Bunde	HB 159 - Kott	HB 189 - Cowdery
11.76.100	Vendors can't be charged with a violation if ID is presented. Vending machines must be at least 10 feet from an entrance.	<u>Raises age of tobacco use to 21;</u> Forwards names of people selling tobacco to kids to DCED	Raises sales of tobacco from a violation to a misdemeanor for first offense, C felony for second within 5 years. Restricts tobacco sales to vendors who: <ul style="list-style-type: none"> 1) <u>have a liquor license</u> 2) restrict tobacco access to clerks [not customers] 3) are wholesalers, or 4) use vending machines. Clerks must sign a form stating their understanding of the rules.
11.76.102 (new section)	Cigarettes must be sold in packs of at least 20 with the Surgeon General's warning. Requires businesses to keep tobacco products secure, post a warning sign, and not sell to minors. Non-compliance of these provisions is a violation. Courts notify DCED of violations.	silent	silent
11.76.104 (new section)	Using a fake ID to buy tobacco is a violation.	silent	silent
11.76.105	If parents sign off, kids can be used in stings	A person under 21 who possesses tobacco or uses a fake ID to buy tobacco is guilty of a violation with graduated fines. People under 21 can sell tobacco if licensed.	silent

Statute	HB 79 - Bunde	HB 159 - Kott	HB 189 - Cowdery
11.76.107	Amended to reflect new language in 11.76.100	Sales are restricted to licensed vendors on retail premises, wholesalers, and mail order catalogs where proof of age is presented to the seller. Vending machines must be in non-public places or places where people under 21 are forbidden. Clerks must sign a form stating their understanding of the rules. Non-compliance of these provisions is a violation. Courts notify DCED of violations.	silent
11.76.109 (new section)	Defines "person", "proof of age", "tobacco product", "product containing tobacco", and "vending machine".	Defines "person", "proof of age", "tobacco product", and "vending machine".	silent
22.35.020 (new section)	silent	Fines collected for violations of 11.76.100, 11.76.105, and 11.76.107 "may be appropriated by the legislature to support municipal law enforcement."	silent
29.10.110 (new section)	Home rule municipalities may also tax tobacco.	silent	silent
43.50.070	Licenses can be suspended or revoked for providing tobacco products to a vendor whose license has been suspended or revoked.	Licenses can be suspended or revoked for up to a year for violating AS 11.76.107. Vendors may not apply for a license under another name.	silent

Statute	HB 79 - Bunde	HB 159 - Kott	HB 189 - Cowdery
43.70.075	Each retail outlet must obtain a license, license fees are increased from \$25 to \$100, and licenses can not be issued to vendors with suspended or revoked licenses. Violations result in graduated license suspensions of 90 days, 180 days, 1 year, and revocation. Only clerks can access tobacco products, warning signs must be posted, and clerks must card. DCED must develop a training program and clerks must take the course at least once every two years.	License fees are increased from \$25 to \$100 and licenses can not be issued to vendors with suspended licenses. Violations result in graduated license suspensions of 45 days, 90 days, and 1 year. Warning signs must reflect new minimum tobacco use age of 21.	silent
43.70.080	Funds collected for violations will be used to support enforcement of tobacco laws.	silent	silent
43.70.090	DCED will adopt regulations to implement 43.70.075	silent	silent
47.12.030	Kids violating tobacco laws are treated as adults (like traffic tickets).	Kids violating tobacco laws are treated as adults (like traffic tickets).	silent

AMENDMENT #1

*passed
no object
5/5/97*

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 159(L&C)

- 1 Page 1, line 5:
- 2 Delete "21"
- 3 Insert "19"

- 4 Page 1, line 6:
- 5 Delete "21"
- 6 Insert "19"

- 7 Page 1, line 7:
- 8 Delete "21"
- 9 Insert "19"

- 10 Page 1, line 8:
- 11 Delete "21"
- 12 Insert "19"

- 13 Page 2, line 5:
- 14 Delete "21"
- 15 Insert "19"
- 16 Delete "21"
- 17 Insert "19"

- 18 Page 2, line 15:
- 19 Delete "21"
- 20 Insert "19"

- 1 Page 2, line 31:
- 2 Delete "21"
- 3 Insert "19"

- 4 Page 3, line 7:
- 5 Delete "21"
- 6 Insert "19"

- 7 Page 3, line 21:
- 8 Delete "21"
- 9 Insert "19"

- 10 Page 3, line 22:
- 11 Delete "21"
- 12 Insert "19"

- 13 Page 3, line 30:
- 14 Delete "21"
- 15 Insert "19"

- 16 Page 4, line 25:
- 17 Delete "21"
- 18 Insert "19"

- 19 Page 6, line 22, through page 7, line 1:
- 20 Delete all material.

- 21 Renumber the following bill sections accordingly.

Alaska State Legislature House of Representatives

Committees

Rules Committee, Chair
Legislative Council
International Trade & Tourism
Military & Veterans Affairs
World Trade & State/Federal Relations



Interim:
10928 Eagle River Rd. Suite 141
Eagle River, AK 99577

Session:
Alaska State Capitol
Juneau, AK 99801

CS SS HB 159 (L&C) SECTIONAL SUMMARY

At the outset, please note that the following sectional summary of CS SS HB 159(L&C) is not intended to be either an exhaustive or authoritative description of the bill's contents. The best statement of the contents of CS SS HB 159(L&C) is the bill itself.

Section 1: Repeals and reenacts AS 11.76.100. As reenacted, AS 11.76.100 makes it an offense to sell or give tobacco to persons under 21 years of age. Penalties are established at \$250 for a first offense, \$500 for a second offense, and \$1000 for a third or subsequent offense within a two-year period.

Section 2: Makes it an offense for a person under the age of 21 to possess tobacco, attempt to possess tobacco, or present fraudulent proof of age to purchase tobacco. Penalties are established at \$250 for a first offense, \$500 for a second offense, and \$1000 for a third or subsequent offense within a two-year period.

Section 3: Repeals and reenacts AS 11.76.107.

AS 11.76.107(a) prohibits the sale of tobacco products except: First, where the seller holds a license endorsement under AS 43.70.075, the sale occurs on retail premises, and the purchaser provides proof of age, if demand is made under this section. Second, where it is a wholesale transaction and the seller is licensed as a manufacturer under AS 43.50.010. Third, where the sale is by mail order.

AS 11.76.107(b) provides a general prohibition on the sale of tobacco by vending machines and establishes several exceptions to the general rule. The exceptions are as follows: First, where the vending machine is located in a factory, business, office, or other place not open to the public. Second, where the machine is located in a place that is open to the public but to which persons under 21 are not accorded access. Third, where the machine is located in a place that sells alcohol, provided the machine is under continuous supervision and is not accessible to the public when the business is closed.

AS 11.76.107(c) requires sellers of tobacco to demand proof of age from purchasers who the sellers have reason to believe are under 27 years of age.

AS 11.76.107(d) requires tobacco retailers to apprise their employees that state law requires purchasers to be at least 21 years of age and that proof of age must be demanded, prior to any sale of tobacco, where there is reason to

Representative Pete Kott

Juneau Office (907) 465-3777 Toll Free 1-800-861-KOTT(5688) Fax (907) 465-2819
Eagle River Office (907) 694-8944 Fax (907) 694-8945 E-Mail: representative_pete_kott@legis.state.ak.us



believe that the purchaser is under 27 years of age. In addition, this section requires employees to sign a statement, the specific contents of which are articulated in this section, stating that they understand the provisions of law governing age restrictions and proof of age requirements, and promising to comply with said provisions of law.

AS 11.76.107(e) requires the Court to notify the Department of Commerce when a person is convicted of violating a section of AS 11.76.107.

AS 11.76.107(f) prohibits the sale of loose cigarettes.

AS 11.76.107(g) establishes penalties for a violation of this section at \$250 for a first offense, \$500 for a second offense, and \$1000 for a third or subsequent offense within a two-year period. In addition to the specified fine of \$1000 for a third conviction within a two-year period, the offender's license endorsement may be suspended for up to one year.

Section 4: Definition section.

Section 5: Requires the Court to separately account for fines collected under AS 11.76.100, .105, and .107. Permits such fines to be appropriated by the Legislature to support municipal law enforcement.

Section 6: Amends AS 43.50.070 to permit the Department to revoke or suspend a license issued under AS 4.50.010-180 (Cigarette Tax Act) for up to one year for a criminally negligent violation of AS 11.76.107. Provides that a person whose license is suspended or revoked may not apply for another license under a different name.

Section 7: Amends AS 43.70.075 to raise the tobacco business license endorsement fee from \$25 to \$100.

Section 8: Amends AS 43.70.075(d) to permit the Department to suspend the tobacco business license endorsement for a period of up to one year of any person who, within the previous 24 months, was convicted of violating AS 11.76.100, AS 11.76.107, any provision of this section, or any regulation implementing this section.

Section 9: States that persons who have received a suspension under AS 43.70.075(d) may not apply for a license endorsement under a different name.

Section 10: Conforming amendment.

Section 11: Conforming amendment.

Section 12: Transitional provision.

Section 13: Effective date.

Alaska State Legislature
House of Representatives

Committees

Rules Committee, Chair
Legislative Council
International Trade & Tourism
Military & Veterans Affairs
World Trade & State/Federal Relations

Interim:
10928 Eagle River Rd. Suite 141
Eagle River, AK 99577

Session:
Alaska State Capitol
Juneau, AK 99801

SPONSOR STATEMENT
SSHB 159

The State of Alaska has a serious problem with underage consumption of tobacco products. Statistics compiled by the Department of Health and Social Services indicate that 21% of Alaska's high school students regularly smoke and that 25% of our middle school students smoked at least one cigarette in the last month. As reported by the February 27, 1997 edition of The Wall Street Journal, the Centers for Disease Control and Prevention has concluded that approximately one million children each year take up smoking and that, unless they quit, over one-third of them will die from tobacco-related illnesses.

These statistics are cause for great concern. It is estimated that 18,000 of Alaska's children will succumb prematurely to tobacco-related illnesses. This is a tragedy, not only for the individuals, but for our state as a whole. I think that we can do better.

Under existing law, no one under 19 years of age is permitted to possess tobacco. Obviously, large numbers of our children are being accorded illegal access to this product. SSHB 159 would have the salutary effect of limiting that access. This bill requires that merchants, prior to the sale of tobacco, demand proof of age from any prospective patron who appears to be under twenty-seven years of age. SSHB 159 requires all clerks involved in the retail sale of tobacco to sign an acknowledgment that they have been advised of this proof of age requirement. In addition, SSHB 159 increases the penalties for underage sale or possession of tobacco.

Your support is urged.

