

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9304 HOUSE LABOR & COMMERCE

625 Fourth Avenue South
Minneapolis, Minnesota 55415
(612) 340-7216
FAX: (612) 340-7062



Richard J. Kleven
Assistant Vice President
Law Division

March 10, 1997

Representative Norman Rokeberg
Chairman, House Labor and Commerce Committee
State of Alaska

**Re: STATEMENT CONCERNING THE NEED FOR THE MODEL
FRATERNAL CODE IN THE STATE OF ALASKA - H.F. 179**

Dear Representative Rokeberg:

I am Assistant Vice President of the Law Division of Lutheran Brotherhood, a fraternal benefit society domiciled in Minneapolis, Minnesota, and licensed in Alaska. I am making this statement on behalf of the National Fraternal Congress of America (NFCA), the national trade organization for fraternal benefit societies, the author of the Model Fraternal Code that has been introduced as House Bill 179 and Senate Bill 119.

Fraternal benefit societies are not for profit, self-help membership organizations formed by people of common ethnic, religious or vocational backgrounds or people holding similar moral, ethical and patriotic beliefs. By law, fraternal benefit societies must operate on a lodge system, maintain a representative form of government and offer benefits solely to members and their dependents.

The law governing fraternal benefit societies is Chapter 84 of Title 21 of the Alaska Insurance Laws. It was enacted in 1966 as Chapter 120, and has been amended several times. Despite numerous amendments, Chapter 84 does not give fraternal benefit societies authority to meet the insurance needs of their members in today's financial environment. In October of 1983, the NFCA adopted the Model Fraternal Code to govern fraternal benefit societies. This model was the product of several years of activity taking into account the needs and interests of the members of all societies: large - small - ethnic - occupational - religious - general.

Many of the provisions of the Model Fraternal Code are a response to conflicts with the administration of laws produced outside of state government, like those created by the Internal Revenue Service and the Securities Exchange. These and other

Model Fraternal Code
State of Alaska
March 10, 1997
Page 2

agencies have made rules affecting members of fraternal benefit societies which are either not addressed, or are inappropriately addressed, in existing statutes such as Chapter 84, Title 21 of the Alaska Insurance Laws. For example: the naming of irrevocable beneficiaries; the privilege to assign insurance to another owner; and the ability to purchase insurance on a third-party basis are all common transactions in estate planning and income tax planning. These issues have little or no effect on state regulations but they are important to consumers - including the members of fraternal benefit societies residing in Alaska.

The Model Fraternal Code contains provisions which give fraternal benefit societies authority to offer their members the products they demand in response to their needs in modern America. This new Code offers some flexibility which is not now available under Chapter 84, while maintaining the character of fraternal benefit societies.

REVIEW OF IMPORTANT PROVISIONS

Here is a list of important provisions contained in the Model Fraternal Code that are not now contained in Chapter 84:

1. Fraternal may form subsidiaries or nonprofit institutions to carry out their charitable or benevolent purposes.
2. Fraternal may use irrevocable beneficiary designations and absolute assignments in their insurance certificates, so that members can use their fraternal insurance for modern estate planning needs.
3. Fraternal may set up separate accounts and may issue variable insurance products to members, upon approval of the Director of Insurance and in keeping with SEC requirements.
4. Fraternal may issue, upon approval of the Director of Insurance, new life or health insurance products that may be developed in the future and that are approved for use by commercial insurers.

Certain outdated provisions of current Chapter 84 are deleted, while other provisions have been consolidated and re-written in "easy to understand" language that is gender neutral.



Post-It™ brand fax transmittal memo 7671		# of pages • 1
To Rep. Norm Rokeberg	From Greg Eisert	
Co.	Co. Luth. Brotherhood	
Dept.	Phone # 907-277-0035	
Fax # 907-465-2040	Fax # 907-274-6841	

March 10, 1997

Representative Norman Rokeberg
Chairman, House Labor and Commerce Committee

Dear Mr Chairman:

I am writing to indicate my support of H.F. 179 and S. F. 119, which would bring the Model Fraternal Code to Alaska. As a fraternalist, and a member of Lutheran Brotherhood, and also as a District Rep. for Lutheran Brotherhood, this bill is important to me as it will allow fraternalists the flexibility to meet the needs of their members now and into the future. It will not change our basic nature as not-for-profit, self-help membership organizations, with local lodges throughout our state and the rest of the nation.

Thank you for your support of this bill.

Gregory A. Eisert FIC,
2525 Blueberry Rd. Ste.102
Anchorage, AK 99503
(907) 277-0035

A handwritten signature in cursive script that reads 'Gregory A. Eisert'.

HB

187

Revision Date: _____ Dept. Affected: Revenue
 Title: Small Business Development Tax Credit BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: (H) RLS
 Requestor: (H) L & C COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
OPERATING EXPENDITURES						
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 ()	(2,066.3)	(2,056.3)	(1,210.1)	(1,027.1)	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1001 CBRF						
1048 University of AK receipts						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year cost \$ 0.0

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

(see attached analysis)

Prepared by: Brett Frisod
 Division: Income and Excise Audit
 Approved by Commissioner: Wilson L. Condon
 Agency: Revenue

Phone: 465-3682
 Date: February 2, 1998
 Date: February 2, 1998

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Alaska Department of Revenue
Income and Excise Audit Division

Small Business Development Tax Credit
HB 187
February 2, 1998
Page 2 of 3

DRAFT BILL ANALYSIS

Section 1 describes the purpose of this Act.

Section 2 describes which corporations qualify for the tax credit and the maximum size of the credit. A corporation must be nonaffiliated (not have any parents, children, brother or sister corporations) and have fewer than 50 employees. A corporation qualifying for the credit may claim a credit of 10% of the first \$100,000 of qualified investment in new property first placed into service in Alaska. These investments must be made in any tax year after December 31, 1996 and before January 1, 2000. Unused credit can be carried forward two years. The tax may not exceed 50% of the taxpayer's corporate tax liability. This section also describes the penalties for disposing or removing from the state equipment for which the taxpayer claimed a credit.

Section 3 repeals section 2 of this Act.

Section 4 provides that sections 1 and 2 are retroactive to January 1, 1997.

Section 5 provides for an immediate effective date for sections 1, 2 and 4.

Section 6 establishes an effective date for section 3 of January 1, 2002 unless prior to January 1, 2002 section 2 is found to violate the commerce clause of the United States Constitution.

Operating Expenditures

The Department of Revenue is not requesting any additional funds for meeting its obligations under this Act.

Revenue Collected

The attached spreadsheet details revenue reductions from credits taken under this bill.

Alaska Department of Revenue
 Income and Excise Audit Division
 Projected Revenue Decreases from the Small Business Tax Credit

Small Business Development Tax Credit
 HB 187
 February 2, 1998
 Page 3 of 3

Assumptions - All small businesses (defined as nonaffiliated corporations with less than 50 average annual employees) opt to use all of their maximum available credit (50% of their corporate liability up to \$10,000). For corporations with liabilities greater than or equal to \$20,000 this maximum would be \$10,000. For corporations with less than \$ 20,000 in liability they will use up all of 50% of their liability.

	Corp. Number	FY 99	FY 00	FY 01	FY 02	FY 03*	FY 04*
Credits for Corp. with >\$20,000 Liab.	59	(\$590,000)	(\$590,000)	\$0	\$0	\$0	\$0
Credits for Corp. with \$10,000-20,000 Liab.	61	(\$438,265)	(\$438,265)	(\$183,000)	\$0	\$0	\$0
Credits for Corp. with \$1,000 - 9,999 Liab.	532	(\$873,912)	(\$873,912)	(\$873,912)	(\$873,912)	\$0	\$0
Credits for Corp. with \$100 - 999 Liab.	696	(\$135,758)	(\$135,758)	(\$135,758)	(\$135,758)	\$0	\$0
Credits for Corp. with \$1-\$99 Liab.	1113	(\$17,408)	(\$17,408)	(\$17,408)	(\$17,408)	\$0	\$0
Total Credits	2461	(\$2,055,343)	(\$2,055,343)	\$1,210,078	\$1,027,078	\$0	\$0

* Sunsets after 3 years (starting in FY 98) with a 2 year carry forward.

FISCAL NOTE

02-03-98A08:41 RCVD

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 187

Revision Date: _____
 Title: Small Business Development
Tax Credit
 Sponsor: House Rules
 Requestor: House L&C

Department Affected: Labor
 BRU: Employment Security
 Component: Unemployment Insurance
 COMPONENT SERIAL NO. 2276

EXPENDITURES/REVENUES:

(Thousands of Dollars)

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

CAPITAL						
---------	--	--	--	--	--	--

CHANGE IN REVENUE FUND SOURCE #						
------------------------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY98) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

This bill provides a small business development tax credit under the Alaska Net Income Tax Act. The Department of Labor will be required to validate taxpayer's monthly average number of employee's as reported to the Department of Labor under AS. 23.20. No fiscal impact is anticipated.

Prepared by: Rebecca Gamez, Director *Rebecca Gamez* Phone: 465-2711
 Division: Employment Security Division Date: 1/30/98

Approved by Commissioner: Tom Carhen, Commissioner
 Agency: Department of Labor *Tom Carhen* Date: 1/30/98

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Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 6, 1998

SUBJECT: Small business development tax credit (CSHB 187(L&C))

TO: Representative Norman Rokeberg
Attn: Shirley Armstrong

FROM: Richard A. Glover *RAG*
Legislative Counsel

I have enclosed the requested CSHB 187(L&C). However, we recommend the following stylistic changes:

1. Section 2 of the bill, in AS 43.20.047(a) the phrase "of two or more corporations as defined in AS 43.20.073(g)(2)" should be deleted, and replaced with the current statutory convention of "In this subsection, 'affiliated group' has the meaning given in AS 43.20.073" at the end of the subsection.
2. Section 3 of the bill should be altered, to read "AS 43.20.047 is repealed December 1, 2003" and section 6 of the bill deleted. This would prevent the bill from repealing AS 43.20.047 immediately (making the bill inoperative) if the bill is passed without the 2/3 majority needed to preserve the effective date provision.

There are two other items in the bill that may be ambiguous:

1. In section 2 of the bill, in the proposed AS 43.20.047(d), the term "a tax year for which a credit was claimed" is used, but if the credit is carried forward under subsection (c), it is unclear if "claimed" applies only to the first year or to all carry forward years as well. The attorney general's office may be of assistance in determining the governor's intention.
2. In section 2 of the bill, the proposed AS 43.20.047(e) may not properly cover the situation where the property is retained in the business, but in another state. Removal of the term "or removed" from the subsection may correct the problem.

If I may be of further assistance, please advise.

RAG:pl:glc
98-025.plm
Enclosure

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 12, 1997

FURTHER REFERRALS:

State Affairs
Finance

Date of Committee Action: 2/4/98

The LABOR AND COMMERCE Committee considered:

HB 187

HOUSE BILL NO. 187

SMALL BUSINESS DEVELOPMENT TAX CREDIT

“An Act relating to a small business development tax credit under the Alaska Net Income Tax Act; 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) REV

fiscal note(s) _____

zero fiscal note(s) Labor

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Nan Kotelny</i>	✓		✓	
<i>John Crudele</i>			✓	
<i>John Sandberg</i>			✓	
<i>John Brice</i>	✓			
<i>Greg Kubera</i>	✓			
<i>Joe Dixon</i>			✓	

CHAIR'S SIGNATURE

Nan Kotelny

2/4/98

AMENDMENT 1

*Jack Chenoweth
drafted -
Nan
Rick Glover*

OFFERED IN THE HOUSE
TO: HB 187

BY REPRESENTATIVES _____
AND _____

Page 2, line 8:
Delete "1996"
Insert "1997"
Delete "2000"
Insert "2001"

Page 4, line 5:
Delete "1997"
Insert "1998"

Page 4, line 7:
Delete "2002"
Insert "2003"

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

P.O. BOX 110400
JUNEAU, ALASKA 99811-0400
TELEPHONE: (907) 465-2300
FACSIMILE: (907) 465-2389

January 22, 1998

The Honorable Norman Rokeberg
Chair, House Labor & Commerce Committee
State Capitol
Juneau, AK 99801

01-25-98A09139 RCVD

Dear Representative Rokeberg:

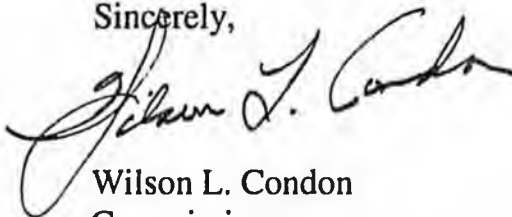
RE: HB 187

I am writing to ask you to schedule a hearing on HB 187. This legislation will establish a small business tax credit to help small businesses expand their operations or upgrade their equipment.

The Small Business Investment Tax Credit will benefit small independent enterprises. It will apply to corporations with no affiliates - - no parent, subsidiary or sibling - - with fewer than 50 employees. The tax credit will be 10% of capital investment up to \$100,000, not to exceed 50% of the business's corporate income tax liability. To qualify, the investment must be for new property and the corporation must be in good standing on unemployment insurance and other state taxes.

HB 187 will help small business. I look forward to working with you and request that House Labor & Commerce Committee hears this bill.

Sincerely,



Wilson L. Condon
Commissioner

98-002

— **SPONSOR STATEMENT** —

MAR 17 1997

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110300
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 465-5442
TDD: (907) 465-5437

March 13, 1997

The Honorable Norman Rokeberg
Chair, House Labor & Commerce Committee
State Capitol
Juneau, AK 99801

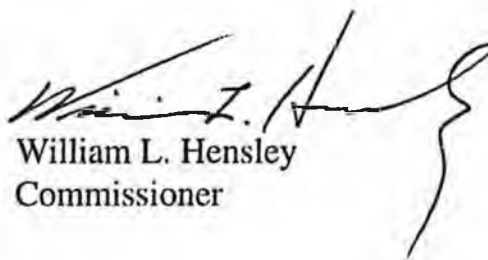
Dear Representative Rokeberg:

Re: HB 187

I am writing to request that you schedule a hearing on HB 187 at your earliest convenience. This legislation will establish a small business tax credit to help existing small businesses expand their operations and provide incentives for new businesses to start up.

We stand ready to assist you and your committee with the legislative process. Please contact Jeff Bush, Deputy Commissioner, with any questions at 465-2500.

