

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 86/2

9721 SENATE RULES

HB

147

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

STATE CAPITOL, JUNEAU 99801
(907) 465-3759



SPONSOR STATEMENT CS HB 147(HES)am

"An Act relating to the expenses of housing of resident charter school students; relating to authorizing charter school programs to provide domiciliary and other services to nonresident charter school students; relating to duties of the state board of education; and relating to the establishment of state boarding schools."

Mt. Edgecumbe, the state's only authorized boarding school, has earned a reputation for academic excellence. Many of our Alaskan leaders have graduated from there.

An increase in the state's boarding school program has been discussed as one way to improve the quality of education in Alaska's rural high schools. CS HB 147 (HES) am would enable the state to open additional boarding schools.

CSHB 147 (HES) am would also allow a charter school to be designed to serve nonresident students. The funds required to pay the expenses of housing nonresident students who attend the charter school, including room, board, and other reasonable housing expenses may not be paid for with state money, but may be paid for with funds contributed by sources other than the state.

There was an amendment on the House floor that says the Board of Education shall adopt regulations that require board approval before schools offer domiciliary services.

Let us build upon the success of Mt. Edgecumbe and provide this opportunity for more students.

FISCAL NOTE

No. 2
 Bill Version: CSHB 147 (HES) am
 (S) Publish Date: 4-14-97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: An act relating to the expenses of housing nonresident charter school students; relating to
 Sponsor: House HESS
 Requester: Senate HESS

Department Affected: Education
 BRU: K-12 Support
 Component: Mt. Edgecumbe Boarding School

COMPONENT SERIAL NO. _____ 1060

Expenditures/Revenues:

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: -0-

ANALYSIS: (Attach a separate page if necessary.) Section 1 states that expenses of housing nonresident students who attend a charter school, including room, board and other reasonable expenses, may not be paid for with state money. Section 2 allows a charter school to serve nonresident students including providing domiciliary services for those students. Section 3 requires the state board to regulate domiciliary services. Sections 4 - 15 expand the current statutory authority so the department may establish and operate multiple state boarding schools. Sections 16 - 18 amend other statutory references from the state boarding school to a state boarding school.

Prepared by: Eddy Jeans, School Finance Manager Phone: 465-8679
 Division: Education Support Services Date: 4-11-97
 Approved by Commissioner: Shirley J. Holloway, Ph. D., Commissioner
 Agency: Education Date: 4-11-97

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

The department does not anticipate establishing or operating new state boarding schools at this time. The cost of operating additional boarding schools would be based on site specific conditions including availability of facilities, number of students to be served and location.

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Mary Pagenkopf

Senate Rules Committee 5/2/97 3:22 pm

1

AMENDMENT

5-2-97

OFFERED IN THE SENATE RULES COMMITTEE
TO: CSHB 152(FIN)

- 1 Page 7, following line 5:
2 Insert a new subsection to read:
3 "(n) A hospice program may not use a direct service provider whose name is
4 listed on an abuse registry maintained by the Department of Commerce and Economic
5 Development, division of occupational licensing. A hospice program shall contact the
6 division for a determination of whether a prospective direct service provider's name
7 is on an abuse registry maintained by the division and may not allow the person to
8 provide hospice services until the division has responded to the inquiry. The
9 Department of Commerce and Economic Development may adopt regulations to
10 implement this subsection."

HB

153

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Mary Pagenkopf

Senate Rules Committee 5/4/97 8:37 p.m.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

May 6, 1997

Honorable Loren Lemam
Vice-Chairman
Senate Rules Committee
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Dear Senator Lemam,

The Department of Health and Social Services respectfully requests that HB 153, "An Act relating to the eligibility of aliens for state public assistance and medical assistance programs affected by federal welfare reform legislation; and providing for an effective date." be scheduled for Senate floor consideration at your earliest convenience.

House Bill 153 moved from the Senate Finance Committee on Tuesday, May 6.

The state welfare reform legislation enacted last session was silent on the issue of eligibility of legal immigrants for public assistance and Medicaid. This legislation is necessary to clarify the state's policies in this regard in light of the new federal legislation.

The bill provides for continued eligibility for legal immigrants who were in the country prior to the August, 1996 effective date of the federal legislation.