Representative Pete Kott

Juneau Office (907) 465-3777 Toll Free 1-800-861-KOTT(5688) Fax (907) 465-2819
Eagle River Office (907) 694-8944 Fax (907) 694-8945 E-Mail: representative_pete_kott@legis.state.ak.us



Youth Tobacco Usage

- **83%** of adult smokers report that they started smoking before the age of 20.
- **21%** of Alaskan high school students reported they regularly smoked in the last month.
- **25%** of Alaskan middle school students reported smoking at least one cigarette in the last month.

Youth Tobacco Vendors Survey

- 64% of Alaska tobacco merchants complied with tobacco restriction laws in 1996.
- The federal government mandates an 80% compliance rate by the year 2000 under the Synar Amendment.
- Tobacco vendors refused to sell to 14-15 year olds 71% of the time, while 16-17 year olds were refused 58% of the time.



Department of Health and Social Services
Karen Perdue, Commissioner
3601 C Street, Suite 540, P.O. Box 240249, Anchorage, Alaska 99524-0249 (907) 269-8000

Division of Public Health
Peter M. Nakamura, MD, M-F-H, Director

Section of Epidemiology
John Middaugh, MD, Editor
Bulletin No. 5 January 21, 1997

Tobacco Use Among Alaska Youth

Importance of Decreasing Youth Tobacco Use

Adolescence is a time when individuals do not often consider long term health effects of their behaviors. Once a person starts using tobacco, stopping the habit is not easy because of the addictive properties of nicotine. The vast majority (83.7%) of Alaska smokers began smoking between the ages of 10 and 20 years.¹ Therefore, one of the major strategies for reducing tobacco related deaths and illnesses is to discourage youths from starting to use tobacco.²

Tobacco Use among Alaska High School Students¹

Alaska high school students are more likely to be frequent smokers and to use smokeless tobacco than are U.S. students (Table 1). Alaska Native students have even higher rates of tobacco use.

Table 1. Tobacco use among high school students, Alaska and U.S., 1995

	Percent of Students		
	Alaska	Alaska Natives	U.S.
Ever Tried Cigarettes	72.1	90.7	71.3
Current Smokers ^a	36.5	61.9	34.8
Frequent smokers ^b	21.1	43.7	16.1
Smokeless Tobacco ^c	15.6	22.5	11.4

^aUsed at least once in past 30 days

^bUsed 20 or more of past 30 days

^cChewing tobacco or snuff on at least one of past 30 days

Smoking rates are similar for boys and girls. However, boys are more likely to use smokeless tobacco (23.5% of boys and 6.7% of girls).

Tobacco Use Among Alaska Middle School Students¹

Over half of middle school students (grades 7 and 8) report having tried smoking at least once (58.3%); 24.8% report smoking on at least one day in the previous 30 days; 5.6% report smoking on 20 or more of the previous 30 days, and 30.3% report having tried smokeless tobacco.

Health Implications

The Centers for Disease Control and Prevention estimates that 32% of youths who become regular smokers in early adulthood will die prematurely of a smoking-related death.⁴ The estimate is based on data from studies of large populations of smokers and never-smokers.

Assuming that current smoking rates persist, 56,246 Alaska youths currently aged 0-17 will eventually become smokers.⁴ Among these smokers, 17,999 (32%) will die prematurely from a smoking-related illness.

Interventions to Prevent Tobacco Use among Youth

The 1994 Surgeon General's Report *Preventing Tobacco Use among Young People* states "Most of the American public strongly favor policies that might prevent tobacco use among young people. The policies include tobacco education in the schools, restriction on tobacco advertising and promotions, a complete ban on smoking by anyone on school grounds, prohibition of the sale of tobacco products to minors and earmarked tax increases on tobacco products."⁵

Effects of a Tobacco Tax

Economists use the concept of "price elasticity of demand" to describe the sensitivity of consumption to changes in price. The price elasticity of demand is defined as the percentage change in consumption that results from a 1 percent increase in price.⁶ A recent analysis based on sampling over 110,000 youths across the United States found a youth smoking price elasticity of -

0.675, meaning that for every 1% increase in the price of cigarettes, youth smoking would decrease by 0.675%, an estimate consistent with other studies.⁶ Therefore, a \$1.00 increase per pack of cigarettes would prevent 5704 of the projected 17,999 smoking-related deaths (Table 2). A larger increase would save more lives; conversely, a smaller increase would save fewer lives (Figure 1).

Table 2. Summary of projected health gains due to tobacco price increases in Alaska^a

	No change	Increase \$1.00 per pack	Increase \$2.00 per pack
% ^b in price	0	46.93%	93.90%
% ^c in youth smoking	0	31.69%	63.38%
Projected # of smokers	56,246	38,422	20,597
Projected deaths ^d	17,999	2,295	6591
Deaths prevented ^e	0	5,704	11,408

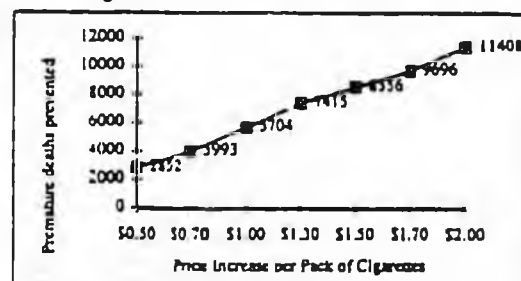
^aAssumes an average cost of \$2.13 per pack of 20 cigarettes in Alaska

^bNumber of youth currently aged 0-17 who would eventually become smokers

^cPremature smoking-related deaths, calculated as 32% of projected smokers

^dPremature smoking-related deaths prevented, calculated as 17999 - projected deaths

Figure 1. Number of premature smoking-related deaths prevented by price increase per pack of cigarettes



Summary

The decisions that children and adolescents make about experimenting with tobacco often result in a life-long addiction. Among Alaska high school students, 21.1% are already frequent smokers. The use of tobacco begins even before high school. Alaska Native youth are disproportionately affected by tobacco. Tobacco use may be even more prevalent among youth not in school. Studies in the U.S. and Canada have clearly shown the effectiveness of increased price in reducing youth consumption.² Increasing the price by at least \$1.00 per pack would prevent many premature tobacco-related deaths among Alaska youth currently aged 0-17 years, as well as the illness and suffering that would precede the deaths.

References

- 1992 Alaska Behavioral Risk Factor Surveillance System: 1992 Annual Report, Alaska Division of Public Health.
- Kessler DA, Wisn AM, Barnett PS, et al. The Food and Drug Administration's regulation of tobacco products. *N Engl J Med* 1996;335:983-94.
- Youth Risk Behavior Survey Alaska Report 1995. Alaska Department of Health and Social Services and Department of Education, Feb. 1996.
- CDC. Projected smoking-related deaths among youth—United States. *MMWR* 1996;45:971-4.
- US Dept of Health and Human Services. Preventing tobacco use among young people: a report of the Surgeon General. Atlanta, Georgia: USDHHS, Public Health Service, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 1994.
- Chaloupka FJ, Grossman M. Price, tobacco control policies and youth smoking, unpublished data.
- Chaloupka FJ. Health and revenue gains from a tobacco tax increase in Alaska. Commission to America's Cancer Society.

4-28-97

Attn: House Judiciary Committee

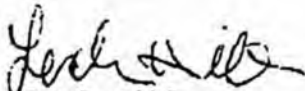
I would like to voice my opinion on the proposed tobacco tax. I believe that if we enforce the laws that are already in effect that it would curb teen tobacco use more than a dollar a pack tax.

If the law enforcement officials would treat minor tobacco possession the same way they treat minor alcohol possession. That alone would discourage most teens from smoking.

Any day of the week you can go to the mall and see young kids, teenagers hanging out smoking. They all know that it's illegal for them to have tobacco. If they had a beer in their hands instead of tobacco the police would be there in a heart beat. Instead the police drive right by and don't do a thing about it. Even though it's illegal.

It sends the wrong message to teens. This message is tobacco is bad for your health, you can't have it, but we won't stop you. How can you say this tax is to stop teen smoking when you see teenagers smoking all the time and do nothing about it.

The laws are the same possession of tobacco and alcohol is illegal for all minors. Why then don't we just enforce the laws that we already have. Don't continue to send the message that you will be punished if you drink alcohol, but we don't care if you use tobacco.



Leah Hill
P.O. Box 4261
Soldotna, AK 99669

Citizens To Protect Kids from Tobacco

1057 W. Fireweed Lane, Suite 204 • Anchorage, Alaska 99503 • (907) 277-8696 • Fax: (907) 263-2073

Position Paper on Youth Access Legislation HB79, HB159, HB189

April 28, 1997

As a coalition dedicated to the complex problem of reducing tobacco use and addiction among youth, we are gratified to see the legislature seriously consider a number of proposals to meet that goal. HB79, HB159, and HB189 all deal with the issues of enforcement and refinement of the tobacco sales laws (youth access laws). We strive to respond productively to the sponsor & committee substitutes which have been produced during the committee process. Based upon the volumes of research available through our sponsor organizations, the attached page lists our position on the measures proposed in the latest version of the bills.

We believe a variety of policy advancements must be accomplished in order to reach our goal of reducing tobacco use and addiction among youth. Enforcement of the tobacco age restrictions, addressed in HB79-158-189, is a crucial component. However, effective enforcement will take commitment of meaningful financial support throughout Alaska, which continues to prove quite difficult in this era of declining budgets.

Enforcement is only a piece of the puzzle, and must not be construed as a substitute for other vital components. That is why you hear our statewide constituency continuing to speak out so loudly about the tax increase proposal. While the issues surrounding youth access enforcement are being refined at the legislature and law enforcement is being negotiated in local communities around the state, the tobacco tax proposal is a clear-cut issue. The laws of economics require no negotiation. They simply work. Thank you.

Distributed at the request of
Representative Con Bunde



Citizens To Protect Kids from Tobacco

1057 W. Fireweed Lane, Suite 204 • Anchorage, Alaska 99503 • (907) 277-8696 • Fax: (907) 263-2073

Position Statement on Youth Access Policy HB79, HB159, HB189

Measures we support

- * prohibition on sale of single cigarettes ("loosies")
- * prohibition on sale of packs of less than 20 cigarettes ("kiddie packs")
- * elimination of self-service display of tobacco
- * vending machines limited to adult-only venues
- * ID checks for purchasers who appear under age 27 (matches Federal rule)
- * increase tobacco endorsement fee (from \$25 to \$100)
- * endorsement revenues may be appropriated to municipal law enforcement
- * higher graduated penalties for retailers who sell illegally to minors
- * secure right of municipalities to tax tobacco
- * legal for minors to participate in retail compliance checks

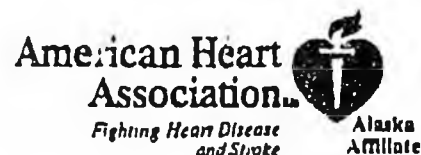
Measures about which we are concerned

- * increase legal age for tobacco possession, purchase, and use (19 to 21)

Measures we oppose

- * illegal for minors to participate in retail compliance checks
- * increase criminal penalties for minors

Compliments of
Representative Con Bunde
State Capitol, Room 104
Juneau, AK 99801-1182



Alaska Native
Health Board



HB

163

(7)

Date Referred to Committee: February 27, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/25/97

The JUDICIARY Committee considered:

HB 163

HOUSE BILL NO. 163

GAMMA-HYDROXYBUTYRATE AS CONTROLLED SUBST

"An Act relating to designating gamma-Hydroxybutyrate as a schedule IVA controlled substance; and providing for an effective date."