Sincerely,



William L. Hensley
Commissioner

WLH/TL/kg

cc: Pat Pourchot, Legislative Director, Office of the Governor

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Juneau, Alaska 99801-2105*

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Labor & Commerce, 4-27-95, 7:05 pm

HB

189

1997 LEGISLATIVE SESSION

Revision Date: April 9, 1997

Dept. Affected: Public Safety

Title: Restrict tobacco sales/possession

DPS Statewide Support

Component: Commissioner's Office

Sponsor: Representative Cowdery

Requestor: H. Labor & Commerce

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						
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.)

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: 4/9/97

Approved by Commissioner: 

Date: 4/9/97

Agency: Ronald L. Otte, Dept. of Public Safety

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APR 09 1997

5:30 PM

Revision Date: _____ Dept. Affected: _____ Revenue: _____
 Title: Restrict Tobacco Sales/Possession BRU: Alcoholic Beverage Control Board
 Component: Alcoholic Beverage Control Board
 Sponsor: Representative Cowdry
 Requestor: (H) L&C COMPONENT SERIAL NO. 100

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)

The proposed legislation would restrict sales of tobacco products to premises which have been issued a liquor license. The issue of enforcement has not been addressed and is not anticipated by ABC under the current version of the bill. Thus there would be no operating budget effect.

Prepared by: Doug Griffin, Director Phone: 277-8638
 Division: Alcoholic Beverage Control Board Date: April 9, 1997
 Approved by Commissioner: Wilson L. Condon *W. Condon* Date: April 9, 1997
 Agency: Revenue

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 3, 1997

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/18/97

The LABOR AND COMMERCE Committee considered:

SSHB 189

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 189

RESTRICT TOBACCO SALES/POSSESSION

"An Act relating to sale of tobacco and tobacco products; and providing for an effective date."

recommends it be replaced
with the following committee substitute

CSSS HB 189(LNC)

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) DPS, REV

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>John Coadery</u>	<input checked="" type="checkbox"/>			
<u>Tom Price</u>			<input checked="" type="checkbox"/>	
<u>Joe Ryan</u>	<input checked="" type="checkbox"/>			
<u>Bill Huds</u>	<input checked="" type="checkbox"/>			
<u>Tom Kately</u>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE vice chair John Coadery 4/18/97

APR-10-97 THU 16:31

FBX LIO

FAX NO. 9074563346

P. 01



TELECOPY COVER SHEET

Fairbanks Legislative Information Office

APR 10 1997

Office - (907) 452-4448

Fax - (907) 456-3346

TO: House L+C Cmte FAX: _____ PHONE: _____

FROM: FBX LIO PHONE: _____

INSTRUCTIONS: written testimony for HB 189
teleconferenced on 4/10/97

RECEIVED: Date _____ Time _____

SENT: Date _____ Time _____

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: 1 (Not counting cover sheet)

SENT BY: Frat

APR 14 1997

LEGISLATIVE INFORMATION OFFICE
119 N. CUSHMAN, SUITE 101
FAIRBANKS, AK 99701
452-4448

DATE: 4/11/97

Please accept the enclosed original(s) of written testimony for the

House L & C teleconference scheduled on

4/10/97. A copy of this testimony was transmitted to your committee via fax.

Thank you,

Fran / Feb LIO

relatively recent and there are no available data regarding their impact on tobacco CONSUMPTION RATES by youth.

There is, however, one published study that looked at the link between self-service displays and SALES RATES to youth. That study concluded that stores with self-service displays of tobacco were more likely to sell tobacco to minors than stores that kept tobacco behind the counter.

Unfortunately, that study only looked at the SALES of tobacco to youth -- something that was not eliminated in either type of store, even those stores with only behind-the-counter displays. The study did not look at CONSUMPTION of tobacco by youth. Therefore, no scientific conclusions can be drawn about the effects of SS 189 on YOUTH CONSUMPTION.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

APR 14 1997

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FAIRBANKS, AK 99701
452-4448

DATE: _____

4/11/97

Please accept the enclosed original(s) of written testimony for the

House L & C

_____ teleconference scheduled on

4/10/97

_____. A copy of this testimony was

transmitted to your committee via fax.

Thank you,

Fran/Flax L10

APR 14 1997

Jenny, thanks for agreeing to read the following testimony.

My name is Dr. John Petraitis. I live at 30319 List Circle in Eagle River.

I'm an assistant professor at UAA and I have studied ways of curbing youth addiction to tobacco products. Unfortunately, I could not be here today so I have asked Jenny Murray to share with you scientific evidence that applies to SS 189.

That bill was written to limit youth their access to tobacco. In effect, the bill seeks to reduce the SUPPLY of tobacco to youth in hopes of limiting the CONSUMPTION of tobacco by youth.

Currently, there are no FEDERAL OR STATE laws comparable to SS 189. However, approximately 170 LOCALITIES across the country have ordinances which (like SS 189) ban self-service displays of tobacco. Unfortunately, these local ordinances are relatively recent and there are no available data regarding their impact on tobacco CONSUMPTION RATES by youth.

There is, however, one published study that looked at the link between self-service displays and SALES RATES to youth. That study concluded that stores with self-service displays of tobacco were more likely to sell tobacco to minors than stores that kept tobacco behind the counter.

Unfortunately, that study only looked at the SALES of tobacco to youth -- something that was not eliminated in either type of store, even those stores with only behind-the-counter displays. The study did not look at CONSUMPTION of tobacco by youth. Therefore, no scientific conclusions can be drawn about the effects of SS 189 on YOUTH CONSUMPTION.

However....

...Clear, scientific conclusions can be drawn about the link between the PRICE of tobacco and YOUTH CONSUMPTION. Study after study suggest that increasing the price of tobacco through increased taxation is likely to have

- ✓ a stronger,
- ✓ more immediate, and
- ✓ more lasting effect on tobacco consumption by youth.

In conclusion...

SS 169 might modestly reduce some SALES of tobacco to youth.

But, by contrast, increasing tobacco taxes will eliminate much of the DEMAND and CONSUMPTION of tobacco by youth.

This is why the US Surgeon General and the American Medical Association have concluded that any SERIOUS policies to curb youth smoking must include tobacco tax increases as a centerpiece. NOTHING, NOTHING, NOTHING the Alaska Legislature will do is likely to have the same effect on youth smoking.

Therefore, the social science data suggest that SS 189 *might* be a useful addition to tobacco tax increases, but it would be a poor substitute.



APR 09 1997

REPRESENTATIVE JOHN J. COWDERY

SPONSOR STATEMENT HB 189

Under provisions of this bill, a person who sells or gives tobacco to a minor is guilty of a violation and subject to a \$300 fine.

This legislation limits public access to tobacco products. It is always the responsibility of retail premise and it's employees to distribute their products lawfully.

Tobacco products may be sold only in the following fashion: On a licensed liquor premise, through a wholesale manufacturer, where only employees have access to the tobacco products, or through vending machines that are located in licensed premises.

Teenage tobacco consumption is a serious problem, but it can be fought if we effectively limit access to tobacco products and punish those who are guilty of distributing it illegally.

SUPPORT



ALASKA COUNCIL ON
PREVENTION OF
ALCOHOL AND DRUG
ABUSE, INC.

8333 DENALI STREET
SUITE 201

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April 9, 1997

Representative John J. Cowdery
Alaska State Legislature
FAX #: 907-465-2069

Dear Rep. Cowdery:

Greetings! This letter concerns HB 189—an Act relating to the sale of tobacco and tobacco products; and providing for an effective date. On behalf of the Alaska Council on PREVENTION of Alcohol and Drug Abuse, I would like to provide some information which hopefully will assist in the decision-making process regarding this issue.

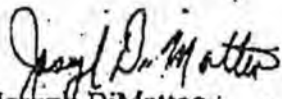
The following statistics were taken from the 1995 Youth Risk-Behavior Survey, which was funded by the Alaska Department of Health and Social Services and the Alaska Department of Education.

- The majority of Alaskan smokers (83.7%) began smoking between the ages 10 and 20 years. The median age for first time use is 13.
- Seventy-two percent of Alaskan high school students surveyed stated they tried cigarette smoking, compared to 69% nationally. Over 36% of Alaskan students surveyed use cigarettes currently (30% nationally) and 21% smoke daily (14% nationally).
- By the 12th grade, 29% of Alaskan students surveyed used smokeless tobacco frequently, compared to 22% nationally.

These statistics support the assertion that tobacco use among Alaskan students is higher than the national norm. This bill's passage would limit public access to tobacco products, thus making it difficult for minors to purchase. Regulations and accountability are established by setting guidelines on who can sell tobacco products. Lastly, this bill reinforces selling tobacco products to minors is an illegal and punishable offense.

Thank you for your time and attention to this important matter.

Respectfully,


Joseph DiMatteo
Executive Director

SUPPORT

Americans for Nonsmokers' Rights

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ORDINANCES WHICH BAN SELF-SERVICE TOBACCO DISPLAYS

March 6, 1997

Belmont, CA	Utiah, CA	Middleton, MA	Golden Valley, MN	Manville, NJ
Belvedere, CA	Union City, CA	Millis, MA	Litchfield, MN	Maurice River, NJ
Calistoga, CA	Vallejo, CA	Milton, MA	Montevideo, MN	Milltown Borough, NJ
Carpinteria, CA	Yountville, CA	Montague, MA	Monticello, MN	Monroe Township, NJ
Corte Madera, CA	Monte Vista, CO	Nahant, MA	Morris, MN	Monterey Township, NJ
Cotati, CA	Westbrook, ME	Needham, MA	Savage, MN	Montvale, NJ
Estes Park, CA	Andover, MA	Newton, MA	Roseville, MN	Mt. Olive Township, NJ
Fairfax, CA	Arlington, MA	North Adams, MA	St. Louis Park, MN	New Milford, NJ
Fort Bragg, CA	Attleboro, MA	New Andover, MA	Shakopee, MN	North Plainfield, NJ
Healdsburg, CA	Bedford, MA	North Attleboro, MA	Shoreview, MN	Palisades Park, NJ
Hillsborough, CA	Bellingham, MA	Northampton, MA	Skakopee, MN	Park Ridge, NJ
Larkspur, CA	Billerica, MA	Norwood, MA	Wasca, MN	Pequanook, NJ
Marin County, CA	Bolton, MA	Oak Bluffs, MA	Alexandria, NJ	Pine Beach, NJ
Mendocino Cnty, CA	Boxborough, MA	Orange, MA	Belleville Twnshp, NJ	Princeton Borough, NJ
Mill Valley, CA	Canton, MA	Pittsfield, MA	Berkeley Township, NJ	Princeton Township, NJ
Monterey Cnty, CA	Clinton, MA	Plainville, MA	Bernards Township, NJ	Readington Township, NJ
Napa, CA	Dedham, MA	Seekonk, MA	Bogota Borough, NJ	South Brunswick, NJ
Napa County, CA	Dover, MA	South Hadley, MA	Clinton Township, NJ	Stafford Township, NJ
Novato, CA	Easthampton, MA	Stockbridge, MA	East Greenwich, NJ	Upper Saddle River, NJ
Palo Alto, CA	Easton, MA	Tewksbury, MA	Edison, NJ	Chautauqua City, NY
Petaluma, CA	Gloucester, MA	Walpole, MA	Fairfield, Township, NJ	Bismark, ND
Poway, CA	Granby, MA	W. Springfield, MA	Franklin Township, NJ	Langdon, ND
Redlands, CA	Greenfield, MA	Westfield, MA	Galloway Township, NJ	Philadelphia, PA
Salinas, CA	Haverhill, MA	Wilbraham, MA	Hackensack, NJ	Austin, TX
San Anselmo, CA	Hingham, MA	Williamstown, MA	Hazlet Township, NJ	Wichita Falls, TX
San Mateo, CA	Holliston, MA	East Lansing, MI	Highland Park, NJ	Enoch, UT
San Mateo Cnty, CA	Holyoke, MA	Brooklyn Center, MN	Hillsborough Twp, NJ	Midvale City, UT
San Rafael, CA	Lawrence, MA	Chanbassen, MN	Howell Township, NJ	Pleasant Grove, UT
Santa Rosa, CA	Lee, MA	Chaska, MN	Jefferson Township, NJ	Riverton, UT
Sausalito, CA	Lenox, MA	Crookston, MN	Keypert, NJ	Fond du Lac, WI
Sebastapol, CA	Lexington, MA	DeJano, MN	Lambertville, NJ	
Shafter, CA	Mansfield, MA	Duluth, MN	Leonia Borough, NJ	
Sonoma, CA	Marion, MA	Eden Prairie, MN	Little Egg Harbor, NJ	
Sonoma County, CA	Medfield, MA	Falcon Heights, MN	Madison Bor., NJ	
Tiburon, CA	Methuen, MA	Fergus Falls, MN	Marlboro, NJ	

TOTAL ORDINANCES: 171

**These ordinances ban displays of tobacco that the public has access to without the assistance of a store employee. Some exempt cartons from this prohibition.*

May be reprinted with appropriate credit to Americans for Nonsmokers' Rights.

Only ordinances which have been personally reviewed and analyzed by ANR staff using standardized criteria will be included on ANR's ordinance lists. Omissions of particular ordinances may be the result of differences of opinion in interpretation, or because ANR staff have not yet analyzed the ordinance.

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YOUTH ACCESS TO TOBACCO

April 23, 1996

THE PROBLEM

Tobacco addiction typically begins during childhood or adolescence. Approximately 75 percent of cigarette smokers tried their first cigarette before their 18th birthday (CDC, 1991). Initiation of daily smoking generally occurs during sixth through ninth grade (Johnston et al, 1992). Contrary to popular belief, youth tobacco use is on the rise. Although the daily smoking rate for high school seniors decreased from 29 percent to 20 percent between 1977 and 1981, the smoking rate decreased only an additional 1.8 percent through 1991 (Johnston et al, 1992; US DHHS, 1994). Recent studies indicate an end to the decline, 31.2 percent of seniors reported smoking in the last thirty days, a 12 percent increase since 1991 (Johnston, 1995).

These young tobacco users underestimate the addictive nature of nicotine. In a 1986 survey, only five percent of high school seniors believed they would be smoking 5 years later; in fact, an estimated 75 percent were smoking 7 to 9 years later (Johnston et al, 1992).

Despite the fact that almost all states prohibit the sale and distribution of tobacco products to minors, tobacco is easily accessible to youth. Studies indicate that underage youth can purchase tobacco products 70 to 100 percent of the time from merchants and through vending machines (Altman et al, 1989). Youth themselves report that it is easy for them to purchase tobacco; the majority buy their own cigarettes (Cummings et al, 1992).