Your favorable consideration of this request will be most appreciated.

Sincerely,



Elmer A. Lindstrom
Special Assistant to the Commissioner

HB 153 / SB 102 "An Act Relating to the Eligibility of Aliens for State Public Assistance.....

What the Bill Does

- * Allows legal immigrants who were in the country as of August 22, 1996 to continue to receive Medicaid, Alaska Temporary Assistance Program and Adult Public Assistance benefits.
- * Excludes legal immigrants from these programs for 5 years if they arrive into the country after August 22, 1996.
- * Legislation is required in response to Federal changes to welfare and immigration law.

Who is Impacted by the Bill

- * Alaska has approximately 2100 legal immigrants who are receiving benefits from these three State programs. Allows these critical services to continue for these needy Alaskans.
- * These legal immigrants are blind, disabled and low income. Many are losing Federal supplemental security income and food stamp benefits because of changes to Federal law.
- * All of these individuals are in the country legally, but have not yet become citizens.

Does the Bill Have a Fiscal Impact

- * Passage of the bill will result in a general fund savings of \$524.6 in FY 98 with savings growing to \$2,073.3 by FY 02.
- * If the bill does not pass, general fund savings in FY 98 are \$176.3 but grow to a cost of \$666.1 by FY 02.



Welfare Reform Briefing Paper

Division of Public Assistance

State of Alaska
Tony Knowles, Governor



Immigrants

The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* significantly impacts immigrant eligibility for public assistance. Recent federal changes reduce or deny benefits to many legal aliens already in the country as well as new arrivals. Alaska has the option of continuing federal-state assistance programs for aliens who were in the United States before August 22, 1996. The following summary explains immigration changes and some policy options for Alaska.

Changes in Federal Law

Qualified Aliens

The federal welfare reform law created a new category of legal immigrants called *qualified aliens*. Qualified aliens include:

- immigrants admitted for permanent residence;
- refugees;
- asylees;
- certain immigrants granted conditional entry;
- individuals paroled into the United States for at least one year;
- immigrants whose deportation is being withheld; and
- certain battered spouses and children.

Some qualified aliens remain eligible for public assistance. Refugees, asylees and immigrants whose deportation is being withheld for their first five years in the United States; veterans and their spouses and dependents; and those who have worked a total of 10 years in the United States stay eligible. However, these exceptions are limited. Most qualified aliens are ineligible for public assistance, or are only eligible if the state chooses to cover them. Other immigrants are generally ineligible for federal, state and local public assistance benefits. These eligibility restrictions do not apply to immigrants once they become citizens.

Program Changes

The federal welfare reform law targets two types of qualified aliens: those in the United States before August 22, 1996, and those arriving on or after August 22, 1996.

Welfare Reform Briefing Paper — Immigrants

The new law reduces federal benefits for both groups of qualified aliens. For those arriving on or after August 22, 1996, eligibility for programs is eliminated for five years. After this period, new immigrants with sponsors must include the sponsors' income when applying for public assistance. For those arriving before August 22, 1996, benefits will be phased out over the first year. These changes apply to the following federal programs.

Food Stamp Program: Immigrants arriving on or after August 22, 1996 are ineligible for food stamps. Immigrants receiving food stamps before August 22, 1996, are exempt from the new eligibility restrictions until April 1, 1997. This group of qualified aliens may receive food stamps through August 1997 provided they apply for certification by March 31, 1997.

Supplemental Security Income (SSI): Qualified aliens in the country before August 22, 1996 will lose this assistance by September 1997. Qualified aliens arriving on or after August 22, 1996 are ineligible.

The welfare reform law also gives states options for deciding immigrant eligibility for other state-administered programs supported with federal and state funds.

Temporary Assistance for Needy Families (TANF): States have the option to determine eligibility of qualified aliens for federal cash assistance under the TANF Program. Qualified aliens currently receiving AFDC benefits from Alaska will remain eligible for benefits until July 1, 1997, when the new TANF Program is in place. As states develop their TANF-funded program, they will decide whether to provide or deny services to qualified aliens who arrived in the country before August 22, 1996. Qualified aliens in the United States on or after August 22, 1996 are banned from receiving TANF-funded assistance for five years. The name for Alaska's new TANF-supported program is Alaska Temporary Assistance Program (ATAP).