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

[] additional referral to _____ Committee

[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) _____

[] fiscal note(s) _____

[x] zero fiscal note(s) ADMIN (PUB. DEF.),

[] zero fiscal note(s) _____

PUB. SAFETY

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Ann T. Kelly</i> ROKEBERG	✓			
<i>James J. James</i> JAMES	✓			
<i>William Bunde</i> BUNDE	✓			
<i>Barbara Berkowitz</i> BERKOWITZ	✓			
<i>Green</i> GREEN	✓			

CHAIR'S SIGNATURE _____

[Handwritten Signature]

1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: Gamma-Hydroxybutyrate as Controlled DPS Statewide Support
 Substance: _____ Component: Commissioner's Office
 Sponsor: Representative Vezey
 Requestor: H. Judiciary COMPONENT SERIAL NO. 0523

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1005 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: 2/22/97
 Approved by Commissioner: Ronald L. Otte Date: 4/20/97
 Agency: Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____
 Title: "An Act relating to designating gamma-Hydroxybutyrate as a schedule IVA controlled substance"
 Sponsor: Representative Vezey
 Requestor: (H) JUD

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The bill makes gamma-Hydroxybutyrate a schedule IVA controlled substance and could result in charges ranging in offense level from a class B felony down to an A misdemeanor. The Department of Law has not been made aware of any such cases in Alaska.

Prepared by: Barbara K Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 4/22/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

Alaska State Legislature

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Address:
Room 13

State Capitol
Juneau AK
(907) 465-1182

Official Business

Representative Al Vezey

HB 163

CLASSIFYING GAMMA HYDROXYBUTYRATE AS A CONTROLLED SUBSTANCE

Gamma Hydroxybutyrate (GHB), is known by street names that include Liquid E, Liquid X, GBH, Gib, liquid ecstasy, Scoop, Georgia Home Boy, Natural Sleep-500, and Oxy-sleep. is one of the many "date rape" drugs being used in the United States. Illegal use of the drug is on the increase in the United States and passed illegal drug use trends indicate that Alaska will soon be confronted with GHB's effects. Currently, GHB is not scheduled as a controlled substance in Alaska.

GHB depresses the respiratory system and reduces the amount of oxygen the brain receives, resulting in unconsciousness and loss of memory. As is the case with Rohypnol, victims of drug induced rape through use of GHB can not identify their victims and conviction is difficult and rare. This bill further send the message that we will not tolerate in our society those who would perpetrate sexual abuse.

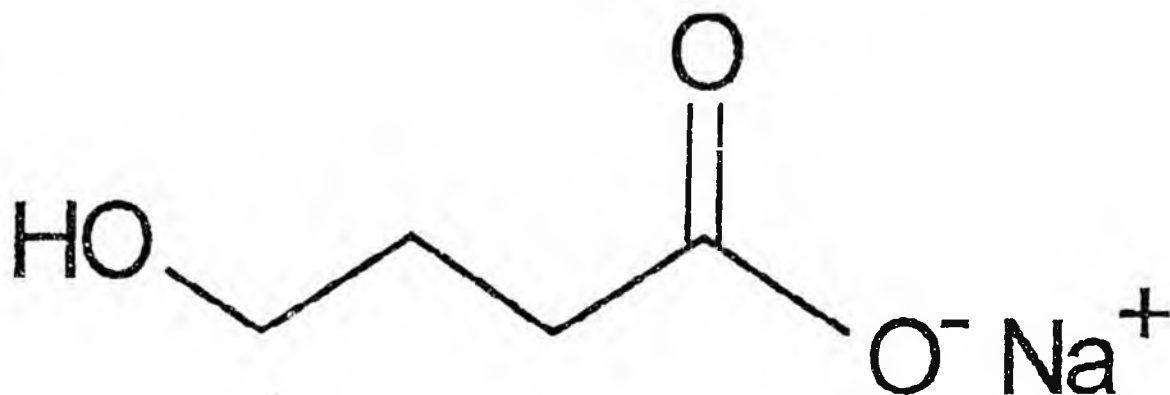
According to James Tolliver of DEA's Seattle office, the major problem with GHB is this drug is exclusively made in home laboratories. He said home brewers mix the chemicals into a milky paste which they let sit. After a while the liquid separates from the powder. If the compound sits longer, the liquid evaporates and the producer has a powder material. The powdery salt dissolve instantly when added to liquid. The drug is odorless and nearly tasteless so is virtuously undetectable in a drink.

Until the drug was banned by FDA, bodybuilders used it as a "soft drug" steroid to build muscles and enhance performance.

Orphan Medical is currently going through the FDA process to get approval to use **Xyrem**, a trademark name for gamma hydroxybutyrate in powder form, for Narcolepsy treatment.

California passed legislation on February 25, 1997 that classifies the drug as a Schedule IV Controlled Substance.

Getting the Scoop on
gamma-Hydroxybutyrate or GHB:
The New Recreational Drug



Presented at the 49th Annual Meeting of the
American Academy of Forensic Sciences

New York, NY

February 17-22, 1997

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

Addresses and Telephone Numbers of Workshop Speakers

Reference contacts for GHB

Chairman:

Kathleen M. Andrews
Drug Enforcement Administration
Western Laboratory
390 Main Street, Rm# 700
San Francisco, CA 94105

Phone: (415) 744-7051 ext.55
Fax: (415) 744-7055

Co-Chairman:

Sharon L. Kurn
U.S. Department of Justice
Office of Consumer Litigation
Box 386
Washington D.C. 20044

Phone: (202) 307-0047
~~(68)~~ 514 7567
602

Jo Ellen Dyer, PharmD.
San Francisco Bay Area
Regional Poison Control Center
San Francisco General Hospital
1001 Potrero Avenue
San Francisco, CA 94110

Phone: 1-415-206-8058

Elizabeth L. Todd, PhD.
Dallas County Institute of Forensic Sciences
5230 Medical Center Drive
Dallas, TX 75235

Phone: (214) 920-5990

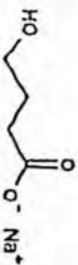
Thomas DiBerardino, PhD
Drug Enforcement Administration
Office of Diversion Control
Drug and Chemical Evaluation Section
E-6249-1
Washington, D.C. 20537

Phone: (202) 307-7207

Historical Overview

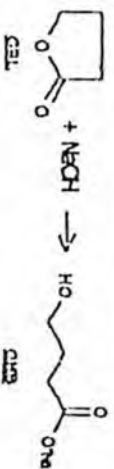
GHB: gamma-Hydroxybutyrate

- gamma-hydroxybutyric acid, Na⁺ or K⁺ salt.
- listed as sodium oxybate in Merck Index, 11th ed.



- slightly solid at white slushy solid or dissolved in water/solvent.
- extremely hygroscopic, thus commonly seen as hydrate.

Clandestine Manufacture



- can achieve yield of 70% of the GBL weight

- requires heat for GBL: wood stoves, in place heaters, inside stoves

History of GHB

- 1940s: GHB introduced in Europe as an alternative anesthetic, but later discontinued when pentobarbital proved more potent.
- 1949: Developed interest in GHB's role in treating alcohol disorders. Research continues today.
- 1971: Japanese study reports of alcohol enhancing effects of GHB.
 - increased dopamine levels
 - stimulates GABA_A receptors

Historical Overview

1989 - 1990

- Nov. 1989: L-tryptophan banned and removed from market.
- early 1990: GHB replaces L-tryptophan as OTC sedative. Considered to be sold like u underground in body builders as steroid alternative.
- late Nov. 1990: 9 states report a total of 57 cases of GHB related illnesses.
- Nov. 1990: Sale and distribution of GHB banned by FDA. GHB no longer OTC.

1990 - 1993

- Deming's FDA ban: GHB continued to be clandestinely manufactured and sold underground.
- Last considerable credibility as steroid enhancer by body builders.
- Increased awareness of GHB's psychoactive properties.
- Increased abuse by MS for its euphoric effects.
- Gained popularity within the MDMA crowd.

October 31, 1993

River Phoenix collapses and dies outside the Viper Room in L.A.

- initial reports of a GHB overdose from autopsistic history in the "legal wonder drug."
- popularity/ recreational use in GHB increases.

ER Cases

GHB: Gamma Hydroxybutyrate

JO ELLEN DYER, PHARM D

Pharmacist Specialist
San Francisco Poison Center
Assist Clinical Professor Pharmacy, UCSF



San Francisco Bay Area Regional Poison Control Center

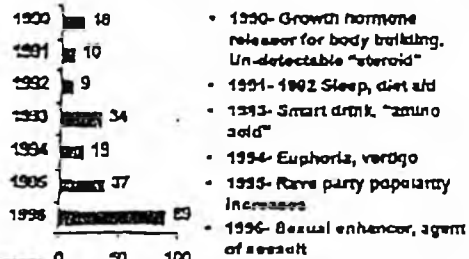
San Francisco Bay Area Poison Center

- SF PCC a 24 hour public and professional consult service for poisoning and drug overdose.
- Serves 10 Bay Area counties. Population base of 5 million & 100 hospitals.
- Provides a sentinel service
 - Poison Center consultation is not mandatory.
 - Increased reporting suggests more widespread use.



San Francisco Bay Area Regional Poison Control Center

GHB Incidence & Reason for Abuse



San Francisco Bay Area Regional Poison Control Center

GHB workshop: Dr. Jo Ellen Dyer, page 1

ER Cases

GHB Case Summary

30 year old muscular, male, bodybuilder was working out at a health club when he stopped moving and fell to the floor with 2 episodes of muscle jerking. 911 responded. He was unconscious and vomited during transport.

In the ED he was comatose, unresponsive to pain, GCS 3. HR 52, BP 130/80, RR 22.

He was lavaged and given charcoal. CT scan was neg. Glucose 130mg/dl. Urine tox neg.