The tobacco industry, including manufacturers and retailers, profit from these illegal sales. Researchers estimate that 947 million packs of cigarettes are sold annually to underage youth in the United States; representing total sales worth \$1.23 billion and a net profit of \$221 million (DiFranza and Tye, 1990).

Youth access policies are based on the hope that reducing access will lead to a reduction in youth consumption and addiction. The effectiveness of these policies cannot be measured simply in terms of reducing observed tobacco sales to minors. The ultimate measure is whether these policies reduce youth consumption of tobacco products. Before taking action, it is important to recognize that initiation into adulthood is one of the main reasons children start using tobacco. Because advertising portrays smoking as a mature, adult activity, children and youth draw the conclusion that one way to appear adult is to begin using tobacco. *Care should be taken to avoid strategies to reduce youth access which reinforce the image that smoking is a forbidden, and therefore, desirable activity.*

YOUTH ACCESS POLICIES

Passing a minimum age law which simply prohibits the sale and distribution of tobacco products to minors will not decrease youth access to tobacco. Policies must also address the locations and manner in which tobacco is sold or otherwise made available (Reynolds and Woodward, 1993). In addition, policies must include clear enforcement mechanisms and be actively enforced if they are to achieve their potential to reduce youth access.

The majority of state youth access laws focus on establishing a minimum age for purchase of tobacco products. State legislation has been largely unenforced and ineffective in reducing youth access (US OIG, 1992). The passage of an amendment to federal law, the Synar Amendment, may change this situation. This law requires states to adopt and enforce laws prohibiting tobacco sales and distribution to youth less than 18 years of age. States which fail to achieve specified reductions in youth sales rates risk losing a percentage of their federal funding for drug and alcohol prevention and treatment.

To date, the greatest successes in reducing youth access have been achieved at the local level (US DHHS, 1993b). Provisions that have been enacted at the local level include:

- licensing tobacco retailers
- banning or restricting tobacco vending machines
- banning self-service displays of tobacco products
- banning distribution of free samples or coupons for free samples of tobacco
- banning sale of single cigarettes

LICENSING TOBACCO RETAILERS

Licensing legislation requires merchants to buy a license to sell tobacco products *which can be suspended or revoked* if the merchant sells tobacco to minors. This creates a financial incentive for retailers to avoid illegal sales to minors. The profits lost by forfeiting the right to sell tobacco to adults exceed the typical \$100 to \$500 fine exacted for violations under most youth access legislation. License fees should be earmarked to fund enforcement activities.

Licensing ordinances should include strong enforcement provisions. Ordinances in Woodridge (IL) and King County (WA) have used underage "inspectors" who, under adult supervision, spot check retailer compliance. License fees cover the cost of enforcement efforts. Unfortunately, the King County ordinance was recently superseded by preemptive state legislation passed to satisfy the Synar Amendment, and the local enforcement activities have been dismantled.

Most licensing ordinances contain a graduated schedule of fines and penalties; suspension or revocation of a license is the last resort, after the retailer has continued to sell to minors. All tobacco products should be pulled from the shelves during the suspension or revocation period. Some ordinances allow the retailer to appeal license suspensions or revocations. To avoid frivolous appeals, the retailer should bear the costs of the appeal process.

Options

- Require a license for the retail sale of tobacco products. Earmark fees to fund enforcement efforts.
- Establish a graduated penalty system which culminates in suspension or revocation of the tobacco retail license for repeated sales to minors. Require tobacco products to be pulled from shelves during the suspension/revocation period.
- Establish a public appeal process for suspension or revocation of license. The retailer may be required to pay the costs of the appeals process.

TOBACCO VENDING MACHINES

A study commissioned by the vending machine industry found that 23 percent of youth that smoke use vending machines "often" or "occasionally" (NAMA, 1989). A recent study found an even higher percentage (37.8 percent) of youth that smoke who reported using vending machines "often" or "sometimes" (Cummings et al, 1992). Younger children rely more heavily on vending machines as a source of cigarettes (US DHHS, 1989). The NAMA study found that 13 year olds reported using a vending machine "often" 11 times more frequently than did 17 year olds (NAMA, 1989).

Option One: Total Ban on Tobacco Vending Machines

Both former Secretary of Health and Human Services Louis Sullivan and former Surgeon General C. Everett Koop have called for a total ban on cigarette vending machines. Unlike over-the-counter sales, vending machine sales to minors don't respond to merchant education programs (Altman et al, 1989) or to increased penalties and fines for sales to minors (Forster et al, 1992b).

Complete bans are relatively easy to enforce; the simple presence of a tobacco vending machine indicates a violation. A study of two cities with tobacco vending machines bans found complete compliance two years after the bans were enacted (Forster et al, 1992a).

Option Two: Partial Ban on Tobacco Vending Machines

A partial ban provides an exemption for tobacco vending machines placed in bars or other "adult only" locations, such as employee cafeterias or adult social clubs. These policies are less effective than total bans in preventing illegal sales to minors. Researchers from the University of Minnesota have demonstrated that underage youth experience high rates of success (78 percent) in purchasing cigarettes from vending machines placed in establishments characterized as adult locations (Forster et al, 1992b).

Requiring the machines to be placed at least 25 feet from any entrance may improve the effectiveness of a partial ban. This prevents placement of the machines in unattended lobbies and entrances. Define adult only locations carefully. For instance, exempting the bar area of a restaurant may fail to prevent sales to minors; 47 percent of youth using tobacco vending machines report that the machine was placed in a restaurant (NAMA, 1989).

Options

- Ban the sale of tobacco products through vending machines in all locations.
- Ban the sale of tobacco products through vending machines, providing an exemption for adult-only locations.
- Require that tobacco vending machines be placed at least 25 feet away from any entrance in an exempted location.

To derail strong vending machine policies, vending machine trade associations and the tobacco industry promote installing locking devices as an alternative to full or partial bans. This is an ineffective means of curtailing illegal sales to minors.

The state of Utah, which required their use until 1988, found that locking devices were rarely installed, and, where installed, seldom operating. In St. Paul, Minnesota, one year after a locking device ordinance was passed, 30 percent of the machines were not equipped with a locking device. Of those machines with a locking device, compliance deteriorated during the first year after the law was passed; from 30 percent sales to minors at three months, to 48 percent at one year (Forster et al, 1992a).

Locking device requirements entail a greater enforcement burden than complete bans (Forster et al, 1992a). Even when installed and operating, attendants may continue to sell cigarettes to underage youth.

SELF-SERVICE DISPLAYS

Self-service displays allow customers to acquire tobacco products without the intervention of a store employee. Tobacco companies offer retailers "slotting fees" for favorable placement of their products in the store, including placement of self-service displays.

Banning self-service displays may reduce youth access in two ways: (1) youth may be less likely to attempt purchase when they must request tobacco from a store employee, rather than handing the product to the sales clerk for checkout, and; (2) the absence of displays makes it more difficult to shoplift tobacco products.

Options

- Prohibit open displays of tobacco products which can be reached without the assistance of a store employee.

FREE SAMPLING

Distribution of free tobacco samples is a popular form of promotion for both cigarette and chewing tobacco manufacturers. Free tobacco samples frequently are distributed in locations where underage youth are likely to congregate: music festivals, rock concerts, sports events, zoos and fairs (Davis and Jason, 1988; Chudy et al, 1993).

Most states prohibit the distribution of tobacco samples to underage youth. In addition, the tobacco industry has a voluntary code addressing product sampling which prohibits the distribution of tobacco products to "any person whom they know to be under 21 years of age or who, without reasonable identification to the contrary, appears to be less than 21 years of age" (Tobacco Institute).

Despite these state laws, and the industry's voluntary code, free sampling of tobacco products in public areas and through the mail is a source of tobacco products for underage youth. A survey of underage youth found that 50 percent reported witnessing other people their age receiving free samples (Davis and Jason, 1988). The same study found that 20 percent of high school students and four percent of elementary students surveyed reported that they themselves had received free samples of tobacco products.

Options

- Ban distribution of free tobacco samples or coupons for free samples in publicly and privately owned property accessible to the general public.
- Ban the distribution of free tobacco samples through the mail.

SINGLE CIGARETTES

Although the Federal Cigarette Labeling and Advertising Act prohibits the sale or distribution of cigarettes without the mandated warning label, some stores sell single cigarettes which are taken out of their packages and stored in cups and trays. This practice is illegal, unless the cigarettes are removed from their packages by the customer or in the presence of the customer (Manfreda, 1989). A study of stores in southern California found that almost half sold single cigarettes, and that youth were able to purchase them almost twice as often as adults (Leary, 1993). This occurred despite the fact that California prohibits all sales of single cigarettes.

Options

- Prohibit the sale or distribution of one or more cigarettes, other than in a sealed package which conforms to the federal labeling requirements, including the federal warning label.

POSTING WARNING SIGNS

Requiring warning signs stating that sales to minors are illegal does not lead to a reduction in sales to minors. A merchant education project in New York found that posting signs had no effect on the rate of sales. Although the intervention led to an increase in the number of stores posting warning signs (40 percent), those stores showed no significant reduction in sales to minors when compared to control stores which did not receive the intervention (Skretny et al, 1990). Studies conducted in Missouri and Texas also found that the likelihood of success was not significantly different for stores with and without warning signs (CDC, 1993).

The tobacco industry promotes warning signs. Posting of signs is the major component in the Tobacco Institute's program "It's the Law." Researchers have shown that this program does not reduce merchants' illegal sales to minors (DiFranza and Brown, 1992).

Posting warning signs where they are visible to minors presents tobacco as a "forbidden fruit" reserved for adults, and may encourage teen rebellion against adult rules (Carol, 1992; DuMelle, 1991). A study of youth susceptibility to smoking found that rebellious attitudes were associated with an increased susceptibility to smoking among adolescents (Pierce et al, 1993). If warning signs are required, they should be placed so as to be visible only to the sales clerk.

ENFORCEMENT ISSUES

Active enforcement is the most effective means to achieve long-term compliance (Altman et al, 1991; Feighery et al, 1991; Jason et al, 1991; Keay et al, 1993; Skretny et al, 1990; US OIG 1992). The ultimate goal of enforcement is compliance with the enacted youth access law. Compliance can be achieved by formal enforcement activities, or in some instances by community and merchant education activities. The activities described below are not mutually exclusive. Depending on available resources, and the needs of the community, they can be used alone or in combination. Funding to support enforcement and other compliance activities can be raised by earmarking revenues raised by tobacco retail license fees.

Designate an Enforcement Agency

A clearly designated enforcement agency is vital to the success of an enforcement scheme (US OIG 1992). Numerous studies note that enforcement of youth access laws is often a low priority with law enforcement officials; health agencies or other code enforcement agencies (e.g., City Manager) may be more responsive enforcement agencies (US OIG, 1992; Feighery et al, 1991; Chudy et al, 1993). Designation of a health agency for enforcement reinforces the message that youth access is a public health, rather than a law and order issue.

Community and Merchant Education

Many communities have undertaken community and merchant education activities as a substitute for or precursor to formal enforcement. Studies have shown that some of these interventions initially reduce rates of sales, but the effects deteriorate over time (Altman et al, 1991; Feighery et al, 1991). Community and merchant education activities may make eventual enforcement activities more palatable to the business community and the general public (Altman et al, 1991).

Citizen Complaints

The effectiveness of enforcement based on citizen complaints will vary with the community's level of concern regarding youth access to tobacco. Although it is important to provide a mechanism for citizens to file complaints against noncompliant merchants, this mechanism by itself may not generate enough enforcement activity to reduce tobacco sales to minors.

Undercover Buying Operations and Compliance Checks

Both undercover buying operations (UBOs) and compliance checks, called "stings" by some, involve the use of underage inspectors, accompanied by adult chaperones, who attempt to purchase tobacco products. UBOs do not entail any penalty to merchants who sell tobacco to minors, or otherwise violate provisions of youth access legislation. Rather, UBOs demonstrate the problem of tobacco sales to minors to the business community and the general public. In some instances, UBOs are used to warn merchants and are a precursor to enforcement.

Compliance checks are formal enforcement operations, in which merchants are penalized for violating provisions of youth access legislation.

Civil Lawsuits Based on Consumer Protection Statutes

In 1991, owners of Store 24, a Massachusetts-based convenience store chain, settled out of court with two individuals who sued the chain for violating state minimum age laws to sell them tobacco when they were minors (*Kyte v. Store 24*). As part of the settlement, the chain agreed to check proof of age before selling tobacco products to anyone not clearly of legal age. The so-called *Kyte Case* is the first lawsuit targeting the sales practices of tobacco retailers. This type of lawsuit is another way to seek compliance with youth access legislation.

Graduated System of Penalties

Whatever penalty system is adopted, it is important to establish a graduated system of penalties which are proportionate to the violation (US DHHS, 1990). Minor infractions of youth access legislation (e.g., failure to post a warning sign, first documented sale to a minor) should entail a smaller penalty than gross noncompliance (e.g., repeated sales to minors).

Civil vs. Criminal Penalties

Research consistently demonstrates the desirability of civil, rather than criminal penalties for violations of youth access legislation (Chudy et al, 1993; Feigbery et al, 1991; US OIG, 1992). These studies cite a variety of reasons for this recommendation: (1) the criminal justice system is overburdened with crimes which are considered a higher priority than tobacco sales to minors; (2) judges are reluctant to establish a criminal record for an otherwise law-abiding citizen; and (3) administrative processing of a civil penalty takes less time than adjudication through the criminal justice system; violators can be issued a citation similar to a traffic ticket.

Penalizing the Business Owner or the Sales Clerk

Penalizing owners for illegal sales to minors is preferable to citing sales clerks. Several studies document cases dismissed by judges who felt the owner, rather than the clerk, should be penalized or that the fine was an undue burden on a clerk earning minimum wage (Feigbery et al, 1991; US OIG, 1992).

Citing the owner is also preferable from a practical standpoint. When the clerk is cited, noncompliant stores have no penalty, and therefore no significant incentive to avoid illegal sales. Owners can establish in-store policies and programs to train clerks to avoid illegal sales.

Citing the owner is also preferable from a practical standpoint. When the clerk is cited, noncompliant stores have no penalty, and therefore no significant incentive to avoid illegal sales. Owners can establish in-store policies and programs to train clerks to avoid illegal sales. Licensing schemes automatically place responsibility with the owner, who is levied the fine and risks eventual loss of license for repeated sales to minors.