Medicaid: Qualified aliens arriving in the United States before August 22, 1996 may be covered as a state option. Except for Medicaid emergency coverage, qualified aliens in the country on or after August 22, 1996 are banned from receiving Medicaid benefits for five years. Only Medicaid emergency coverage is available to all aliens.

The welfare reform law also gives states options for deciding immigrant eligibility for state-funded public assistance programs. Alaska's Adult Public Assistance, General Relief Assistance, and General Relief Medical programs fall into this category.

Alaska Status

Policy Choices

The Knowles Administration has made the following policy choices for immigrants for state-administered public assistance programs. Three of these choices require legislative action to revise current statutes. This legislation supports the federal direction to limit public assistance benefits to qualified aliens arriving on or after August 22, 1996.

Welfare Reform Briefing Paper — Immigrants

Alaska Temporary Assistance Program: Continue cash benefits for qualified aliens arriving in the United States before August 22, 1996. Implementing this policy requires a statute change as the current state law provides eligibility for all legal aliens meeting the financial requirements, regardless of their date of arrival in the United States.

Medicaid: Continue Medicaid coverage for qualified aliens arriving in the United States before August 22, 1996, including those who may not have been on Medicaid on August 22, 1996. This policy requires a statute change. Those qualified aliens entering the United States on or after August 22, 1996 are banned from receiving Medicaid benefits for five years.

Adult Public Assistance: Continue cash assistance for qualified aliens in the country before August 22, 1996. Immigrants arriving on or after August 22, 1996 are subject to a five-year bar. This policy requires a statute change to reduce program eligibility.

General Relief Assistance (GRA) / General Relief Medical (GRM): Continue to provide assistance to legal immigrants, regardless of the date they entered the country. The GRA and GRM are last resort programs that provide limited assistance to needy people with no other support for emergency medical and basic needs.

Impacts to Alaskans

Food Stamps: It is estimated that 1,100 legal aliens will lose Food Stamp benefits by September 1997.

Supplemental Security Income: An anticipated 800 legal immigrants will lose SSI cash benefits by September 1997.

Alaska Temporary Assistance Program: The five-year ban for services to legal aliens applies to the use of federal block grant (TANF) funds only. Current state law provides assistance to all immigrants with state funding only. There are about 820 legal aliens eligible for AFDC/ATAP benefits now. Under proposed state legislation, immigrants arriving in the United States before August 22, 1996 will remain eligible for AFDC/ATAP, while those arriving on or after August 22, 1996 will be ineligible for five years. With this statute change, about 145 of the 820 eligible for AFDC/ATAP will no longer be eligible.

Medicaid: Current state law does not provide Medicaid eligibility for most qualified aliens regardless of arrival date in the United States. About 1,575 immigrants aliens are ineligible for Medicaid. Alaska's Medicaid program does not currently have statutory authority to cover these immigrants. Some individuals that are ineligible for Medicaid are eligible for General Relief Medical. Under the proposed state legislation, immigrants arriving in the United States on or after August 22, 1996 are not eligible for five years. Most immigrants in the United States before August 22, 1996 will remain eligible. Medicaid will have about 1,680 eligibles and 265 ineligibles in Alaska if this statute change occurs.

Adult Public Assistance: Current state law provides assistance to most immigrants, regardless of their arrival date in the United States. New immigrants are not subject to the five-year federal ban. About 800 legal aliens would continue to be eligible for benefits. Under the proposed state

Welfare Reform Briefing Paper — Immigrants

legislation, immigrants arriving before August 22, 1996 will remain eligible, and immigrants arriving on or after August 22, 1996 will be ineligible for five years. About 45 of the 800 eligible legal aliens will be ineligible with this statute change.

General Relief Assistance (GRA) / General Relief Medical (GRM): Current state law provides that most immigrants will be ineligible for Medicaid, regardless of their date of arrival in the United States. Under proposed state legislation, about 265 immigrants who arrived in the United States after or on August 22, 1996, will be ineligible for Medicaid and may need to receive benefits through the GRM program.