San Francisco Bay Area Regional Poison Control Center

GHB Case Summary cont.

Decreased gag reflex and irregular respirations prompted intubation. He was admitted to the ICU. In the morning, he was awake and extubated.

He described using GHB for 7 months for its "anabolic" effects. The day of hospitalization he doubled his usual dose of GHB, taking 1 scoop before and another during his workout.



San Francisco Bay Area Regional Poison Control Center

GHB Clinical Symptoms

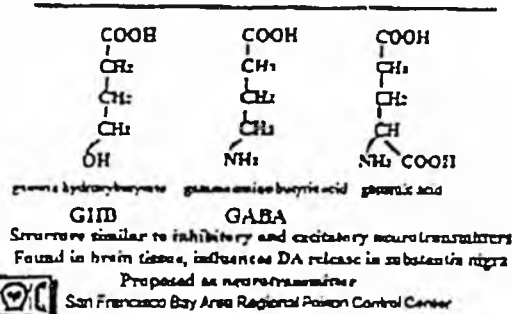
- Vomiting
- Bradycardia
- Coma
- Clonic muscle movements
- Induction & emergence delirium
- Cheyne-Stokes respiration
- Respiratory depression
- Dependence



San Francisco Bay Area Regional Poison Control Center

ER Cases

GHB Structure



GHB Development and Legal Use

- Synthesized as an anesthetic in 1960
- Used in Europe as a sedative
 - European generic name - Sodium Oxybate
 - France - Gamma OH
 - Germany - Somniant
- Studied in etoh & opiate withdrawal
- US orphan drug for narcolepsy



San Francisco Bay Area Regional Poison Control Center

GHB Misrepresentation

- Amino acid
- Steroid
- Enzyme
- Designer drug
 - chemical congener of illicit drug
 - to circumvent the law.



San Francisco Bay Area Regional Poison Control Center

ER Cases

GHB Various Illicit Names

- Scoop
- Liquid Ecstasy, Liquid E
- Gamma Hydrate
- Grievous Bodily Harm
- Somatomax PM
- Oxy-sleep
- Natural Sleep-500
- GHB



San Francisco Bay Area Regional Poison Control Center

GHB Available Forms

- White powder precipitated from gamma butyrolactone by addition of NaOH. A home brew.
- White hygroscopic powder. Sold O.T.C. in health food stores in 1990.
- Colorless, odorless, liquid which has mild salty, soapy taste. Sold by the drink or capful at rave parties.



San Francisco Bay Area Regional Poison Control Center

What is a RAVE?

- All night dance party.
- Alcohol served but, service stops at legal hours 0200.
- Many transient drug fads.
 - Smart drugs - health claims
 - Mind altering - LSD, PCP, ketamine
 - Amphetamines - ecstasy
 - GHB



San Francisco Bay Area Regional Poison Control Center

ER Cases

Case Summary Rave

Three young women friends at a rave dance party tried a new "smart drink," GHB; a few oz of a salty, clear liquid drink. Within 30 min, each in turn passed out.

In the ED, they were comatose, unresponsive to painful stimuli with GCS 3.



San Francisco Bay Area Regional Poison Control Center

Case Rave cont.

	VITAL SIGNS			COMA
	HR	BP	RR	DURATION
Pt #1	66	109/64	16	3 HR
Pt #2	55	92/P	18	3.5 HR
Pt #3	62	135/71	16	2 HR



San Francisco Bay Area Regional Poison Control Center

Case Rave cont.

The women woke alert oriented within 3.5 hr of ingestion having no recollection of the events.

Standard urine tox was negative, but, GHB was detected by the SF M.E.'s assay. Urine levels varied:

Pt #1=141mg/ml Pt#2=2mg/ml Pt#3=10mg/ml

Reference: J. Anal. Tox. 1994;16:357-358



San Francisco Bay Area Regional Poison Control Center

GHB workshop: Dr. Jo Ellen Dyer, page5

ER Cases

Medical Diagnosis & Treatment

- Diagnosis depends on history at the scene, along with consistent symptoms and time course
- Protect airway & support respiration
- Opiate and b2p antagonists ineffective
- Lavage or charcoal are of limited benefit due to the small doses, fast onset, short duration and high risk of aspiration
- ED observation period → 6 hours
- Urine toxicology currently unavailable



San Francisco Bay Area Regional Poison Control Center

GHB Kinetics

Dose mg/kg	Peak time min	T _{1/2} min
12.5	25	20
25	30	22
50	45	23

- Absorption - rapid, onset 10-15 min. Time to peak absorption increases with dose.
- Elimination - Rapid & non-linear, through TCA cycle to CO₂ and water. T_{1/2} increases with dose.
- GHB undetectable in urine after 12 hours.



Reference: Eur J Clin Pharmacol 1980;45:153-6
San Francisco Bay Area Regional Poison Control Center

GHB Dose Response

Controlled use

- 10mg/kg amnesia, hypnosis
- 20mg/kg somnolence, euphoria, vertigo
- 50mg/kg loss of consciousness, arousable
- 60mg/kg coma, unarousable

Variable effects with illicit use

- Potentiated by depressants, etoh, fasting
- Non-standard concentrations



Tolerance
San Francisco Bay Area Regional Poison Control Center

ER Cases

Case Summary Dependence

23 year old female, college student, and bodybuilder, was taking 3-5 "capsfull" of liquid GHB daily for a year for the purported anabolic effects. During the past 6 weeks she increased her dosing frequency to every 3 hours A.T.C. to prevent the anxiety & tremors she experienced.



San Francisco Bay Area Regional Poison Control Center

Case Dependence cont.

When admitted to detox center, she was increasingly paranoid with visual and auditory hallucinations. HR 110, BP 138/98, T 98.5

Urino toxicology was negative.

Treatment included propranolol, benzodiazepines and phenothiazines.



San Francisco Bay Area Regional Poison Control Center

Case Dependence cont.

She experienced a 9 day withdrawal course with paranoia, agitation and delirium. Six months later she remains off all medications and finished the semester with a 4.0 GPA.

The GHB sample was assayed to contain GHB 721mg/ml. Each tsp. contained a 60mg/kg dose.



Assay by CEA Western Labs
San Francisco Bay Area Regional Poison Control Center

ER Cases

GHB Withdrawal Symptoms

- Tremor
- Paranoia
- Agitation
- Hallucinations-visual and auditory
- Confusion
- Delirium
- Hyperadrenergic

Sedative/hypnotic & alcohol withdrawal syndromes similar, and may also include fever and seizures.



San Francisco Bay Area Regional Poison Control Center

GHB Dangerous Drug of Abuse

- Use is increasing rather than waning.
- GHB clearly has deleterious and life-threatening acute health effects.
- Physical dependence and withdrawal syndromes are described.
- Public misinformation abounds:
SAFETY EFFICACY LEGALITY
- Assaults with GHB also reported.

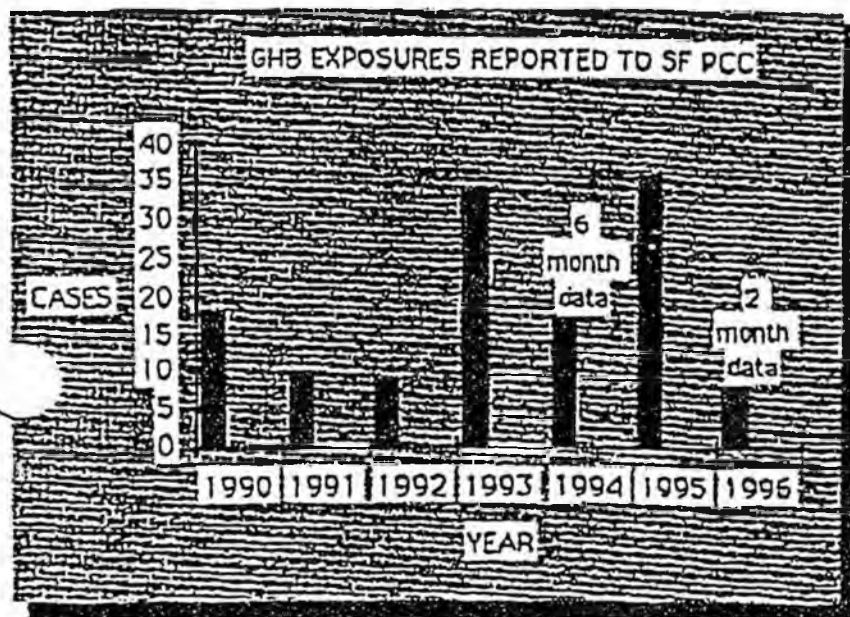


San Francisco Bay Area Regional Poison Control Center

GAMMA HYDROXYBUTYRATE

I. AVAILABILITY AND CURRENT STATUS

- Synthesized in 1960. Initially evaluated and currently available in Europe as an anesthetic and sedative.
- Currently available in the United States as an Orphan drug for treatment of narcolepsy.
- GHB has been illicitly promoted; initially as a growth hormone releaser, diet aid, soporific, more recently for euphoric effects and sexual enhancement.
- This evident abuse has lead the DEA to evaluate GHB for inclusion in schedule one of the controlled substances act.
- There are sporadic reports of use across the United States including California, Arizona, Texas, Missouri, Minnesota, Ohio, Virginia, South Carolina, Georgia, and Florida.
- Sold as a white crystalline hygroscopic powder or clear liquid solution.
- Testimonials of GHB's beneficial effects and recipes for compounding are available on the internet.
- The annual number of GHB exposures reported to the San Francisco Regional Poison Control Center is increasing from the initial reports in 1990.

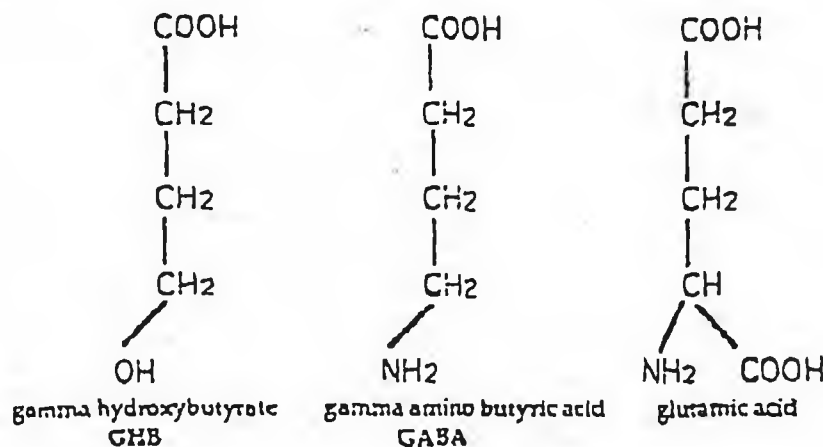


VARIOUS NAMES

4 hydroxybutyrate
Gamma Hydrate
Gamma Hydroxy Butyrate
Gamma OH
GBH=Greivous Bodilly Harm
Georgia Home Boy
GHB
Liquid Ecstasy
Natural Sleep-500
Oxy-Sleep
Scoop
Sodium Oxybate
Somatomax
Somsanit

II. PHARMACOLOGY

- GHB is an anesthetic without analgesic properties.
- GHB has been found naturally occurring in brain and nonneuronal tissues.
- GHB receptor sites and an antagonist (NCS-382) have been identified.
- GHB influences dopaminic release in the substantia nigra.
- GHB has a structure similar to inhibitory and excitatory neurotransmitters. It has been proposed as a neurotransmitter.