Monetary Fines and License Suspensions

Penalties can include a combination of monetary fines for minor and first violations and suspension and/or revocation of a retail tobacco license for more serious violations (US DHHS, 1990). The loss of a tobacco retail license, and the ensuing loss of profits from legal sales to adults, is a strong incentive for merchants to closely monitor their tobacco sales.

Criminalization of Purchase or Possession by Minors

Criminalization of purchase and possession is a "blame the victim" strategy that shifts the blame from the responsible parties -- the tobacco industry and merchants who sell to minors (Carol, 1992; Altman et al, 1992). Criminalization reinforces the message of tobacco as a "forbidden fruit," unintentionally making tobacco use more desirable to youth (DuMelle, 1991; Carol, 1992; Altman et al, 1992). The tobacco industry has promoted criminalization of purchase and possession.

State laws which criminalize purchase and possession by minors create a barrier to enforcement efforts which use underage buyers (Altman et al, 1992). In order to conduct UBOs or stings, enforcement agencies must seek waivers from law enforcement officials. In some instances, law enforcement officials have declined to grant their permission to conduct UBOs and compliance checks.

Options

- Designate the health department or city manager to enforce the ordinance.
- Establish a graduated system of penalties for violations.
- Establish civil rather than criminal penalties.
- Penalize the retail owner for violations of youth access legislation.
- Establish a system of monetary fines and license suspension/revocation.

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APR 22 1997

APR 22 1997

April 14, 1997

Mr. Chairman,

Thank you for listening to my testimony last week. Here are the figures you requested from me.

1. Stores-(small grocery, liquor, convenient stores) usually order by the case. A case or 6m = 30 cartons of cigarettes. People in the bush are not price sensitive. So when they order their cigarettes, generics are a small part in some areas. However with the price increases, we have seen more movement of the generic cigarettes in some areas.

2. Individuals-(people who order direct to their house) will usually order between 2 and 10 cartons per household. Although there are some generic cigarettes sold, for the most part they are all branded.

Stores/Individuals- both of these customers will order copenhagen as their number one chew and skoal is number two, then kodiak. Currently there is no generic chew in the bush.

Now the only way to verify age for purchasing tobacco products, (assuming they aren't using their moms or dads or haven't stole them) is by check or credit card. And even then, we don't know for sure if that is where the product is going. There is no way to police the problem in the bush let alone here in Anchorage.

I hope this information is helpful to you when you are talking to the other committee members. If I can be of further assistance, please call me at 243-5267.

Sincerely,

Bobby Scott
Sales Supervisor

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 189
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE COWDERY

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sale of tobacco and tobacco products; and providing for an
2 effective date."

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

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

5 (d) A person who violates this section is guilty of [SELLING OR GIVING
6 TOBACCO TO A MINOR IS] a violation and upon conviction is punishable by a fine
7 of not less than \$300.

8 * Sec. 2. AS 11.76.100 is amended by adding a new subsection to read:

9 (g) A person may not sell cigarettes, cigars, tobacco, or a product containing
10 tobacco unless

11 (1) the person also holds a liquor license issued under AS 04.11.090,
12 04.11.110, or 04.11.150 and the sale occurs on the licensed premises, including sale
13 by means of a vending machine under (b) of this section;

14 (2) the sale occurs in a manner that allows only the sales clerk to have

- 1 access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale;
- 2 (3) the sale is a wholesale transaction and the person selling the
- 3 cigarettes, cigars, tobacco, or products containing tobacco is licensed as a manufacturer
- 4 or distributor under AS 43.50.010; or
- 5 (4) the sale is by vending machine as required under (b) of this section.

6 * Sec. 3. This Act takes effect July 1, 1997.

WORK DRAFT

WORK DRAFT

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0-LS0711\B
Ford
4/17/97

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 189(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE COWDERY

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sale, gift, exchange, or distribution of tobacco and tobacco
2 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(d) is amended to read:

5 (d) A person

6 (1) who violates (a)(1) of this section by selling, exchanging,
7 [SELLING] or giving tobacco to a person under 19 years of age [MINOR] is guilty
8 of a class A misdemeanor, except that, if within the five years preceding the
9 offense, the person has previously been convicted under this subsection or a law
10 or ordinance of this or another jurisdiction with elements substantially similar to
11 this section, the person is guilty of a class C felony;

12 (2) who maintains a vending machine in violation of (a)(2) of this
13 section commits a violation and upon conviction is punishable by a fine of not less
14 than \$300.

1 * Sec. 2. AS 11.76.100 is amended by adding new subsections to read:

2 (g) A person may not sell cigarettes, cigars, tobacco, or a product containing
3 tobacco unless

4 (1) the person also holds a liquor license issued under AS 04.11.090,
5 04.11.110, or 04.11.150 and the sale occurs on the licensed premises, including sale
6 by means of a vending machine under (b) of this section;

7 (2) the sale occurs in a manner that allows only the sales clerk to have
8 access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale;

9 (3) the sale is a wholesale transaction and the person selling the
10 cigarettes, cigars, tobacco, or products containing tobacco is licensed as a manufacturer
11 or distributor under AS 43.50.010; or

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

13 (h) A person engaged in the sale or distribution of a tobacco product shall
14 demand proof of age from a prospective purchaser or recipient if the person has reason
15 to believe that the prospective purchaser or recipient is under 27 years of age. A
16 prosecution for violation of this subsection may not be brought unless a prosecution
17 is also brought for violation of AS 11.76.100(a).

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

28 "I understand that state law prohibits the sale or distribution of
29 a tobacco product to persons under 19 years of age and requires
30 that proof of age be demanded from a prospective purchaser or
31 recipient if I have reason to believe that the prospective

1 purchaser or recipient is under 27 years of age. I promise, as a
2 condition of my employment, to observe this law."

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

6 * Sec. 3. This Act takes effect July 1, 1997.

0-LS0711E.1
Ford
4/16/97
Rep. Cowdery
E.1 & E.2

A M E N D M E N T

OFFERED IN THE HOUSE
TO: SSHB 189

BY REPRESENTATIVE COWDERY

1 Page 1, line 8:

2 Delete "a new subsection"

3 Insert "new subsections"

4 Page 2, following line 5:

5 Insert new subsections to read:

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

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

21 "I understand that state law prohibits the sale or distribution of
22 a tobacco product to persons under 19 years of age and requires
23 that proof of age be demanded from a prospective purchaser or
24 recipient if I have reason to believe that the prospective

0-LS0711VE.1

1 purchaser or recipient is under 27 years of age. I promise, as
2 a condition of my employment, to observe this law."
3 Each form signed by an individual shall indicate the date of signature. The employer
4 shall retain the form signed by an individual employed as a retail sales clerk until 120
5 days after the individual has left the employer's employ."

0-LS0711VE.2
Ford
4/16/97

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE COWDERY

TO: SSHB 189

1 Page 1, lines 5 - 7:

2 Delete all material and insert:

3 "(d) A person

4 (1) who violates (a)(1) of this section by selling, exchanging,
5 [SELLING] or giving tobacco to a person under 19 years of age [MINOR] is guilty
6 of a class A misdemeanor, except that, if within the five years preceding the
7 offense, the person has previously been convicted under this subsection or a law
8 or ordinance of this or another jurisdiction with elements substantially similar
9 to this section, the person is guilty of a class C felony;

10 (2) who maintains a vending machine in violation of (a)(2) of this
11 section commits a violation and upon conviction is punishable by a fine of not less
12 than \$300."

HB

192

FISCAL NOTE

APR 22 1997

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 192

Revision Date: _____
 Title: An Act regulating chemical dependency counselors;
and providing for an effective date.
 Sponsor: Representative Ivan, Bunde, Foster, Grussendorf
 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	69.7	69.7	69.7	69.7	69.7	69.7
TRAVEL	9.1	9.1	5.4	5.4	5.4	5.4
CONTRACTUAL	118.3	43.3	43.3	43.3	43.3	43.3
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	14.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	213.1	124.1	120.4	120.4	120.4	120.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	386.5	0.0	290.1	0.0	290.1	0.0
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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	213.1	124.1	120.4	120.4	120.4	120.4
TOTAL	213.1	124.1	120.4	120.4	120.4	120.4

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

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 192 creates a new five member Board of Chemical Dependency Counseling Examiners to license the practice of chemical dependency counselors in four categories: 1) Counselor associate; 2) Counselor I; 3) Counselor II; and 4) Clinical Supervisor. The costs identified in this fiscal note assumes there will be approximately 700 potential licensees.

See attached for further explanation.

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

Phone: 465-2144
 Date: 4/21/97
 Date: 7-31-97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.: HB 192

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

PERSONAL SERVICES

\$ 69.7

- ◆ Permanent Full-Time Occupational Licensing Examiner I, Range 12 staff the Board of Chemical Dependency Counseling Examiners and support the licensing program. \$41.4
- ◆ Permanent Part-Time Investigator III, Range 18 to enforce the licensing statutes. \$28.3

TRAVEL

\$ 9.1

Travel is based on two meetings each year as required by Sec. 08.19.020(4), assuming one meeting is held in Anchorage, and in Juneau. Also, travel is based on the assumption that members of the board will be appointed from the following areas: 2-Anchorage; 1-Fairbanks; and 2-Juneau; plus, the Licensing Examiner from Juneau.

Since the board will only meet twice each year, board meetings in the first two years are based on the assumption that the meetings will last four days each, with two travel days attached to each meeting. After start-up of the licensing program begins, the length of board meetings will be reduced to two days each, plus travel.

- ◆ 1 - Anchorage Meeting 3.8
- ◆ 1 - Juneau Meeting 3.3
- ◆ Travel and Per Diem for the Investigator III to conduct field work throughout the State 2.0

CONTRACTUAL SERVICES

\$ 118.3

- ◆ Regulation Costs - based on at least four projects:
 - Ad Orders @ \$600 per project x 4 2.4
 - Postage for reg. notices @ .32 x 700 notices x 4 projects .9\$3.3
- ◆ Contractual-related costs for the two positions (telephone, postage, courier, etc.), misc. case related costs (copies of records), expert witnesses, depositions, etc. 6.0
- ◆ Facility rentals for examinations @ \$200 per administration and assuming the exams will be administered at least four times each year 0.8

HB 192, continued

- ◆ Examination Development (one-time costs) for the following levels:
Counselor associate; Counselor I; Clinical Supervisor
@ \$25.0 per exam 75.0
- ◆ Examination costs assuming exam costs are \$53 per candidate and
that approx. 325 individuals will be tested each year 17.2
- ◆ Examination Proctors: at least two proctors per
exam @ \$10 per hour x 8 hours x 4 exams 0.6
- ◆ Legal services in preparing for litigation. The funding
provides 120 hours of legal services (10 hours per month
x 12) at \$85 per hour. 10.2
- ◆ Office space costs for the Occupational Licensing Examiner I and
Investigator III positions at \$2.6 per position annually. 5.2

SUPPLIES

- ◆ Daily operating supplies for the program (paper, pens, etc.)

\$ 2.0

EQUIPMENT (One-time Costs)

- ◆ Workstation \$3.0
- ◆ Computer (Gateway) 2.0
- ◆ Telephone: 1.1
 - M2008 Base Unit
 - Voice Mail
 - Line (dial tone)
- ◆ 5-dwr. Lateral file cabinet $\frac{9}{\$7.0 \times 2}$

\$ 14.0

DIRECT Program Costs:

\$ 213.1

DIVISION INDIRECT: Licensees within this program will also be assessed a share of division indirect costs based on the number of licensees within the program. Assuming this program will have approximately 900 licensees, the program is estimated to be assessed 1.96% of division indirect costs (700 divided by 35,666 total division licensees). Using FY 96 division indirect costs for example, and assuming these costs remain relatively the same, the program would be assessed \$24,633 annually for division indirect.

REVENUE: Licenses are based on a two-year cycle and *designated program receipts* from licensing fees are used to fund the program. Therefore, each licensee will be expected to pay a share of Direct and Indirect costs covering the first two years. These costs consists of: Direct Costs (\$213,100 *first year* + \$124,100 *second year* = \$337,200) divided by 700 = \$481.72; and Division Indirect Costs (\$24,633 x 2 = \$49,266) divided by 700 = \$70.38. The biennial license fee for each licensee is estimated to be:

Direct Cost: \$ 481.72
 Indirect Cost: 70.38
\$ 552.10 Licensing Fee for the first Biennial

Prior to the first licensing renewal fees would be adjusted for the next two-years based on actual expenses recorded in the first two years.

Alaska State Legislature

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE
MILITARY & VETERANS AFFAIRS
COMMUNITY & REGIONAL AFFAIRS
OIL & GAS

**Representative Joe Ryan**

1 907-922-3875

<http://www.akrepublicans.org>**INTERIM:**

716 W. 4TH AVE.
ANCHORAGE, AK 99501
PHONE (907) 258-8161

SESSION:

STATE CAPITOL
ROOM 420
JUNEAU, AK 99801-1182
PHONE (907) 465-3875

Memorandum

TO: Representative Norman Rokeberg, Chair
Labor and Commerce Committee

FROM: Representative Joe Ryan

IN RE: House Bill 192

DATE: April 24, 1997

There will be a subcommittee hearing on House Bill 192. House Bill 192 is "An Act regulating chemical dependency counselors; and providing for an effective date." The subcommittee will consist of the following members: Rep. Joe Ryan, Rep. Bill Hudson, Rep. Gene Kubina. Rep. Ryan will chair this subcommittee on House Bill 192.

The subcommittee will start at 3pm on Tuesday, April 29, 1997. The location will be in room 17.

APR 24 1997
RECEIVED 5:00pm
POSTED 5:00pm

FISCAL NOTE

05-02-97 P02:48 111

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 192

Revision Date: April 30, 1997
 Title: An Act regulating chemical dependency counselors;
and providing for an effective date.
 Sponsor: Representative Ivan, Bunde, Foster, Grussendorf
 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	69.7	69.7	69.7	69.7	69.7	69.7
TRAVEL	9.1	9.1	5.4	5.4	5.4	5.4
CONTRACTUAL	24.7	24.7	24.7	24.7	24.7	24.7
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	14.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	119.5	105.5	101.8	101.8	101.8	101.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	274.3	0.0	252.9	0.0	252.9	0.0
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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	119.5	105.5	101.8	101.8	101.8	101.8
TOTAL	119.5	105.5	101.8	101.8	101.8	101.8

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

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 192 creates a new five member Board of Chemical Dependency Counseling Examiners to license the practice of chemical dependency counselors in four categories: 1) Counselor associate; 2) Counselor I; 3) Counselor II; and 4) Clinical Supervisor. The costs identified in this fiscal note assumes there will be approximately 700 potential licensees.

See attached for further explanation.

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

Phone: 465-2144
 Date: 4/30/97
 Date: 4-30-97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO.: HB 192
(Revised Fiscal Note 4/30/97)

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

PERSONAL SERVICES

\$ 69.7

- ◆ Permanent Full-Time Occupational Licensing Examiner I, Range 12 staff the Board of Chemical Dependency Counseling Examiners and support the licensing program. \$41.4
- ◆ Permanent Part-Time Investigator III, Range 18 to enforce the licensing statutes. \$28.3

TRAVEL

\$ 9.1

Travel is based on two meetings each year as required by Sec. 08.19.020(4), assuming one meeting is held in Anchorage, and in Juneau. Also, travel is based on the assumption that members of the board will be appointed from the following areas: 2-Anchorage; 1-Fairbanks; and 2-Juneau; plus, the Licensing Examiner from Juneau.

Since the board will only meet twice each year, board meetings in the first two years are based on the assumption that the meetings will last four days each, with two travel days attached to each meeting. After start-up of the licensing program begins, the length of board meetings will be reduced to two days each, plus travel.

- ◆ 1 - Anchorage Meeting 3.8
- ◆ 1 - Juneau Meeting 3.3
- ◆ Travel and Per Diem for the Investigator III to conduct field work throughout the State 2.0

CONTRACTUAL SERVICES

\$ 24.7

- ◆ Regulation Costs - based on at least four projects:
 - Ad Orders @ \$600 per project x 4 2.4
 - Postage for reg. notices @ .32 x 700 notices x 4 projects .9\$3.3
- ◆ Contractual-related costs for the two positions (telephone, postage, courier, etc.), misc. case related costs (copies of records), expert witnesses, depositions, etc. 6.0

HB 192, continued

- ◆ Legal services in preparing for litigation. The funding provides 120 hours of legal services (10 hours per month x 12) at \$85 per hour. 10.2
- ◆ Office space costs for the Occupational Licensing Examiner I and Investigator III positions at \$2.6 per position annually. 5.2

NOTE: This fiscal note does not provide funding for examination development, administration or any other examination-related costs. Information received from the sponsor indicates that no examination expenditures are anticipated at this time, because any examinations will be developed and administered by national testing services at no cost to the state with any exam fees paid directly to the testing service by the applicant. This fiscal note is based on the understanding that there will be no examination-related state expenditures without an additional budget increment.

SUPPLIES

\$ 2.0

- ◆ Daily operating supplies for the program (paper, pens, etc.)

EQUIPMENT (One-time Costs)

\$ 14.0

- ◆ Workstation \$3.0
- ◆ Computer (Gateway) 2.0
- ◆ Telephone: 1.1
 - M2008 Base Unit
 - Voice Mail
 - Line (dial tone)
- ◆ 5-dwr. Lateral file cabinet .9
\$7.0 x 2

DIRECT Program Costs:

\$ 119.5

DIVISION INDIRECT: Licensees within this program will also be assessed a share of division indirect costs based on the number of licensees within the program. Assuming this program will have approximately 700 licensees, the program is estimated to be assessed 1.96% of division indirect costs (700 divided by 35,666 total division licensees). Using FY 96 division indirect costs for example, and assuming these costs remain relatively the same, the program would be assessed \$24,633 annually for division indirect.

REVENUE: Licenses are based on a two-year cycle and *designated program receipts* from licensing fees are used to fund the program. Therefore, each licensee will be expected to pay a share of Direct and Indirect costs covering the first two years. These costs consists of: Direct Costs (\$119,500 *first year* + \$105,500 *second year* = \$225,000) divided by 700 = \$321.43; and Division Indirect Costs (\$24,633 x 2 = \$49,266) divided by 700 = \$70.38. The biennial license fee for each licensee is estimated to be:

Direct Cost:	\$ 321.43
Indirect Cost:	<u>70.38</u>
	\$ 391.81 Licensing Fee for the first Biennial

Prior to the first licensing renewal fees would be adjusted for the next two-years based on actual expenses recorded in the first two years.

Alaska State House of Representatives
House District 39



Session
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4942
1-800-323-4942
Fax: (907) 465-4589
www.akrepublicans.org/Ivan.htm

Interim
P.O. Box 137
Akiak, Alaska 99552
Phone: (907) 765-7526

Representative Ivan M. Ivan

SPONSOR STATEMENT - HOUSE BILL 192

This bill establishes a State Board of Chemical Dependency Counseling Examiners under Title 8 of the Alaska Statutes. Alcohol and substance abuse is a growing concern for Alaskans. A requirement of state licensing for chemical dependency counseling professionals provides consumer protection and promotes the best professional quality care for Alaskans seeking and/or in need of treatment services.

This bill changes a voluntary certification process to professional state licensing as a standard of practice. Currently, there is no mechanism in place in Alaska, to prevent anyone, with or without specific training or experience, from calling themselves a chemical dependency counselor.

HB 192 establishes minimum levels of academic or experiential training requirements and supervised experience to practice as a Counselor Associate, Counselor Level I, II, or a Clinical Supervisor.

Alaskans age 12 and older, sought chemical dependency treatment services 9,165 times in fiscal year 1996 (admission and re-admissions) from programs receiving some state funding. Additionally, there are an estimated 2,000 individuals who received treatment services through private practice, private hospitals or federal government providers.

There are 55 programs providing services, which are certified by the State Alcohol & Drug Abuse office. Currently, there are over 700 certified chemical dependency counselors and it is anticipated that there will be growth in this field in the near future.

Alaska State House of Representatives
House District 39



Session
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4942
1-800-323-4942
Fax: (907) 465-4589
www.akrepublicans.org/Ivan.htm

Interim
P.O. Box 137
Akiak, Alaska 99552
Phone: (907) 765-7526

Representative Ivan M. Ivan

SECTIONAL ANALYSIS - HOUSE BILL 192

SECTION 1 - establishes Chapter 19, Chemical Dependency Counselors under Title 8 of the Alaska Statutes.

Sec. 08.19.010 - creates a five member Board, appointed by the Governor, subject to confirmation with a four year term. Board membership requires the person be licensed under this chapter and appointments should reflect the regional and cultural diversity of this state. Provides an election process for board officers.

Sec. 08.19.020 - establishes and defines the power and duties of the board to review training, education and work experience of individual applicants; issue licenses; establish continuing education requirements for licensure renewal; review and approve training programs, sites and trainers for practicums or internships; provision for semi-annual board meetings; and establishes process to adopt regulations.

Sec. 08.19.050 - establishes licensing requirement to practice chemical dependency counseling. Imposes restrictions on unlicensed individuals. Provides exemptions if performance is within the scope of the person's regular or specialized duties and the person is held accountable for: (a) religious practitioners, (b) religious sponsored individuals, (c) recognized Tribal traditional healers, (d) supervised students/trainees of an accredited institution or training program; (e) other state licensed individuals, and (f) voluntary group-based self-help assistance, such as 12-step programs. Establishes violation of this section to be a class B misdemeanor.

Sec. 08.19.060 - establishes qualifications and examinations for the levels of licensure sought.

Aktachak • Aktak • Aleknagik • Atmaultuak • Bethel • Chefornak • Clark's Point • Dillingham • Eek • Ekuk • Ekwok • Goodnews Bay • Kasigluk • Kipnuk • Kolliganek • Kongiganak • Kwethluk • Kwiggillingok • Manokotak • Napaktak • Napaskiak • New Stuyahok • Nunapitchuk • Oscarville • Platinum • Portage Creek • Quinhagak • Togiak • Tuntutulak • Twin Hills

Sec. 08.19.070 - establishes license qualifications and scope of practice for a Counselor Associate. Authorizes the board to set standards of training and education for this level of licensure. Provides for the scope of practice of performance under direct supervision of a licensed Counselor I, II, or Clinical Supervisor for this level of licensure.

Sec. 08.19.080 - establishes license qualifications and scope of practice for a Counselor I. Authorizes the board to set standards of training and education for this level of licensure. Provides the scope of practice of performance under supervision of a licensed Counselor II or a Clinical Supervisor either directly or by means of regular documented clinical consultation for this level of licensure.

Sec. 08.19.090 - establishes license qualifications and scope of practice for a Counselor II. Authorizes the board to set standards of training and education for this level of licensure. Provides the scope of practice of performance to direct the supervision of a counselor associate or counselor I; consult with a licensed chemical dependency counselor or another licensed behavioral health professional; perform under the supervision of a clinical supervisor either directly or by means of regular documented clinical consultation for this level of licensure; authorizes treatment recommendation as to whether commitment is necessary.

Sec. 08.19.100 - establishes license qualifications and scope of practice for a Clinical Supervisor. Authorizes the board to set standards designed to ensure that the work experience, practicum, training, and education have given the applicant knowledge and competency in the areas specified. Provides the scope of practice of performance to direct the supervision of a counselor associate, counselor I, or counselor II; performance of activity within the scope of a counselor II and; use of documented peer review or consultation with another licensed behavioral health professional.

Sec. 08.19.120 - authorizes the board to issue license for a chemical dependency counselor under reciprocity. An individual licensed in proven good standing of another jurisdiction whose standards are equivalent to the qualifications under this chapter may receive a license at an equivalent level.

Sec. 08.19.200 - authorizes the boards ability to deny license under this chapter or after a hearing. Authorizes the board to impose disciplinary sanctions under AS 08.01.075 after findings.

Sec. 08.19.990 - definitions

SECTION 2 - amends AS 08.01.010, Applicability of chapter. Adds new paragraph: Board of Chemical Dependency Counseling Examiners.

SECTION 3 - amends AS 08.03.010, Termination dates for regulatory boards. Adds new paragraph: Board of Chemical Dependency Counseling Examiners.

SECTION 4 - amends AS 44.62.330, Application of AS 44.62.330 - 44.62.630. Adds new paragraph: Board of Chemical Dependency Counseling Examiners.

SECTION 5 - provides for transitional licensing. Authorizes the board to issue appropriate level of license to an applicant who applies before September 30, 1998 or to an individual who holds a comparable certificate from the Alaska Commission for Chemical Dependency Professionals Certification.

SECTION 6 - provides for initial board members terms under AS 39.05.055, Staggered initial terms. Establishes a deadline of March 30, 1998 for an initial board member to complete required licensing established by this chapter. Provides for board membership forfeiture.

SECTION 7 - effective date of March 30, 1998.

HOUSE BILL 192

Qualifications/Scope of Practice for License

Counselor Associate: Sec. 08.19.070

- complete one year successful full-time work related experience or,
- 150 contact hours of training or,
- 10 semester hours of academic education or,
- combination of contact training and academic "content equivalent" education from a source that meets requirements established by the board in its regulations.
- demonstrate competency in:
 - ◆ communication skills
 - ◆ knowledge of addictive substances
 - ◆ knowledge of legal aspects of chemical dependency
 - ◆ familiarity with sociological and cultural issues
 - ◆ knowledge of community-based services
 - ◆ ability in information and referral techniques
 - ◆ conduct intake interviews
 - ◆ keep records
 - ◆ knowledge of basic treatment issues
 - ◆ perform appropriate aftercare and emergency care
- scope of practice to include performance under direct supervision of a counselor I, II or a clinical supervisor of the following:
 - ◆ basic community-based prevention or intervention services
 - ◆ initial emergency care
 - ◆ initial intake interviews
 - ◆ providing information and referrals
 - ◆ participation in initial treatment planning
 - ◆ case management services
 - ◆ group and community-based informational aftercare

HOUSE BILL 192

Qualifications/Scope of Practice for License

Counselor I: Sec. 08.19.080

- complete 100 hours of a practicum supervised by a counselor II or a clinical supervisor or another licensed behavioral health professional to include 15 hours each in:
 - ◆ screening
 - ◆ assessment
 - ◆ referral
 - ◆ record keeping; and either:
- two years successful full-time related experience
- a bachelor's degree or higher in an area of behavioral health (may be substituted for one year of experience)
- 270 contact hours of specialized training or,
- 18 semester hours of academic education or,
- combination of contact training and academic "content equivalent" education from a source that meets requirements established by the board in its regulations.
- demonstrate competency and knowledge about chemical dependency in:
 - ◆ sociological and cultural issues
 - ◆ theories of counseling
 - ◆ medical and psychological aspects
 - ◆ HIV and AIDS counseling and resources
 - ◆ ethical standards and laws related to chemical dependency
 - ◆ contemporary health issues
 - ◆ family dynamics
 - ◆ intake and assessment procedures
 - ◆ record keeping
 - ◆ intervention services
 - ◆ individual and group counseling
 - ◆ treatment planning
 - ◆ aftercare planning
 - ◆ relapse prevention
- provide information and referrals in:
 - ◆ case management
 - ◆ suicide risk assessment
 - ◆ crisis counseling follow-up
- scope of practice to include performance under direct supervision of a counselor II or a clinical supervisor either directly or by means of regular documented clinical consultation of:
 - ◆ activity within the scope of practice of a counselor associate and,
 - ◆ in relation to treatment:
 - ◆ a complete psycho-social assessment
 - ◆ assessment for social detoxification
 - ◆ treatment planning
 - ◆ individual therapy or group therapy

HOUSE BILL 192

Qualifications/Scope of Practice for License

Counselor II: Sec. 08.19.090

- complete 300 hours of practicum supervised by a clinical supervisor or another behavioral health professional to include 15 hours each in:
 - ◆ intake screening and orientation assessment
 - ◆ information and referral
 - ◆ treatment planning
 - ◆ counseling
 - ◆ intervention counseling
 - ◆ case management
 - ◆ crisis intervention
 - ◆ client education
 - ◆ case recording and reports
 - ◆ clinical consultation to chemical dependency treatment
- three years successful full-time work related experience with duties and responsibilities comparable to a licensed counselor I
- completion of a bachelor's degree or higher with 20 semester hours of courses in chemical dependency may be substituted for one year of the required experience
- 270 contact hours of specialized training with the content and from a source that meets the established requirements
- demonstrates knowledge and competency in:
 - ◆ mental illness
 - ◆ chemical dependency prevention strategies
 - ◆ community development
 - ◆ Alaskan history and cultural perspective in chemical dependency
- scope of practice to include:
 - ◆ the direct supervision of a counselor associate or counselor I
 - ◆ consultation with another licensed professional or a licensed behavioral health professional
 - ◆ performs under the direct supervision of a clinical supervisor or with regular documents clinical consultation with either a counselor II or another licensed behavioral health professional of an activity within the scope of practice of a counselor I
 - ◆ in relation to treatment of a person, preparation of a recommendation as to whether commitment is necessary

HOUSE BILL 192

Qualifications/Scope of Practice
for License

Clinical Supervisor: Sec. 08.19.100

- completed two years of clinical supervisory experience
- completed five years of successful full-time work experience with duties and responsibilities comparable to a licensed counselor II and with the consultation of a counselor II, clinical supervisor or other licensed behavioral health professional
- completion of a master's degree or higher in human services with 20 semester hours of courses in chemical dependency and,
 - 400 hours of supervised clinical practicum may be substituted for two years of required experience
 - 30 contact hours of specialized training with the content and from a source that meets the established requirements
- demonstrate knowledge and competency in:
 - ◆ clinical supervision
 - ◆ child and adolescent counseling
 - ◆ community development
 - ◆ family systems
 - ◆ designing culturally sensitive services
- scope of practice includes:
 - ◆ the direct supervision of a counselor associate, counselor I, or a counselor II
 - ◆ performance of activity within the scope of practice of a clinical supervisor
 - ◆ in relation to treatment, use of peer review or other documented consultation with another licensed behavioral health professional

Chapter 08.01. CENTRALIZED LICENSING

Sec. 08.01.010. Applicability of chapter.