III. KINETICS

A. Absorption of GHB is rapid. Onset of effects occur 10 to 15 minutes after an oral dose.

1. Absorption is capacity limited.

2. Time to peak absorption (Tp) increases with dose.

Dose	12.5mg/kg	50mg/kg	Tp 25 min
			Tp 45 min

B. GHB exhibits nonlinear kinetics within the therapeutic dose range 12.5 to 50mg per kg.

1. Disproportionate increase in amount absorbed and decrease in rate of elimination occur with increasing dose.

2. Difficulty predicting dose response and duration of effects are problems with GHB's use as an anesthetic and sedative.

C. Protein binding insignificant.

D. Elimination is rapid, but capacity limited.

1. GHB is metabolized through the Tri Carboxycyclic Acid cycle to carbon dioxide and eliminated in expired air.

2. Half life, evaluated in a small number of patients, increases only slightly with dose.

Doses 12.5mg/kg T_{1/2} 20 min

50mg/kg T_{1/2} 25 min

IV. CLINICAL EFFECTS

A. CNS

1. Coma often has abrupt onset and may be profound. Glasgow Coma Scores of 3 are reported. Patients arouse within 2-3 hours, often awakening abruptly, and walk out of ED in 4-6 hours.

2. Rare tonic-clonic seizures and more commonly clonic jerking occurs with GHB overdose. A tonic clonic episode was reported during clinical trials. Petit mal or absence seizures are reported in animals.

3. Emergence delirium with confusion and agitation may be seen upon awakening.

B. Cardiovascular

1. Bradycardia with heart rates of 50 to 60 and mild hypotension are common

2. Patients may be stimulated to higher rates and pressures which may be sustained.

Respiratory

1. Irregular or Cheyne-Stokes respirations occur. The cause of death in animals is respiratory depression.

2. However, patients with GHB overdoses alone have maintained good oxygen saturation, although, we have seen mild rises in PCO₂

D. Gastrointestinal.

1. Nausea and vomiting are common.

2. Reported as 29% in a controlled case series.

E. Hypothermia. Similar to other sedative drugs.

F. Withdrawal

1. Unsubstantiated reports of withdrawal symptoms have been reported with chronic heavy use.

2. Symptoms include irritability, insomnia, hypertension, and tachycardia.

G. Death

1. Deaths from GHB alone have not been reported.

4. Anecdotal report of death from GHB ingested with ethanol.

3. Case report of death attributed to GHB combined with heroin.

V. LABORATORY

A. Blood and urine assays are not currently available.

B. GHB is not routinely assayed by coroners.

C. Local medical examiner has recently developed an assay.

VI. DIAGNOSIS

A. Abrupt onset coma with bradycardia, irregular respirations, clonic jerking, or vomiting.

B. The current milieu of use often provides clues to identification.

C. GHB is rarely used by the patient alone and onset of symptoms is fast so often a history of GHB use is provided.

TREATMENT

Decontamination

1. Ipecac contraindicated.

2. Gastric lavage or activated charcoal of little benefit unless other drugs involved.

B. Atropine has been used for bradycardia.

C. Supportive care, aspiration precautions.

Orphan Medical Product Information

Product	Application
Antizol-Vet™ (fomepizole) for injection	Antidote for ethylene glycol (antifreeze) poisoning in dogs
Cystadane™ (betaine anhydrous for oral solution)	Homocystinuria, a genetic disease
Elliotts B™ Solution (buffered intrathecal electrolyte/dextrose injection)	Diluent for intrathecally-administered methotrexate sodium and cytarabine
Antizol™ (fomepizole) for injection	Antidote for ethylene glycol (antifreeze) poisoning in humans
Busulfanex™ (busulfan) for injection	Preparatory regime in bone marrow transplantation
Caprogel™ (aminocaproic acid) topical gel	Bleeding in the eyes, usually as a result of trauma
Cartilage powder	Wound healing in patients with decubitis or diabetic ulcers
Colloidal bismuth subcitrate	Reduction of Helicobacter pylori (H. pylori) in the mouth
Colomed™ (short chain fatty acid) enema	Chronic radiation proctitis (rectal inflammation after radiation)
Intrachol™ (choline chloride) for injection	Choline deficiency in patients receiving total parenteral nutrition
Sucraid™ (fructofuranosidase) liquid	Sucrase deficiency, a genetic disease
Xyrem™ (gamma hydroxybutyrate) powder	Narcolepsy

MMWR

MORBIDITY AND MORTALITY WEEKLY REPORT

- 281 Gamma Hydroxy Butyrate Use — New York and Texas, 1995–1996
- 283 Pregnancy-Related Behaviors Among Migrant Farm Workers — Four States, 1983–1993
- 286 Resources and Priorities for Chronic Disease Prevention and Control, 1994
- 288 Hepatitis A Associated with Consumption of Frozen Strawberries — Michigan, March 1997

**Gamma Hydroxy Butyrate Use —
New York and Texas, 1995–1996**

Gamma hydroxy butyrate (GHB) is a central nervous system depressant approved as an anaesthetic in some countries; however, with the exception of investigational research, it is not approved for any use in the United States. Primary groups using GHB include party and nightclub attendees and bodybuilders. In addition, GHB is one of several agents characterized as a "date rape" drug. During August 1995–September 1996, poison control centers in New York and Texas received reports of 69 acute poisonings and one death attributed to ingestion of GHB. This report describes two cases and summarizes the investigations of GHB use in Texas and New York. The findings of these investigations underscore the health hazards associated with use of GHB.

Texas

At 12:30 p.m. on August 5, 1996, a 17-year-old girl with no previous history of drug or alcohol use was admitted to an emergency department (ED) because of cardiac arrest with cardiopulmonary resuscitation in progress. She was pronounced dead at 12:40 p.m. On the night of August 4, she had been at a local dance club, where she was reported to have ingested soft drinks. An autopsy was performed; multiple toxicologic screens of blood and bile samples did not detect alcohol or other drugs. However, on September 13, a test on previously obtained serum detected a serum level of 27 mg/L of GHB.

From November 14, 1995, through September 30, 1996, the Texas Department of Health received reports of 57 persons who had adverse health effects attributed to ingestion of GHB, including the one death described in this report. Of the 57 reports, 30 were received from the Dallas Poison Control Center, and 26 were received from the Galveston Poison Control Center. The death was reported by the Assistant Medical Examiner in Harris County, who listed the death as a homicide as the result of GHB toxicity. Of the 56 reports from the poison control centers, 34 involved males; 10 reports involved teenagers aged 16–18 years. Nineteen persons were treated in and released from hospital EDs, and 25 were admitted to intensive-care units with severe clinical symptoms, including coma (15), respiratory depression (three), and agitation (one); six required intubation. Of the 56 reports, 12 included ingestion of both alcohol and GHB, and three included the use of GHB with other drugs.

*Gamma Hydroxy Butyrate Use — Continued***New York**

On October 30, 1996, a 20-year-old man who was unresponsive after several episodes of vomiting was taken to an ED 2½ hours after ingesting a mixture of GHB and sodium hydroxide. He was intubated and admitted to the intensive-care unit, where a bronchoscopy indicated friable lung tissue that was attributed to aspiration of gastric contents containing sodium hydroxide. He developed bilateral pneumothoraces and had generalized seizures and was transferred to a third hospital for possible extracorporeal membrane oxygen therapy and lung transplant. However, his condition improved, and he was extubated and placed on supportive care and recovered.

During August 27, 1995–October 30, 1996, the Long Island Regional Poison Control Center received reports of 13 persons with exposure to GHB. All 13 were evaluated in hospital EDs. Four of the 13 also consumed ethanol. All five persons initially had altered mental status, including coma (three), stupor (one), and inebriation (one). Eight of the 13 persons had prepared GHB at home using sodium hydroxide and butyrol lactone; of the eight, three required admission to a hospital.

Reported by: J Carter, DO, H Mofenson, MD, T Caraccio, PharmD, Long Island Regional Poison Control Center, Winthrop-Univ Hospital, New York; P Smith, MD, State Epidemiologist, D Morse, MD, New York State Dept of Health; C Keys, MD, L Williams, Poison Center Network, Div of Emergency Medicine, Univ of Texas Southwestern School of Medicine, Dallas; G Coody, Drug and Medical Devices Div, Bur of Food and Drug Safety, Texas Dept of Health, Office of Diversion Control, Drug Enforcement Administration, Environmental Hazards Epidemiology Section, Health Studies Br, Div of Environmental Hazards and Health Effects, National Center for Environmental Health, CDC.

Editorial Note: GHB increases dopamine levels in the brain and has effects through the endogenous opioid system; most GHB is excreted during the first hours after ingestion (1). Manifestations of acute GHB toxicity include coma, seizures, respiratory depression, and vomiting. Other documented effects of GHB include amnesia and hypotonia (associated with doses of 10 mg/kg body weight); a normal sequence of rapid eye movement (REM) and non-REM sleep (doses of 20–30 mg/kg body weight); and anesthesia (doses of approximately 50 mg/kg body weight). Doses of >50 mg/kg body weight can decrease cardiac output and produce severe respiratory depression, seizure-like activity, and coma (2); coma and respiratory depression may be potentiated by concomitant use of alcohol (3). There is no antidote for GHB overdose, and treatment is restricted to nonspecific supportive care. Patients in New York and Texas have required ED care; many of those hospitalized have required ventilatory support and intensive care.

In the United States, GHB has been produced clandestinely in widely varying degrees of purity. GHB has been marketed as a liquid or powder and has been sold on the street under names such as "Grievous Bodily Harm," "Georgia Home Boy," "Liquid Ecstasy," "Liquid X," "Liquid E," "GHB," "GBH," "Soap," "Scoop," "Easy Lay," "Salty Water," "G-Riffick," "Cherry Menth," and "Organic Quaaluda." Improper preparation of GHB can result in a mixture of GHB and sodium hydroxide that can be severely toxic because of the combined effects of the GHB and the direct caustic effects of sodium hydroxide.