This chapter applies to the

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) regulation of acupuncturists under AS 08.06;
- (3) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011);
- (4) Athletic Commission (AS 05.05 and AS 05.10);
- (5) regulation of audiologists under AS 08.11;
- (6) Board of Barbers and Hairdressers (AS 08.13.010);
- (7) regulation of big game guides and transporters under AS 08.54;
- (8) regulation of business licenses under AS 43.70;
- (9) Board of Chiropractic Examiners (AS 08.20.010);
- (10) Board of Clinical Social Work Examiners (AS 08.95.010);
- (11) regulation of collection agencies under AS 08.24;
- (12) regulation of concert promoters under AS 08.92;
- (13) regulation of construction contractors under AS 08.18;
- (14) Board of Dental Examiners (AS 08.36.010);
- (15) Board of Certified Direct-Entry Midwives (AS 08.65.010);
- (16) Board of Dispensing Opticians (AS 08.71.010);
- (17) regulation of electrical and mechanical administrators under AS 08.40;
- (18) regulation of professional geologists under AS 08.02.011;
- (19) regulation of hearing aid dealers under AS 08.55;
- (20) Board of Marine Pilots (AS 08.62.010);
- (21) Board of Marital and Family Therapy (AS 08.63.010);
- (22) State Medical Board (AS 08.64.010);
- (23) [Effective July 1, 1997] regulation of mobile home dealers under AS 08.67.
- (24) regulation of morticians under AS 08.42;
- (25) regulation of the practice of naturopathy under AS 08.45;
- (26) Board of Nursing (AS 08.68.010);
- (27) regulation of nursing home administrators under AS 08.70.
- (28) Board of Examiners in Optometry (AS 08.72.010);
- (29) Board of Pharmacy (AS 08.80.010);
- (30) State Physical Therapy and Occupational Therapy Board (AS 08.84.010);
- (31) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (32) Real Estate Commission (AS 08.88.011);
- (33) Board of Certified Real Estate Appraisers (AS 08.87.010);
- (34) Board of Veterinary Examiners (AS 08.98.010).

History -

(sec. 1 ch 59 SLA 1966; am sec. 2 ch 136 SLA 1967; am sec. 2 ch 101 SLA 1968; am sec. 2 ch 143 SLA 1968; am sec. 2 ch 151 SLA 1968; am sec. 1 ch 106 SLA 1970; am sec. 6 ch 32 SLA 1971; am sec. 4 ch 179 SLA 1972; am sec. 2 ch 45 SLA 1973; am sec. 14 ch 65 SLA 1973; am sec. 1 ch 43 SLA 1975; am sec. 1 ch 43 SLA 1977; am sec. 1 ch 141 SLA 1980; am sec. 1 ch 142

SLA 1980; am sec. 42 ch 167 SLA 1980; am sec. 9, 10 ch 6 SLA 1984; am sec. 1 ch 37 SLA 1985; am E.O. No. 60, sec. 3 (1985); am sec. 2 ch 56 SLA 1986; am sec. 1 ch 71 SLA 1986; am sec. 2 ch 131 SLA 1986; am sec. 1 ch 74 SLA 1987; am sec. 48 ch 94 SLA 1987; am sec. 1 ch 2 FSSLA 1987; am sec. 1 ch 45 SLA 1988; am sec. 12 ch 85 SLA 1988; am sec. 1 ch 98 SLA 1988; am sec. 3 ch 126 SLA 1988; am sec. 1 ch 132 SLA 1988; am sec. 1 ch 37 SLA 1989; am sec. 3 ch 6 SLA 1990; am sec. 2 ch 177 SLA 1990; am sec. 2 ch 129 SLA 1992; am sec. 1 ch 130 SLA 1992; am sec. 1, 37 ch 101 SLA 1994; am sec. 1, 12 ch 91 SLA 1995; am sec. 1, 16 ch 33 SLA 1996; am sec. 1 ch 131 SLA 1996)

Revisors Notes -

Reorganized in 1985, 1988, 1991, 1992, and 1994 to categorize and alphabetize the material, and to maintain that organization.

The second 1988 amendment, which added a new paragraph referring to the regulation of electrical administrators, was superseded by the enactment of ch. 98, SLA 1988, which reestablished the Board of Electrical Examiners, referred to in former paragraph (12). Consequently, the second 1988 amendment is not set out in the text of the section. Paragraphs (7) and (23) were enacted as (37); renumbered in 1996, at which time additional paragraphs were also renumbered to maintain alphabetical order.

Cross References -

For construction of the amendment made by ch. 33, SLA 1996, see sec. 15, ch. 33, SLA 1996 in the Temporary and Special Acts. For transitional provisions relating to the amendment made by ch. 33, SLA 1996, see sec. 13 and 14, ch. 33, SLA 1996 in the Temporary and Special Acts.

Amendment Notes -

The first 1987 amendment added paragraph (29) (now 12).

The second 1987 amendment repealed paragraph (4), which read "Board of Electrical Examiners (AS 08.40.010)."

The third 1987 amendment, effective January 1, 1988, inserted "and Occupational Therapy" in paragraph (16) (now 22).

The first 1988 amendment, effective July 1, 1988, inserted paragraph (25) (now 2).

The second 1988 amendment added a new paragraph. See Revisor's notes, above.

The third 1988 amendment, effective July 1, 1988, inserted paragraph (11) (now 16).

The fourth 1988 amendment, effective July 1, 1988, inserted paragraph (8) (now 9).

The fifth 1988 amendment, effective June 9, 1988, inserted paragraph (13) (now 20).

The 1989 amendment, effective May 12, 1989, rewrote paragraph former (5).

The first 1990 amendment added subsection (23) (now 5).

The second 1990 amendment, effective July 1, 1990, added paragraph (6) (now 34).

The first 1992 amendment, effective September 23, 1992, added paragraph (14) (now 21).

The second 1992 amendment, effective June 26, 1992, added paragraph (6) (now 15).

The 1994 amendment, effective June 9, 1994, repealed former paragraphs (12) and (15), relating to the Board of Electrical Examiners and the Board of Mechanical Examiners, respectively, and added present paragraph (31) (now 17).

The 1995 amendment, effective June 29, 1995, repealed former paragraph (18), relating to the Board of Nursing Home Administrators, and added paragraph (36) (now 27).

The first 1996 amendment, effective May 23, 1996, added paragraph (7) and repealed paragraph (5).

The second 1996 amendment, effective July 1, 1997, added paragraph (23).

Chapter 08.03. TERMINATION, CONTINUATION AND REESTABLISHMENT OF REGULATORY BOARDS

Cross References -

For review of the activities of agencies, boards and commissions, see AS 44.66.

Sec. 08.03.010. Termination dates for regulatory boards.

- (a) [Repealed, sec. 4 ch 14 SLA 1987].
- (b) [Repealed, sec. 4 ch 14 SLA 1987].
- (c) The following boards have the termination date provided by this subsection:
 - (1) Board of Public Accountancy (AS 08.04.010) - June 30, 1997;
 - (2) Board of Governors of the Alaska Bar Association (AS 08.08.040) - June 30, 1998;
 - (3) State Board of Registration for Architects, Engineers, and Land Surveyors (AS 08.48.011) - June 30, 1997;
 - (4) Board of Barbers and Hairdressers (AS 08.13.010) - June 30, 1997;
 - (5) Board of Chiropractic Examiners (AS 08.20.010) - June 30, 2002;
 - (6) Board of Clinical Social Work Examiners (AS 08.95.010) - June 30, 2005;
 - (7) Board of Dental Examiners (AS 08.36.010) - June 30, 1997;
 - (8) Board of Certified Direct-Entry Midwives (AS 08.65.010) - June 30, 1998;
 - (9) Board of Dispensing Opticians (AS 08.71.010) - June 30, 2002;
 - (10) Board of Marine Pilots (AS 08.62.010) - June 30, 1999;
 - (11) Board of Marital and Family Therapy (AS 08.63.010) - June 30, 2005;
 - (12) State Medical Board (AS 08.64.010) - June 30, 2003;
 - (13) Board of Nursing (AS 08.68.010) - June 30, 2003;
 - (14) Board of Examiners in Optometry (AS 08.72.010) - June 30, 2002;
 - (15) Board of Pharmacy (AS 08.80.010) - June 30, 1999;
 - (16) State Physical Therapy and Occupational Therapy Board (AS 08.84.010) - June 30, 1997;
 - (17) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010) - June 30, 2005;
 - (18) Real Estate Commission (AS 08.88.011) - June 30, 2004;
 - (19) Board of Certified Real Estate Appraisers (AS 08.87.010) - June 30, 1998;
 - (20) Board of Veterinary Examiners (AS 08.98.010) - June 30, 1997.
- (d) [Repealed, sec. 3 ch 74 SLA 1979].
- (e) [Repealed, sec. 3 ch 74 SLA 1979].

History -

(sec. 2 ch 149 SLA 1977; am sec. 1, 3 ch 74 SLA 1979; am sec. 1, 3 ch 36 SLA 1980; am sec. 1, 3 ch 37 SLA 1980; am sec. 1, 3 ch 38 SLA 1980; am sec. 1, 3 ch 39 SLA 1980; am sec. 1, 3 ch 40 SLA 1980; am sec. 1, 3 ch 41 SLA 1980; am sec. 1, 3 ch 42 SLA 1980; am sec. 1, 2 ch 43 SLA 1980; am sec. 1, 3 ch 67 SLA 1980; am sec. 10, 11 ch 71 SLA 1980; am sec. 6, 7 ch 72 SLA 1980; am sec. 2, 15 ch 82 SLA 1980; am sec. 1, 3 ch 87 SLA 1980; am sec. 7, 8 ch 143 SLA 1980; am sec. 1, 2 ch 153 SLA 1980; am sec. 2, 5 ch 159 SLA 1980; am sec. 41, 42 ch 167 SLA 1980; am sec. 1, 13 ch 52 SLA 1981; am sec. 1, 2 ch 53 SLA 1981; am sec. 1 ch 28 SLA 1982; am sec. 1 ch 60 SLA 1982; am sec. 1 ch 96 SLA 1982; am sec. 1 ch 8 SLA 1983; am sec. 1 ch 9 SLA 1983; am

sec. 1 ch 13 SLA 1983; am sec. 1 ch 29 SLA 1983; am sec. 2 ch 48 SLA 1983; am sec. 12, 13 ch 6 SLA 1984; am sec. 1 ch 29 SLA 1984; am sec. 1 ch 49 SLA 1984; am sec. 1 ch 50 SLA 1984; am sec. 1 ch 63 SLA 1984; am sec. 1 ch 4 SLA 1985; am sec. 1 ch 28 SLA 1985; am sec. 1 ch 85 SLA 1985; am sec. 1 ch 36 SLA 1986; am sec. 1 ch 39 SLA 1986; am sec. 1 ch 46 SLA 1986; am sec. 2 ch 71 SLA 1986; am sec. 1 ch 96 SLA 1986; am sec. 1 ch 99 SLA 1986; am sec. 1 ch 137 SLA 1986; am sec. 1 ch 145 SLA 1986; am sec. 1 ch 146 SLA 1986; am sec. 4 ch 14 SLA 1987; am sec. 1 ch 55 SLA 1987; am sec. 1 ch 60 SLA 1987; am sec. 4 ch 74 SLA 1987; am sec. 1 ch 79 SLA 1987; am sec. 2 ch 87 SLA 1987; am sec. 48 ch 94 SLA 1987; am sec. 3 ch 2 FSSLA 1987; am sec. 1 ch 50 SLA 1988; am sec. 1 ch 51 SLA 1988; am sec. 1 ch 57 SLA 1988; am sec. 1 ch 61 SLA 1988; am sec. 1 ch 62 SLA 1988; am sec. 3 ch 98 SLA 1988; am sec. 1 ch 124 SLA 1988; am sec. 5 ch 126 SLA 1988; am sec. 2 ch 132 SLA 1988; am sec. 1 ch 160 SLA 1988; am sec. 1 ch 20 SLA 1989; am sec. 2 ch 37 SLA 1989; am sec. 2 ch 40 SLA 1989; am sec. 1 ch 45 SLA 1989; am sec. 1 ch 48 SLA 1989; am sec. 1 ch 2 SLA 1990; am sec. 1 ch 3 SLA 1990; am sec. 1 ch 25 SLA 1990; am sec. 3 ch 177 SLA 1990; am sec. 1 ch 62 SLA 1991; am sec. 2 ch 89 SLA 1991; am sec. 1 ch 19 SLA 1992; am sec. 1 ch 20 SLA 1992; am sec. 1 ch 21 SLA 1992; am sec. 1 ch 22 SLA 1992; am sec. 1 ch 23 SLA 1992; am sec. 4, 5 ch 129 SLA 1992; am sec. 3 ch 130 SLA 1992; am sec. 21 ch 6 SLA 1993; am sec. 1 ch 20 SLA 1993; am sec. 1 ch 21 SLA 1993; am sec. 1 ch 22 SLA 1993; am sec. 1 ch 23 SLA 1993; am sec. 1 ch 24 SLA 1993; am sec. 1 ch 25 SLA 1993; am sec. 1 ch 23 SLA 1994; am sec. 1 ch 25 SLA 1994; am sec. 1 ch 27 SLA 1994; am sec. 1 ch 48 SLA 1994; am sec. 1 ch 88 SLA 1994; am sec. 1 ch 93 SLA 1994; am sec. 1 ch 95 SLA 1994; am sec. 1 ch 97 SLA 1994; am sec. 37 ch 101 SLA 1994; am sec. 1 ch 74 SLA 1995; am sec. 12 ch 91 SLA 1995; am sec. 1, 3 - 7 ch 93 SLA 1995; am sec. 16 ch 33 SLA 1996; am sec. 1 ch 92 SLA 1996; am sec. 1 ch 93 SLA 1996; am sec. 1 ch 94 SLA 1996)

Revisors Notes -

Subsection (c) reorganized in 1991 to place the paragraphs in alphabetical order by occupation. Paragraphs (c)(6) and (14) each enacted as (c)(23). Renumbered in 1992 to maintain the alphabetical organization, at which time the existing paragraphs were renumbered accordingly.