In Dallas, GHB use has been associated with events at which several persons have been found comatose. Some persons who have sustained adverse effects of GHB have reported being given the drug surreptitiously (e.g., having it slipped into their drink), while others have admitted to intentional use. The Drug Enforcement

Gamma Hydroxy Butyrate Use — Continued

Administration (DEA) is examining the distribution and abuse of GHB in the United States; although distribution has been documented in 27 states, GHB use is highly prevalent in California, Florida, Georgia, and Texas.

In the United States, GHB is under specific Food and Drug Administration exemptions for investigational research protocols for the treatment of narcolepsy. Although possession of GHB is not illegal under federal law, its manufacture and sale is prohibited under the Food, Drug, and Cosmetic Act. In Georgia and Rhode Island, state controlled substances acts have classified GHB into Schedule I*, and other states are considering similar action. In addition, the DEA is gathering information and considering a scheduling review for possible control of GHB under the Federal Controlled Substances Act†. Public health officials should report episodes of adverse effects of GHB use to DEA, telephone (202) 307-7183.

References

1. Veyer P, Mandel P, Maltre M. Gamma-hydroxy butyrate, a possible neurotransmitter. *Life Sci* 1987;41:1547-57.
2. CDC. Multistate outbreak of poisonings associated with illicit use of gamma hydroxy butyrate. *MMWR* 1990;39:861-3.
3. Mamelek M. Gammahydroxybutyrate: an endogenous regulator of energy metabolism. *Neurosci Biobehav Rev* 1989;13:187-98.

*Drugs that do not have currently accepted medical use in the United States, have a high abuse potential, and are not proven to be safe under medical supervision.

†Public Law no. 91-513.

Pregnancy-Related Behaviors Among Migrant Farm Workers — Four States, 1989-1993

The U.S. workforce includes an estimated 3-5 million migrant and seasonal farm workers (1,2); approximately 16% of migrant farm workers are women (R. Mines, U.S. Department of Labor, personal communication, 1997). Early enrollment in prenatal care and proper weight gain during pregnancy can reduce the risk for poor birth outcomes (1-4). To characterize pregnancy-related behaviors and outcomes among migrant farm workers, CDC analyzed data for 1989-1993 on prenatal-care use, weight gain during pregnancy, and birth outcomes among migrant farm workers enrolled in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in four states participating in CDC's Pregnancy Nutrition Surveillance System (PNSS). This report presents the results of that analysis, which indicate that the goals of the national health objectives for the year 2000 for pregnant migrant women enrolled in WIC have not been met.

The PNSS collects prenatal and postpartum information about women and their infants who are enrolled in publicly funded health, nutrition, and food-assistance programs. For this report, PNSS data from four states were compared for two groups of pregnant women enrolled in WIC programs: women who were classified as migrants (n=4840) and those who were not (n=610,728). A migrant farm worker was defined as a person whose primary employment is in agriculture on a seasonal basis, who has been employed within the previous 24 months, and who establishes, for the purposes of such employment, a temporary abode in the United States (5).

Overall, migrants were more likely than nonmigrants to be of Hispanic origin, younger, and married and were less likely to have attained a high school education

GAMMA-HYDROXYBUTYRATE (GHB)

James M. Tolliver, Ph.D.
Pharmacologist
Drug and Chemical Evaluation Section
Office of Diversion Control
Drug Enforcement Administration
March 27, 1997

Other Names: Sodium Oxybate, 4-Hydroxybutanoic acid monosodium salt.

Pharmacological Effects of GHB:

Naturally occurring metabolite in mammalian tissues.
Depression of the Central Nervous System (CNS) --> Sedation, Sleep
1 to 3 Grams ----> Sleep
Greater than 3 to 4 Grams ----> Anesthesia
Promotes release of growth hormone from pituitary gland.
Convulsions
Production of a trance-like state.
Used as an animal model for petit mal epilepsy.
Euphoria
Potentiates CNS Effects of Alcohol and Other Depressants

Clinical Uses of GHB

Anesthetic Adjunct
Approved for this use in some countries, but not U.S.
Narcolepsy
Not yet approved for this use in any country.
Under experimental study, using an FDA protocol in the United States.
Investigational New Drug Application from the FDA exist on the drug.
Specifically to treat nighttime sleep disruption in narcoleptics.
Alcohol Withdrawal
Not an approved use in any country.
Experimental use only.
Heroin Withdrawal
Not an approved use in any country.
Experimental use only.

Marketing Status of GHB

Has never been approved by the Food and Drug Administration (FDA) for medical use in the United States.

Is currently under development by the drug company, Orphan Medical Inc., for the treatment of narcolepsy in the U.S.

Approval by FDA for medical use in the United States is expected in 2 to 3 years providing that there are no problems with the development process.

Available in Tunisia, New Zealand, Netherlands, Morocco, Italy, French West Africa, France, Spain, Hungary and Germany as intravenous anesthetic.

Trade Names in other countries: Alcover, Anetamin, Gamma-OH, Somsanit
All are injectable solutions.

Disposition of GHB in Body

Readily absorbed in gastrointestinal tract.

Readily reaches the brain.

Metabolized in liver to carbon dioxide and water.

No active metabolites.

Excreted in urine in largest amount within 2 to 5 hours after ingestion.

Not detectable in biological fluids (blood, urine) after 12 hours following ingestion.

Individuals Who Abuse GHB

Bodybuilders

High School and College Students

Rave Party Attendees

Night Club Attendees

Individuals Intent on Sexual Assault

Reasons Cited for Abuse of GHB in the United States

Promotion of muscle growth via increases in endogenous growth hormone production.

Used as sedative to come down off of stimulants (e.g. ephedrine).

Achieve an intoxicated "high" (usually in combination with alcohol).

Cheap substitute for ecstasy (MDMA).

Mentally and physically incapacitate women for purposes of committing sexual assault.

Promoted as nutritional supplement.

Abused as aphrodisiac.

Use of GHB to Commit Sexual Assault.

GHB is used to mentally and physically incapacitate potential sexual assault victims.

The DEA is aware of sexual assault cases involving flunitrazepam in Florida, California and Louisiana.

In at least two cases in Florida, GHB has been detected in the urine of sexual assault victims.

GHB should be looked for in the urine of potential sexual assault victims.

GHB will primarily be found in the first urine sample voided after the assault victim wakes up.

GHB is eliminated quickly and is not likely to be detectable by 12 hours post-administration.

Forms of GHB on Street:

Liquid Form

Most common form encountered.

Usually clear.

Usually viscous.

Has a salty taste.

Clandestinely made.

Powdered Material

Grainy

White to off-white (sand) colored.

Tends to take on water (hygroscopic).

Most likely primarily clandestinely produced.

At least one foreign source has been identified.

Not known how much if any GHB imported from foreign source.

Available from some chemical supply stores in powdered form.

Specific Formulations

Rarely found.

Has been found in capsule form.

Street Names for GHB:

Greivous Bodily Harm (GBH)

Georgia Home Boy

Liquid Ecstasy

Liquid X

Liquid E

Liquid G

G

Soap

GHB

GBH

Scoop

Easy Lay

Salty Water

G-riffick

Cherry Meth

Organic Quaalude

How is GHB Taken:

Oral Administration Only.

Usually in quantities of 0.5 to 2 or 3 grams per dose.

Dose can vary considerably.

Liquid GHB

Taken either alone or in other drinks.

Primarily used in conjunction with alcohol consumption.

In Texas - 1 Bottle Cap full about every hour.

Powdered GHB

One to two spoonfuls at a time.

Dissolved in liquids such as water or alcohol beverages.

Adverse Effects of GHB:

Drowsiness

Dizziness

Euphoria

Reemergent Delirium with Hallucinations

Agitation

Restlessness

Delusions

Headache

Nausea and Vomiting

Enuresis

Excessive Salivation

Sweating

Reduced Body Temperature (Hypothermia)

Reduced Muscle Tone (Hypotonia)

Reduced Blood Pressure (Hypotension)

Decreased Heart Rate (Bradycardia)

Decreased Respiration Rate

Seizures -

Absence Seizures

Grand Mal Seizures

Amnesia

Reduction or Loss of Gag Reflex

Abrupt Loss of Consciousness

Coma

DEATH

(Primarily with other drugs)

Effects of GHB appear with an onset of about 15 minutes and last approximately 3 hours.

GHB potentiates the central nervous system (CNS) depressant effects of alcohol and other CNS depressants. Likewise, alcohol and other CNS depressants will potentiate the CNS depressant effects of alcohol.

Dependence can develop with prolonged use of the drug.

There have been numerous emergency room encounters with what is presumed to be GHB in many parts of the United States. Some of the states where GHB has been encountered in the emergency rooms are listed below.

California	Michigan
Florida	Nebraska
Georgia	New York
Illinois	North Carolina
Iowa	Rhode Island
Louisiana	Texas
Massachusetts	

Deaths In Which GHB Was Found in Biological Fluids. For these cases the DEA has received toxicology and/or autopsy reports from toxicology laboratories and medical examiners' offices. (The fact that GHB was detected in the biological fluids does not necessarily mean that GHB was the sole cause of death!)

May, 1993	Italy	42 Year-old heroin addict in which GHB, morphine and 6-monoacetylmorphine were found in various biological fluids and tissues. This case was reported in a 1996 issue of the Journal of Forensic Science.
March, 1995	Huntington Beach California	White, male, bodybuilder (34 years old) with GHB, ethanol and MDMA in blood.
October 1995	Omaha, Nebraska	White, female found with ethanol in in blood and GHB in urine.
January 1996	Walnut Creek, California	White, male (25 years old) with ethanol and GHB in blood.
March 1996	Charlotte, North Carolina	White male with ethanol and GHB in blood.
April, 1996	Killeen, Texas	White female with gamma-butyrolactone detected in blood.
May 11, 1996	Florida	White female 26 years old. (Details not releasible at this time)

August 1996	Ocean City, Maryland	Professional male wrestler found to have GHB, ephedrine, anabolic steroids and alcohol in his system.
August 1996	La Porte, Texas	Hispanic female (17 years old) found to have GHB but no other drugs in blood.
Sept. 1996	Pomona, California	White, Male (18 years old) found with ethanol and GHB in postmortem blood.
December 1996	Florida	White, male 30 years old. (Details cannot be released at this time.)
January 1997	Florida	White, male 25 years old. (Details cannot be released at this time.)

Foreign newspaper articles have reported on the GHB-related death of a 21 year old female in Stourbridge, West Midlands in Great Britain in March 1996. DEA has no confirmation of this case.