Reorganized again in 1996 to reflect the repeal of former paragraph (5) and to maintain alphabetical organization.

Amendment Notes -

The first 1987 amendment repealed subsection (a), concerning license renewal, and subsection (b), concerning lapsing of a license for failure to renew.

The second 1987 amendment substituted "1991" for "1987" at the end of paragraph (c)(17).

The third 1987 amendment substituted "1991" for "1987" at the end of paragraph (c)(13).

The fourth 1987 amendment substituted "1991" for "1987" at the end of paragraph (c)(23).

The fifth 1987 amendment substituted "1991" for "1987" at the end of paragraph (c)(22).

The sixth 1987 amendment substituted "1991" for "1987" at the end of paragraph (c)(16).

The seventh 1987 amendment repealed a former paragraph (c)(14), which read "Board of Electrical Examiners (AS 08.40.010) - June 30, 1986."

The eighth 1987 amendment, effective January 1, 1988, inserted "and Occupational Therapy" in paragraph (c)(21).

The first 1988 amendment, effective May 26, 1988, substituted "1992" for "1988" in paragraph (c)(19).

The second 1988 amendment, effective May 26, 1988, substituted "1992" for "1988" in

paragraph (c)(11).

The third 1988 amendment, effective May 27, 1988, substituted "1991" for "1988" in paragraph (c)(10).

The fourth 1988 amendment, effective May 27, 1988, substituted "1992" for "1988" in paragraph (c)(8).

The fifth 1988 amendment, effective May 27, 1988, substituted "1992" for "1988" in paragraph (c)(1).

The sixth 1988 amendment, effective July 1, 1988, added former paragraph (c)(12).

The seventh 1988 amendment, effective June 9, 1988, substituted "1991" for "1988" in paragraph (c)(3).

The eighth 1988 amendment, effective July 1, 1988, added paragraph (c)(9).

The ninth 1988 amendment, effective June 9, 1988, added former paragraph (c)(15).

The tenth 1988 amendment, effective June 17, 1988, substituted "1989" for "1988" in former paragraph (c)(5).

The 1989 amendments substituted "1993" for "1989" as the termination date in paragraphs (4), former (5), (20), (21), and (24) of subsection (c).

The first 1990 amendment substituted "1993" for "1991" in paragraph (c)(3).

The second 1990 amendment, effective February 2, 1990, substituted "1993" for "1989" in paragraph (c)(2).

The third 1990 amendment, effective May 1, 1990, substituted "1994" for "1990" in former paragraph (c)(18).

The fourth 1990 amendment, effective July 1, 1990, added paragraph (c)(7).

The first 1991 amendment, effective September 16, 1991, in paragraph (c)(1), substituted "June 30, 1993" for "June 30, 1992."

The second 1991 amendment, effective July 2, 1991, substituted "June 30, 1994" for "June 30, 1991" in paragraph (c)(13).

The 1992 amendments substituted "1995" for "1991" in paragraphs (c)(9), (c)(16), (c)(17), (c)(22), and (c)(23) and "1993" for "1991" in paragraph (c)(10) and added paragraphs (c)(6) and (c)(14).

The 1993 amendments repealed former paragraph (c)(12), substituted "1996" for "1992" in paragraphs (c)(8), (c)(11), and (c)(19), and "1997" for "1993" in paragraphs (c)(1), (c)(3), and (c)(21).

The 1994 amendments substituted "1998" for "1993" in paragraph (c)(2), "1997" for "1993" in paragraphs (c)(4), (c)(10), and (c)(24), "1994" for "1993" in former paragraph (c)(5), "1998" for "1994" in paragraphs (c)(6) and (c)(7), and "1999" for "1993" in paragraph (c)(20), and repealed former paragraph (c)(15), relating to the Board of Mechanical Examiners.

The 1995 amendments substituted "1999" for "1994" in paragraph (c)(13), "2005" for "1995" in paragraphs (9), (14), and (22), "1999" for "1994" in paragraph (13), "2003" for "1995" in paragraphs (16) and (17), and "2004" for "1995" in paragraph (23), and repealed former paragraph (c)(18), relating to the Board of Nursing Home Administrators.

The first 1996 amendment, effective May 23, 1996, repealed former paragraph (c)(5).

The second 1996 amendment, effective June 21, 1996, substituted "June 30, 2002" for "June 30, 1996" in paragraph (c)(9).

The third 1996 amendment, effective June 21, 1996, substituted "June 30, 2002" for "June 30, 1996" in paragraph (c)(5).

The fourth 1996 amendment, effective June 21, 1996, substituted "2002" for "1996" in

paragraph (c)(14).

Sec. 08.03.020. Procedures governing termination, transition and continuation.

(a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period under AS 08.03.010.

History -

(sec. 2 ch 74 SLA 1979; am sec. 2 ch 36 SLA 1980; am sec. 2 ch 37 SLA 1980; am sec. 2 ch 38 SLA 1980; am sec. 2 ch 39 SLA 1980; am sec. 2 ch 40 SLA 1980; am sec. 2 ch 41 SLA 1980; am sec. 2 ch 42 SLA 1980; am sec. 2 ch 67 SLA 1980; am sec. 2 ch 87 SLA 1980)

Article 08. ADMINISTRATIVE ADJUDICATION

Sec. 44.62.330. Application of AS 44.62.330 - 44.62.630.

(a) The procedure of the state boards, commissions, and officers listed in this subsection or of their successors by reorganization under the constitution shall be conducted under AS 44.62.330 - 44.62.630. This procedure, including, but not limited to, accusations and statements of issues, service, notice and time and place of hearing, subpoenas, depositions, matters concerning evidence and decisions, conduct of hearing, judicial review and scope of judicial review, continuances, reconsideration, reinstatement or reduction of penalty, contempt, mail vote, oaths, impartiality, and similar matters shall be governed by this chapter, notwithstanding similar provisions in the statutes dealing with the state boards, commissions, and officers listed. Where indicated, the procedure that shall be conducted under AS 44.62.330 - 44.62.630 is limited to named functions of the agency.

- (1) [Repealed, sec. 5 ch 159 SLA 1980].
- (2) Board of Chiropractic Examiners;
- (3) Board of Dental Examiners;
- (4) State Board of Registration for Architects, Engineers, and Land Surveyors;
- (5) [Repealed, sec. 13 ch 218 SLA 1976].
- (6) Board of Examiners in Optometry;
- (7) [Repealed, sec. 5 ch 159 SLA 1980].
- (8) State Medical Board;
- (9) Division of Lands under Alaska Land Act where applicable;
- (10) Board of Nursing,
- (11) Board of Pharmacy;
- (12) Board of Public Accountancy;
- (13) Department of Labor as to functions relating to employment security only as provided in (c) of this section;
- (14) Real Estate Commission;
- (15) Alaska Workers' Compensation Board, where procedures are not otherwise expressly provided by the Alaska Workers' Compensation Act;
- (16) Department of Transportation and Public Facilities, as to functions relating to aeronautics and communications;
- (17) [Repealed, sec. 12 ch 131 SLA 1980].
- (18) [Repealed, sec. 49 ch 94 SLA 1980].
- (19) [Repealed, sec. 54 ch 169 SLA 1978].
- (20) [Repealed, sec. 16 ch 82 SLA 1982].
- (21) [Repealed, sec. 54 ch 169 SLA 1978].
- (22) [Repealed, sec. 11 ch 181 SLA 1976].
- (23) Department of Public Safety, as to suspension or revocation of a security guard's license under

ARANDAP

Association of Rural and Alaska Native Drug & Alcohol Program

April 16, 1997

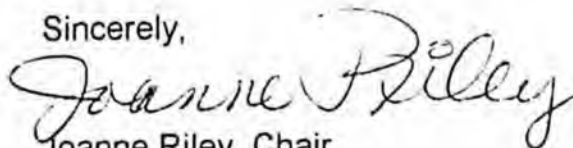
The Honorable Ivan M. Ivan
Alaska State House Representative
Alaska State Legislature
State Capital
Juneau, Alaska 99801

Dear Honorable Ivan,

On behalf of the Association of Rural & Alaska Native Drug & Alcohol Programs (ARANDAP), I would like to thank you and your staff very much for your support and introduction of HB 192 regarding licensure of substance abuse counselors for the State of Alaska. Our Association has worked very hard to promote the professionalism of our Rural and Alaska Native providers in the field while ensuring access to training and supervisory opportunities. This also aids in the development of community or village-based services while enhancing cultural-relevancy to our consumers. ARANDAP believes Licensure of our counselors will not only provide consumer protections but support our ongoing goals for professionalism and access to services across the State.

Please let me know if there is anything that I or our membership can do to provide support or information for HB 192.

Sincerely,



Joanne Riley, Chair
c/o Chugachmiut
4201 Tudor Centre Dr. #210
Anchorage, Alaska 99508
907-562-4155

c/o ANHB, 1345 Rudakof Circle, Suite 206, Anchorage, Alaska 99508



Mat-Su Council

Substance Abuse Recovery Center

2801 Bogard Road Wasilla, Alaska 99654 (907) 376-4000

April 17, 1997

Representative Ivan Ivan
Alaska House of Representatives
State Capitol
Juneau, AK 99801

Re: HB 192 "An act regulating chemical dependency counselors".

Dear Representative Ivan:

I am writing in support of this legislation to provide for licensing of chemical dependency counselors in Alaska.

In addition to my present position with Mat-Su Council, I have worked for over 16 years in a variety of mental health and social services programs in four different states. Unfortunately, it is not that uncommon for well meaning counselors with no specific training or background in the substance abuse field to counsel people with chemical addictions. This is not helpful to the person seeking help. This is like a family doctor trying to be a heart surgeon with no specialized training in it. Specialized training is essential to be an effective substance abuse counselor.

I believe this legislation will greatly improve the quality of care given in Alaska, and will provide protection for the public. Your support of this important legislation is appreciated.

Sincerely,

Suzanne Frey, M.A.
Executive Director



cc:Mail for: Representative Norman Rokeberg

Subject: Licensing Substance Abuse Counselors
From: pacrimco@Alaska.NET (Deisher) at CC2MHS1 2/20/97 6:02pm
cc: Representative Pete Kott at LAA_TRANS
To: Representative Norman Rokeberg at LAA_TRANS

Dear Representatives Rokeberg and Kott,

This is in follow up to e-mail and letters sent to Mr. Rokeberg and to past correspondence with Mr. Kott. I continue to be very interested in the licensure of Substance Abuse Counselors for the health and safety of Alaskans. Please let me know how I can be of assistance. I provided a model bill I provided to Mr. Kott which he indicated would be available to Mr. Rokeberg. I would be more than happy to make more copies available. Given the alcohol and drug involved crime we see on the news everyday it is clear that past methods of address the issue, including the qualification of providers and the bureaucratic approach of state administrators has not worked. No fiscal note from the state is needed. State bureaucracy can be reduced, thereby saving money. The health and safety of Alaskans can be improved. Additional methods to improve Alaska's ability to cope with this enormous problem are available. Please contact me at above address. Would love to see a bill this session.

I know how busy you both are. But please respond.

Thank you very much.

Jon Deisher
{On this issue, I will work for free! :)}

Alaska State House of Representatives
House District 39

APR 04 1997

Session

Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4942
1-800-323-4942
Fax: (907) 465-4589
www.akrepublicans.org/Ivan.htm



Interim

P.O. Box 137
Akiak, Alaska 99552
Phone: (907) 765-7526

Representative Ivan M. Ivan

MEMORANDUM

TO: Representative Norman Rokeberg, Chair
House Labor & Commerce Committee

FROM: Representative Ivan M. Ivan *IMI*

DATE: April 4, 1997

RE: Scheduling of House Bill 192

Please consider this request to schedule House Bill 192: Chemical Dependency Counselors, at your earliest convenience.

House Bill 192 establishes a State Board of Chemical Dependency Counseling Examiners under Title 8 of the Alaska Statutes. This bill changes the voluntary certification process to professional state licensing as a standard of practice. Currently, there is no mechanism in place in Alaska, to prevent anyone, with or without, specific training or experience, from calling themselves a chemical dependency counselor.

House Bill 192 establishes minimum levels of academic or experiential training requirements and supervised experience to practice as a Counselor Associate, Counselor I, II, or a Clinical Supervisor.

The main purpose of this bill is to require state licensing for chemical dependency counseling professionals, thus, providing consumer protection and promotion for the best quality care for Alaskans seeking and/or in need of treatment services.

I appreciate your consideration of my request. Please do not hesitate to contact me if I can answer any questions or provide further information.

IMI/pmw

0-LS0483VK
Lauterbach
4/30/97

CS FOR HOUSE BILL NO. 192()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES IVAN, Bunde, Foster, Grussendorf

A BILL

FOR AN ACT ENTITLED

1 "An Act regulating chemical dependency counselors; and providing for an effective
2 date."

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

4 * Section 1. AS 08 is amended by adding a new chapter to read:

5 Chapter 19. Chemical Dependency Counselors.

6 Article 1. Board of Chemical Dependency Counseling Examiners.

7 Sec. 08.19.010. Creation and membership of board. (a) There is created
8 the Board of Chemical Dependency Counseling Examiners consisting of five members
9 appointed by the governor, four of whom are chemical dependency counselors licensed
10 under this chapter and one of whom is a public member. The governor shall consider
11 making appointments so that the membership of the board reflects the regional and
12 cultural diversity of the state. A member's term of office is four years.

13 (b) The board shall elect annually from among its members a chair, a vice-
14 chair, and a secretary.

1 **Sec. 08.19.020. Powers and duties of the board.** In addition to the powers
2 and duties conferred on the board under AS 08.01, the board shall

3 (1) review the training, education, and work experience of individuals
4 who apply for licensure under this chapter and approve the issuance of licenses to
5 those who qualify for them; the board may require a passing grade on an objective
6 examination before issuing a license under this chapter;

7 (2) establish continuing education requirements for individuals who
8 seek to renew a license under this chapter and approve courses that satisfy those
9 requirements;

10 (3) review and approve trainers and training sites and programs that
11 provide practicums or internships for persons who intend to become licensed under this
12 chapter;

13 (4) meet semiannually to conduct its business; and

14 (5) adopt regulations under AS 44.62 (Administrative Procedure Act)
15 that are necessary to carry out the purposes of this chapter.

16 **Article 2. Licensing.**

17 **Sec. 08.19.050. License required.** (a) A person who is not licensed under
18 this chapter may not

19 (1) engage in chemical dependency counseling for compensation except
20 as provided in (c) of this section;

21 (2) advertise to the public or represent oneself as being able to engage
22 in chemical dependency counseling except as provided in (c) of this section; or

23 (3) use in connection with the individual's name any letters, words, or
24 insignia indicating or implying that the individual is a chemical dependency counselor.

25 (b) A person who is licensed under this chapter may practice chemical
26 dependency counseling only within the scope of the person's license.

27 (c) The limitations in (a)(1) and (2) of this section do not apply to the
28 activities and services of a

29 (1) rabbi, priest, minister, Christian Science practitioner, clergyman, or
30 other similar religious practitioner of a religious denomination, or a tribally recognized
31 traditional healer if the person is engaged in activities that are within the scope of the

1 performance of the person's regular or specialized duties and the person remains
2 accountable to the established authority of the religious denomination or the ruling
3 body of the tribal group and no separate charge is made for the services;

4 (2) licensed as a marital and family therapist under AS 08.63, physician
5 under AS 08.64, psychiatric or mental health advanced nurse practitioner under
6 AS 08.68, psychologist or psychological associate under AS 08.86, or clinical social
7 worker under AS 08.95;

8 (3) student intern or trainee in alcohol or drug counseling who is
9 pursuing a course of study in an accredited institution of higher education or in a
10 training course approved by the board as long as the activities are performed under the
11 supervision of a person licensed under this chapter and are an official part of the
12 course of study;

13 (4) person engaging in or offering voluntary, not for compensation,
14 group-based self-help assistance, such as 12-step programs like Alcoholics Anonymous,
15 Narcotics Anonymous, and similar group meetings.

16 (d) Violation of this section is a class B misdemeanor.

17 **Sec. 08.19.060. Qualifications for license.** In order to qualify for a license
18 under this chapter, a person must

19 (1) submit to the board satisfactory evidence of education, training,
20 internship experience, and work experience as required by the board for the level of
21 licensure sought by the person; and

22 (2) pass an examination, if an examination is required by the board, for
23 the level of licensure sought.

24 **Sec. 08.19.070. Counselor associate; qualifications; scope of practice.** (a)
25 The board shall issue a counselor associate license to a person who applies for
26 counselor associate licensure, pays the required fee, passes the applicable examination,
27 if any, and documents to the board's satisfaction that the person has

28 (1) at least one year of successful full-time work experience related to
29 chemical dependency treatment, as determined by the board; and

30 (2) had at least 150 contact hours of training or 10 semester hours of
31 academic education, or a combination of contact training and academic education

1 considered equivalent by the board, with the content and from a source that meets the
2 requirements established by the board in its regulations.

3 (b) In establishing the training and education requirements for a counselor
4 associate license, the board shall set standards designed to ensure that the work
5 experience, training, and education have given the applicant competency in
6 communication skills, knowledge of addictive substances, knowledge of the legal
7 aspects of chemical dependency, familiarity with sociological and cultural issues
8 related to chemical dependency, knowledge of community-based services, competency
9 in information and referral techniques, the ability to conduct intake interviews and
10 keep records, knowledge of basic treatment issues, and the ability to perform
11 appropriate aftercare and emergency care.

12 (c) The scope of practice of a counselor associate is the performance, under
13 the supervision, either directly or by means of regular documented clinical
14 consultation, of a counselor I, counselor II, or clinical supervisor, of the following in
15 relation to chemical dependency:

- 16 (1) basic community-based prevention or intervention services;
- 17 (2) initial emergency care;
- 18 (3) initial intake interviews;
- 19 (4) providing information and referrals;
- 20 (5) participation in initial treatment planning;
- 21 (6) case management services;
- 22 (7) group and community-based informational aftercare.

23 **Sec. 08.19.080. Counselor I; qualifications; scope of practice.** (a) The
24 board shall issue a counselor I license to a person who applies for counselor I
25 licensure, pays the required fee, passes the applicable examination, if any, and
26 documents to the board's satisfaction that the person has

27 (1) completed 100 hours of a practicum supervised by a counselor II,
28 a clinical supervisor, or another licensed behavioral health professional, with
29 supervised work of at least 15 hours each in screening for level of care, assessment of
30 chemical use or abuse pattern, multiple referral coordination, and clinical record
31 keeping relating to chemical dependency treatment services;

1 (2) two years of successful full-time work experience related to
2 chemical dependency treatment, as determined by the board; completion of a
3 bachelor's or higher degree in an area of behavioral health, as determined by the
4 board, may be substituted for one year of the required experience; the practicum under
5 (1) of this subsection may take place during the work experience that satisfies the
6 requirement of this subparagraph; and

7 (3) 270 contact hours of specialized training related to chemical
8 dependency or 18 semester hours of academic education related to chemical
9 dependency or counseling, or a combination of contact training and academic education
10 considered equivalent by the board, with the content and from a source that meets the
11 requirements established by the board in its regulations.

12 (b) In establishing the training and education requirements for a counselor I
13 license, the board shall set standards designed to ensure that the work experience,
14 practicum, training, and education have given the applicant knowledge about chemical
15 dependency, sociological and cultural issues, theories of counseling, medical and
16 psychological aspects of chemical dependency, HIV and AIDS counseling and
17 resources, ethical standards and laws relating to chemical dependency, contemporary
18 health issues, and family dynamics and competency in intake and assessment
19 procedures, record keeping, intervention services, individual and group counseling,
20 treatment planning, aftercare planning, relapse prevention, providing information and
21 referrals, case management, suicide risk assessment, and crisis counseling follow-up.

22 (c) The scope of practice of a counselor I is the performance, under the
23 supervision of a counselor II or a clinical supervisor either directly or by means of
24 regular documented clinical consultation, of

25 (1) an activity within the scope of practice of a counselor associate; and

26 (2) in relation to treatment of chemical dependency, a complete
27 personal and behavioral assessment of chemical dependency issues, assessment for
28 social detoxification, treatment planning, individual therapy, or group therapy.

29 **Sec. 08.19.090. Counselor II; qualifications; scope of practice.** (a) The
30 board shall issue a counselor II license to a person who applies for counselor II
31 licensure and pays the required fee, passes the applicable examination, if any, and

1 documents to the board's satisfaction that the person has

2 (1) in addition to meeting the requirements of AS 08.19.080(a)(1),
3 completed an additional 300 hours of a practicum supervised by a clinical supervisor
4 or another licensed behavioral health professional, with supervised work of at least 15
5 hours each in the following 11 areas: advanced practice of intake screening and
6 orientation, assessment, information and referral, treatment planning, counseling,
7 intervention counseling, case management, crisis intervention, client education, case
8 recording and reports, and clinical consultation relating to chemical dependency
9 treatment;

10 (2) three years of successful full-time work experience as a chemical
11 dependency counselor with duties and responsibilities comparable to a licensed
12 counselor I, as determined by the board; completion of a bachelor's or higher degree
13 with 20 semester hours of courses in chemical dependency, as determined by the
14 board, may be substituted for one year of the required experience; the practicum under
15 (1) of this subsection may take place during the work experience that satisfies the
16 requirement of this paragraph; and

17 (3) 270 contact hours of specialized training related to chemical
18 dependency, or 18 semester hours of academic education related to chemical
19 dependency or counseling, or a combination of contact training and academic education
20 considered equivalent by the board, with the content and from a source that meets the
21 requirements established by the board in its regulations.

22 (b) In establishing the training and education requirements for a counselor II
23 license, the board shall set standards designed to ensure that the work experience,
24 practicum, training, and education have given the applicant knowledge and competency
25 in the areas specified in AS 08.19.080(b) and the following additional areas: mental
26 illnesses, chemical dependency prevention strategies, community development, and the
27 history in Alaska of chemical dependency, including its history from a cultural
28 perspective.

29 (c) The scope of practice of a counselor II is

30 (1) the direct supervision of a counselor associate or counselor I;

31 (2) consultation with another person licensed under this chapter or with

1 another licensed behavioral health professional;

2 (3) the performance, under the direct supervision of a clinical
3 supervisor or with regular documented clinical consultation with either another
4 counselor II or another licensed behavioral health professional, of an activity within
5 the scope of practice of a counselor I; and

6 (4) in relation to treatment of chemical dependency, preparation of a
7 recommendation to a court as to whether commitment is necessary.

8 **Sec. 08.19.100. Clinical supervisor; qualifications; scope of practice. (a)**

9 The board shall issue a clinical supervisor license to a person who applies for clinical
10 supervisor licensure, pays the required fee, passes the applicable examination, if any,
11 provides three written references from professional colleagues who are familiar with
12 the applicant's work, at least one of whom has supervised the applicant's supervisory
13 work, and documents to the board's satisfaction that the person has

14 (1) completed two years of clinical supervisory experience in the field
15 of chemical dependency;

16 (2) had five years of successful full-time work experience as a chemical
17 dependency counselor with duties and responsibilities comparable to a licensed
18 counselor II, as determined by the board, and with the consultation of a counselor II,
19 clinical supervisor, or other licensed behavioral health professional; completion of a
20 master's or higher degree in a human services area with 20 semester hours of courses
21 in chemical dependency, as determined by the board, and at least 400 hours of a
22 supervised clinical practicum may be substituted for two years of the required
23 experience; the supervisory experience under (1) of this subsection may take place
24 during the work experience that satisfies the requirement of this paragraph; and

25 (3) had 30 contact hours of specialized training with the content and
26 from a source that meets the requirements established by the board in its regulations.

27 (b) In establishing the training and education requirements for a clinical
28 supervisor license, the board shall set standards designed to ensure that the work
29 experience, practicum, training, and education have given the applicant knowledge and
30 competency in the areas specified in AS 08.19.090(b) and the following additional
31 areas: clinical supervision, child and adolescent counseling, community development,

1 family systems, and designing culturally sensitive services.

2 (c) The scope of practice of a clinical supervisor is

3 (1) the direct supervision of a counselor associate, counselor I, or
4 counselor II;

5 (2) the performance of an activity within the scope of practice of a
6 counselor II; and

7 (3) in relation to treatment of a chemically dependent person, use of
8 documented peer review or other documented consultation with another licensed
9 behavioral health professional.

10 **Sec. 08.19.120. Licensure by credential.** If another jurisdiction allows
11 licensure in that jurisdiction of a chemical dependency counselor licensed under
12 conditions similar to those in this section, the board may license as a chemical
13 dependency counselor in this state, at a level of licensing determined by the board to
14 be equivalent, a person licensed as a chemical dependency counselor in the other
15 jurisdiction if the person

16 (1) submits a written application to the board on a form required by the
17 board;

18 (2) is at least 18 years of age;

19 (3) has engaged in the practice of chemical dependency counseling for
20 at least one year or has met the internship requirements of this state within the
21 one-year period immediately before applying for a license under this section;

22 (4) presents proof satisfactory to the board that the person is currently
23 licensed as a chemical dependency counselor in the other jurisdiction and does not
24 currently have a chemical dependency counseling license suspended, revoked, or
25 otherwise restricted; and

26 (5) pays all required fees.

27 **Article 3. License Denial; Disciplinary Sanctions.**

28 **Sec. 08.19.200. Grounds.** The board may deny a license under this chapter
29 or, after a hearing, impose a disciplinary sanction authorized under AS 08.01.075 on
30 a person licensed under this chapter when the board finds that the person

31 (1) secured or attempted to secure a license through deceit, fraud, or

- 1 intentional misrepresentation;
- 2 (2) engaged in deceit, fraud, or intentional misrepresentation in the
- 3 course of providing professional services or engaging in professional activities;
- 4 (3) advertised professional services in a false or misleading manner;
- 5 (4) has been convicted of a felony or has been convicted of another
- 6 crime that affects the applicant's or licensee's ability to practice competently and
- 7 safely;
- 8 (5) intentionally or negligently engaged in or permitted the performance
- 9 of counseling care by persons under the licensee's supervision that does not conform
- 10 to minimum professional standards regardless of whether actual injury to the patient
- 11 occurred;
- 12 (6) failed to comply with this chapter, with a regulation adopted under
- 13 this chapter, or with an order of the board;
- 14 (7) is incapable of engaging in the practice of chemical dependency
- 15 counseling with reasonable skill, competence, and safety for the public because of
- 16 (A) professional incompetence;
- 17 (B) failure to keep informed of or use current professional
- 18 theories or practices;
- 19 (C) addiction or severe dependency on alcohol or a drug that
- 20 impairs the licensee's ability to practice safely;
- 21 (D) physical or mental disability; or
- 22 (E) other factors determined by the board;
- 23 (8) violated state or federal laws or regulations pertaining to drugs or
- 24 alcohol;
- 25 (9) aided another person to engage in the practice of chemical
- 26 dependency counseling in violation of AS 08.19.050; or
- 27 (10) engaged in unprofessional conduct as defined in regulations of the
- 28 board.

29 **Article 4. General Provisions.**

30 **Sec. 08.19.990. Definitions.** In this chapter,

- 31 (1) "board" means the Board of Chemical Dependency Counseling