On February 18, 1997, the Food and Drug Administration (FDA) issued a warning that GHB could be deadly. According to the report, GHB is blamed for dozens of hospitalizations and at least three deaths. The FDA urged police, emergency rooms and coroners to begin aggressively testing for GHB when young people wind up in the emergency room with the symptoms produced by GHB.

It is becoming increasingly evident that the consumption of GHB in combination with sublethal doses of alcohol can result in death.

Source and Distribution of GHB Found on Street in U.S.

Primarily via clandestine laboratory synthesis.

Usually liquid is formed.

Need chemicals: Gamma-Butyrolactone, Sodium Hydroxide and Hydrochloric Acid, Buffer Solutions.

Very little diversion or smuggling of pharmaceutical and chemical grade GHB.

In Texas, bottle cap full of liquid GHB sold for \$10.00

In some states, liquid GHB sold by the drops dispensed from a medicine dropper for \$5.00 per several drops.

Clandestine Synthesis of GHB

Conversion of gamma-butyrolactone with base to GHB.

One-Step Reaction

No special reactions conditions required.

Special chemical knowledge is not required.

Required chemicals are cheap and easy to obtain.

Synthesis has been described extensively on the Internet.

Chemicals Used: Gamma-Butyrolactone
 Sodium or Potassium Hydroxide
 Ethanol (Ethyl Alcohol)
 Acid - Hydrochloric and/or Sulfuric
 PH Buffer Solutions

Chemical Equipment: General Lab Equipment
 Mixing Bowl
 PH Meter or PH Paper
 Hot Plate

Gamma-Butyrolactone (GBL) is the precursor for GHB. GBL cannot be used to make any controlled drugs. Finding GBL at a potential laboratory site indicates the presence of a GHB clandestine laboratory.

GBL is a liquid that can be purchased fairly cheaply from most chemical supply stores in large (kilogram) quantities. Sodium or potassium hydroxide is cheap and can be purchased in large (hundreds of grams or kilograms) quantities. Such large quantities allow for the synthesis of large (kilogram) quantities of GHB.

States with Documented GHB Distribution As Determined From State and Local Forensic Laboratory Analysis of Submitted Exhibits:

Alabama	Louisiana	Rhode Island
Arizona	Maryland	South Carolina
California	Michigan	Texas
Colorado	Missouri	Virginia
Florida	Nebraska	Wisconsin
Georgia	New Hampshire	Iowa
Hawaii	New York	North Carolina
Illinois	Ohio	
Kansas	Oklahoma	

Submission of GHB and GBL Exhibits to DEA Forensic Laboratories Over Period of August 1994 to February 1, 1997. (Information Collected From the DEA Stride System)

26 Total Cases Involving 40 Total Exhibits.

Breakdown of Cases by Year

1994 - 2

1995 - 11

1996 - 12

Of 40 Total Exhibits

25 Exhibits were liquids.

14 Exhibits were powdered material

1 Exhibit was capsules each containing 1.14 grams GHB.

Distribution of Cases Among States

California 8

Illinois 3

Georgia 3

Louisiana 2

Florida 2

Texas 2

Michigan 2

Arizona 1

Rhode Island 1

Colorado 1

Massachusetts 1

Examination of DEA casefiles outside of the STRIDE system reveals additional cases involving GHB clandestine laboratories in Washington, North Carolina and Texas.

The DEA has several cases in which the clandestine synthesis of GHB was carried out in clandestine methamphetamine laboratories.

Regulatory Control Actions

Not presently scheduled under the federal Controlled Substances Act.

DEA is currently collecting the data to administratively place GHB under the Federal Controlled Substances Act.

In November, 1991, the FDA banned the sale of GHB in health food stores.

It is a violation of the federal Food, Drug and Cosmetic Act to manufacture and sell GHB in the United States.

It is not necessarily illegal to be in possession of GHB for personal use only.

Georgia and Rhode Island have placed GHB in Schedule I of their state's Controlled Substances Act.

March 20, 1997 Florida placed GHB permanently into Schedule II of state

Controlled Substances Act.
Texas, Virginia, Hawaii, Louisiana, Michigan, Nebraska, Tennessee, and
California are moving towards the scheduling of GHB under
their state laws.

Countries With GHB Abuse:

United States
England
Spain
Sweden
Australia
Italy
Germany
Netherlands

HOUSE BILL NO. 163
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced:
Referred:

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to designating gamma-Hydroxybutyrate as a schedule IVA
2 controlled substance; and providing for an effective date."

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

4 * Section 1. AS 11.71.0(b) is amended by adding a new paragraph to read:

5 (27) gamma-Hydroxybutyrate.

6 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HB

170

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: CSHB 170

Revision Date: 04/08/97 Dept. Affected: Public Safety
 Title: An Act relating to interference with a service animal. BRU: Alaska State Troopers
 Sponsor: Rep. Brice Component: _____
 Requestor: House HESS COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have any significant fiscal impact on AST.

Prepared By: F/Sgt. Robert Gorder Phone: 269-5650
 Division: Alaska State Troopers Date: 04/08/97
 Approved by Commissioner: Ronald L. Otte *Dee Smith* Date: 4/8/97
 Agency: Department of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 170

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to interference with the rights BRU: Criminal Division
of physically and mentally challenged persons; . . . Component: Criminal Division
 Sponsor: Representative Brice
 Requester: House HESS Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 170 changes references to a physically or mentally "disabled" person to a physically or mentally "challenged" person in AS 11.76.130 relating to the interference with the rights of those persons. The bill also adds a new section to AS 11.76 creating the crime of interference with the training of a service animal, with the penalty a class B misdemeanor.

Passage of this bill is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*
 Agency: Department of Law

Phone: 465-5370
 Date: 3/21/97
 Date: 3/21/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 170(HES)

Revision Date:	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to interference with the rights of physically and mentally challenged persons; . . ."</u>	BRU: <u>Criminal Division</u>
Sponsor: <u>Representative Brice</u>	Component: <u>Criminal Division</u>
Requester: <u>House Judiciary Committee</u>	COMPONENT SERIAL NO. <u>2085</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSHB 170 (HES) changes references to a physically or mentally "disabled" person to a physically or mentally "challenged" person in AS 11.76.130 relating to the interference with the rights of those persons. The committee substitute also adds mentally challenged persons to those individuals who may be accompanied or assisted by a service animal, without extra charge for the service animal, in a common carrier, place of accommodation, or other place where the general public is invited. Further, CSHB 170 (HES) adds a new section to AS 11.76 creating the crime of interference with the training of a service animal, with the penalty a class B misdemeanor.

Passage of this bill is not anticipated to have a fiscal impact on the Department of Law.

Prepared by:	Joan M. Kasson <i>Joan M. Kasson</i>	Phone: <u>465-5370</u>
Division:	Administrative Services Division	Date: <u>4/25/97</u>
Approved by Commissioner:	Bruce M. Botelho, Attorney General <i>Bruce Botelho for</i>	Date: <u>4/25/97</u>
Agency:	Department of Law	

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 5, 1997

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4/1/97

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 170

HOUSE BILL NO. 170

PHYS/MENTALLY CHALLENGED/ SERVICE ANIMALS

"An Act relating to interference with the rights of physically and mentally challenged persons; and relating to service animals during their training period."

recommends it be replaced
with the following committee substitute

CS HB 170(HES)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

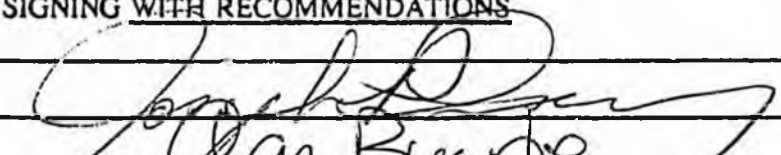
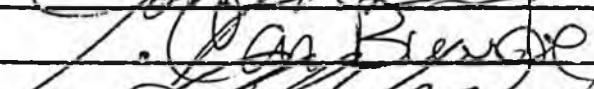

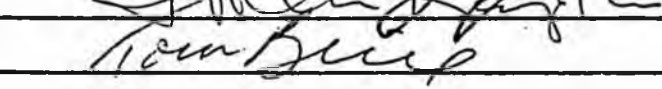

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

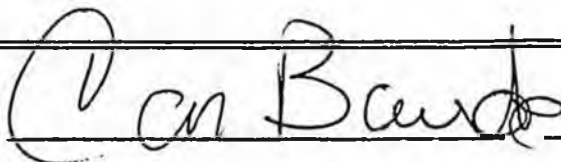
fiscal note(s) _____

zero fiscal note(s) Law

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
			<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>			
			<input checked="" type="checkbox"/>	
			<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE



Care

The dogs are returned to us from their 4-H homes when they are about 18 months old. They become part of a training string under a team of three Guide Dog instructors. Formal training of the dogs takes about five months. The three breeds used by our program are Golden Retrievers, German Shepherds, and Labrador Retrievers. Only praise and love are used as rewards during training.



A full-time veterinary staff provides care and treatment for our puppies and dogs in a modern clinic equipped with state-of-the-art technology. Guide Dogs are spayed or neutered before beginning their careers. Annual veterinary reports are required from the blind partners of all working guides and our veterinary staff is available for consultation with our graduates' veterinarians.



Mission

Guide Dogs for the Blind, Inc., believes in mutually beneficial quality partnerships between dogs and people through which their highest potential can be achieved. Guide Dogs for the Blind offers blind people enhanced mobility through the unique skills of dogs that are developed, cared for, and trained by a professional staff and nurtured by dedicated youth and adult volunteers. The Guide Dog school is committed to quality service and welcomes applications from blind men and women in the United States and Canada. A non-profit, tax-exempt corporation, Guide Dogs for the Blind charges no fees for its services and exists through the generosity of donors.

Our main campus is located at 350 Los Ranchitos Road, San Rafael, California 94903. Information about any of our services and tour scheduling are available by calling 415/499-4000. Our mailing address is P.O. Box 151200, San Rafael, CA 94915-1200.

Our Oregon address is 202 NE Kelly Avenue, Gresham, OR 97030-7544 (503/666-5158). Our Southern California satellite address is 1776 Old Topanga Canyon Rd., Topanga, CA 90290-9557 (310/455-1095).

Guide Dogs for the Blind, Inc.



Dedication

Guide Dog puppies are born of the finest breeding stock. During the early months of their lives, our puppies receive the best care by a devoted kennel staff and are given plenty of play time by groups of volunteers. When the pups are about three months old, they are placed in the homes of 4-H families across the Western United States.



Raised by 4-H members, our puppies learn to be socialized young dogs. They are housetrained, taught basic obedience skills, and develop the manners necessary for becoming a Guide Dog. An important part of our puppy raising program involves the regular exposure of our puppies to situations and settings that



are similar to what they will experience as full-fledged guides. It is not unusual to see a Guide Dog puppy, wearing a 4-H coat, with its raiser at a restaurant, at the theater, or walking down the aisle of a supermarket.

Commitment

Our professional staff of instructors is comprised of women and men who must meet the strict licensing standards of the state of California and the high standards of Guide Dogs for the Blind, Inc. In addition to licensed instructors, the Guide Dog training staff includes apprentice instructors and instructor assistants.



The team of instructors who trains a string of dogs to be Guide Dogs also teaches the class of blind men and women who receive those dogs as guides. This ensures a continuity in the training and enables the instructors to carefully match dogs and people to create good working partnerships.

Service

Student training takes place in city, rural, and suburban environments. Students are taught to work their dogs through busy streets, in shopping malls, on public transportation, on wooded paths, and in a variety of other settings similar to those they will encounter when they return home. Guide Dogs are permitted access to many places where pet dogs are not allowed. When a Guide Dog is in harness it is "at work" and should never be interrupted or disturbed. Passersby are encouraged to always ask the blind person's permission before talking to or touching a Guide Dog.



Dormitory life for the blind people enrolled at Guide Dogs for the Blind, Inc., includes wonderful meals in a spacious, comfortable dining room. The dogs accompany their partners to meals where they remain quiet and well-mannered. The modern Guide Dog dormitory includes lounge areas, a library, music room, and exercise area. Each dorm room houses two people. The Guide Dogs live with their partners throughout the month-long training just as they will at home.

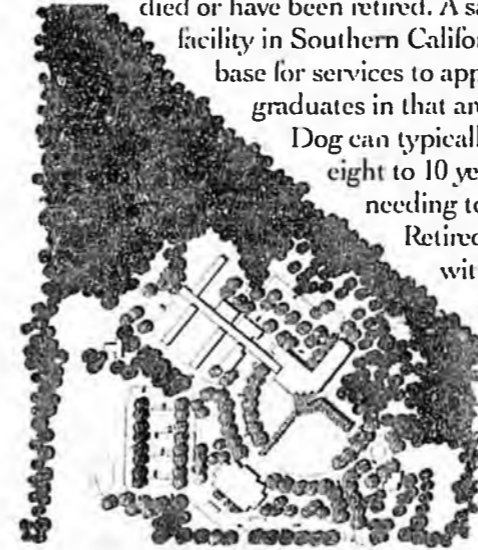


Quality

Public graduations take place every month, except for January. The 4-H raiser is invited to the graduation to present the Guide Dog to its new partner. An emotional day for everyone, graduation marks a beginning for the Guide Dog and blind person. Throughout the course of their life together, the Guide Dog team will be visited many times by Guide Dog instructors to help maintain the important connection between Guide Dogs for the Blind and the people and dogs we serve.



Looking ahead to the future has inspired Guide Dogs for the Blind to build a new campus near Portland, Oregon. This campus will serve as a center for training graduates of our program whose dogs have died or have been retired. A satellite facility in Southern California is our base for services to applicants and graduates in that area. A Guide Dog can typically work for eight to 10 years before needing to retire.



Retired dogs may live with their blind person as a pet or can be placed through our adoption and foster care program.

Growth

Guide Dog students make many friends during their course of training at the Guide Dog campus. They return to homes across the United States and Canada with happy memories and skilled Guide Dogs at their sides. Our follow-up program ensures the ongoing safety and well-being of each Guide Dog team and our donor program enables us to continue offering this unique service at absolutely no cost to the blind.



An annual membership donation to Guide Dogs for the Blind includes a subscription to the informative *Guide Dog News* and discounts on some items at our on-campus gift shop. Use the form below to join Guide Dogs for the Blind, Inc.

- | | |
|--|--|
| <input type="checkbox"/> Guide Dog Sponsor
\$12,000 or more | <input type="checkbox"/> Participating Member
\$100 or more |
| <input type="checkbox"/> Puppy Patron
\$5,000 or more | <input type="checkbox"/> Family Member
\$50 or more |
| <input type="checkbox"/> Providing Member
\$1,000 or more | <input type="checkbox"/> Individual Member
\$25 or more |
| <input type="checkbox"/> Supporting Member
\$500 or more | <input type="checkbox"/> Senior/Student Member
\$10 or more |

Your Name _____

Street _____

City _____ State _____ Zip _____

Please make your check payable to:
Guide Dogs for the Blind, Inc.

Mail it with this section to:
GUIDE DOGS FOR THE BLIND, INC.
P.O. Box 151200, San Rafael, CA 94915-1200

Please pass HB 170 for training of service animals. I have a Golden Retriever that I'm raising for Guide Dogs of the Desert. I am 70 years young. Most of the guide dogs are raised by children. We are all 4-H. We are helping the blind gain some independence. This is the logo of the school the dogs are from. They have been in service for 25 years.



P.O. Box 1692
Palm Springs, California 92263



We cannot train the puppies if we cannot take them with us everywhere we go. Don't set the blind back 50-100 years! They need their guide dogs for school, college and work. HB 170 costs the state \$0 - not a thing. We are volunteers and are doing the work free. The trained guide dog is free to those who need them. They enhance mobility, give confidence and provide access and opportunities not previously available to the blind and physically challenged individuals who use them. We invest 16 months of love, instruction and care in each guide dog puppy. It is great fun raising these animals. Unfortunately, puppy handlers often have to experience the rejection of having their charges refused entrance to various businesses. HB 170 will help remedy this. Please pass this bill.

If any of you are interested in sponsoring a puppy or helping to raise one, please let me know.

Thank you,

Ruby Schmidtbauer

PO BOX 306

NINILCHIK, AK 99639

ph. 907-567-3691

May 2, 1997
Testimony for House Bill No. 170

We need House Bill 170 to improve access for Service Animals in Training.

As a volunteer raiser of a Guide Dog in training my responsibility has been to teach the dog how to live in our human world, be dependable in a house and to walk with confidence in the community.

I work for Alaska Cooperative Extension and coordinate the 4-H Guide Dog Project for Alaska. My problems with access have arisen when I have tried to travel throughout Alaska on work assignments accompanied by my service animal in training. Inquiring in advance I have been denied lodging in Anchorage, dining in Fairbanks and entry into the state fair at Palmer. In Fairbanks I attended a week-long professional conference where I was granted lodging in the hotel but was asked in ADVANCE to pay a \$70 pet clean-up fee because my Guide Dog was "just in training."

Problems with access have also occurred because of change in management with a business where rapport had been established or because a new employee wasn't aware of the agreement with the management. There is often the fear on the part of the establishment owner or manager that DEC will shut them down if they allow these animals in training in. Our local DEC personnel have assured me this would not happen because there are no regulations regarding service animals in training.

House bill No. 170 is legislation that would clear up this confusion and help volunteer raisers fulfill their responsibility of socializing their animals in training. In 4-H our motto is "Learn by doing." Learning by doing is how people and animals learn best. To learn how to conduct themselves in public the animals must be allowed to be actively involved in the real world.

House bill No. 170 is needed so volunteers can succeed at helping individuals with disabilities become more independent and mobile.

Thank you.

Linda Alkous

34824 K-BEACH RD.
SOLDOTNA, AK 99669
262-5824

As a guide dog puppy raiser I am all too familiar with the problems faced w/trying to bring service dogs in training into business's. By passing HB#170 the job of guide dog puppy raisers would be made alot easier.

One of the most common misconceptions made about guide dogs in training is that they are not trained, and that we are trying to bring hyper, young puppies into business's. Before any type of service dog in training is brought into public it is given a lot of obedience and behavior-training. The animals are not brought into public facilities until they can handle it.

Housebill #170 would help to improve the quality of guide dogs by giving them a wider variety of training experiences.

Please pass HB170

Jessica Irmen

CS FOR HOUSE BILL NO. 170 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE BRICE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to interference with the rights of physically and mentally
2 challenged persons; and relating to service animals during their pre-training and
3 training period."

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

5 * Section 1. AS 11.76.130 is amended to read:

6 Sec. 11.76.130. Interference with rights of physically or mentally
7 challenged [DISABLED] person. (a) A person commits the crime of interference
8 with the rights of a physically or mentally challenged [DISABLED] person if the
9 person intentionally prevents or restricts

10 (1) a physically or mentally challenged [DISABLED] person from
11 having full and free pedestrian use of a street, highway, sidewalk, walkway, or other
12 thoroughfare [,] to the same extent that any other person has a right to pedestrian use;
13 or

14 (2) a physically or mentally challenged [DISABLED] person from

1 being accompanied or assisted by a certified service animal, without an extra charge
2 for the service animal, in a common carrier, place of public accommodation, or other
3 place to which the general public is invited [,] except as provided in (b) of this section.

4 (b) A physically or mentally challenged [DISABLED] person who is
5 accompanied or assisted by a certified service animal in a common carrier, place of
6 public accommodation, or other place to which the general public is invited [,] is liable
7 for property damage done by the animal.

8 (c) In this section,

9 (1) "certified service animal" means an animal trained to assist a
10 physically or mentally challenged [DISABLED] person and certified by a school or
11 training facility for service animals as having completed such training;

12 (2) "physically or mentally challenged [DISABLED]" means
13 physically or mentally disabled, as defined [HAS THE MEANING GIVEN] in
14 AS 18.80.300.

15 (d) Interference with the rights of a physically or mentally challenged
16 [DISABLED] person is a class B misdemeanor.

17 * Sec. 2. AS 11.76 is amended by adding a new section to read:

18 Sec. 11.76.133. Interference with the training of a service animal. (a) A
19 person commits the crime of interference with the training of a service animal if the
20 person intentionally prevents or restricts a person who is authorized to train service
21 animals from being accompanied by an animal that is in training to be a service
22 animal, or assesses an extra charge because of the animal, in a common carrier, place
23 of public accommodation, or other place to which the general public is invited, except
24 as provided in (b) and (c) of this section.

25 (b) A trainer who is accompanied by an animal in training to be a service
26 animal in a common carrier, place of public accommodation, or other place to which
27 the general public is invited is liable for property damage done by the animal.

28 (c) It is an affirmative defense to a prosecution under this section that the
29 person accompanied by the animal in training to be a service animal did not, when
30 requested by the defendant, give reasonable evidence of being a person authorized to
31 train service animals.

1
2
3
4
5
6
7
8

(d) In this section,

(1) "authorized" means employed by, or serving as a volunteer with, a school, agency, or other facility that trains service animals;

(2) "in training to be a service animal" means being in the pre-training or training period as required under a program administered through a school, agency, or other training facility for service animals whose goal is to certify the animal as being able to assist physically or mentally challenged persons.

(e) Interference with the training of a service animal is a class B misdemeanor.