Key Issues

- The proposed state legislation allows Alaska to follow federal law and deny public assistance benefits to most qualified aliens who arrived in the United States after or on August 22, 1996, for a five-year period or until they gain citizenship.
- Public assistance benefits provided to qualified aliens who are ineligible for federal funds must be paid from state funds.

Key Dates

- Restrictions for new legal immigrants became effective August 22, 1996.
- New restrictions for current legal immigrants receiving food stamps become effective April 1, 1997. Those certified by March 31, 1997 can receive benefits through August 1997.
- The Alaska Temporary Assistance Program goes into effective on July 1, 1997.
- Supplemental Security Income benefits for most legal immigrants stop by September 1997.

Additional Information

For additional information on immigration and the impacts of welfare reform, contact Jim Steele at the Division of Public Assistance at 465-3014.

Differences Between Legal Immigrants and the Definition of Qualified Aliens Under Public Law 104-193

Regarding a definition for "legal immigrant", there are two issues to consider. The definition of a legal immigrant before the passage of P.L. 104-193, and the definition of a "qualified alien" under P.L. 104-193.

Prior to the passage of P.L. 104-193, an immigrant was considered eligible for state and federal welfare benefits if he met the definition of a legal immigrant. For this purpose, a "legal immigrant" included all immigrants lawfully admitted for permanent residence, and immigrants permanently residing under color of law (PRUCOL). Prucol aliens are considered legal permanent residents of the U.S even though they did not go through the process of applying for and being admitted for permanent residence. Prucol aliens are aliens living in the in the country with the knowledge and permission of the Immigration and Naturalization Service (INS) whose departure the INS does not contemplate enforcing.

For public assistance purposes, P.L. 104-193 created a new category of immigrants called "qualified aliens." Most "qualified aliens" are ineligible for public assistance, or are only eligible if the state opts to cover them. Immigrants who are not "qualified aliens" are generally not eligible for benefits. Under P.L. 104-193, "qualified aliens" are: immigrants lawfully admitted for permanent residence; refugees; asylees; individuals paroled into the U.S. for at least one year; immigrants whose deportation is being withheld; certain immigrants granted conditional entry; and certain battered spouses and children.

However, under P.L. 104-193, certain categories of "qualified aliens" remain eligible for public assistance regardless of their immigrant status. These exception categories are: refugees, asylees, and certain persons whose deportation is being withheld for their first five years in the U.S.; individuals who have 40 quarters of coverage under the Social Security system; and veterans and members of the armed forces and their spouses and dependent children.

Immigrants who become U.S. citizens are not subject to immigrant restrictions on public assistance eligibility.

Public Assistance Data on Statewide Immigrant Population
 (for Immigrants on Public Assistance Only)
 as of January 1, 1997

Programs

Program Type	ATAP Only	ATAP/ FS	APA Only	APA/ FS	FS Only	FS/ MED	GRA/ GRM	MED Only	Total
# of Persons	167	651	639	162	154	69	7	256	2105

Heritage

Heritage	Asian	Black	Hispanic	Pacific Islander	White	Other/ Unknown	Total
# of Persons	1069	44	429	119	360	84	2105

Time on Assistance

Less than 5 Years	1461
More than 5 years	<u>644</u>
Total	2105

SSI Status:

SSI Recipient	669
Non-SSI Recipient	<u>1436</u>
Total	2105

Alien status:

Currently Sponsored :	81
Non-sponsored:	<u>2024</u>
Total	2105

Sex:

Male:	784
Female:	<u>1321</u>
Total	2105

Age:

Under Age 18:	439
18 - 64:	1025
Over Age 64:	<u>641</u>
Total	2105

Type of Recipient:

Children & Families	1304
Aged & Disabled	<u>801</u>
Total	2105

Community of Residence:

Anchorage	1414
Kodiak	160
Mat-Su	134
Fairbanks	106
Southeast	99
Other	<u>192</u>
Total	2105

**FY 97 Budgeted Expenditures
(Legal Immigrants)**

	General Fund	Total
Food Stamps	\$0.0	\$812.3
Medicaid		
AFDC/ATAP	\$2,699.4	\$1,349.7
APA	\$3,123.9	\$3,123.9

Individual Impacts on Legal Immigrants

Benefits for Blind/Disabled/Elderly

	Before Federal Legislation	After Federal Legislation (current state law)	Under Proposed State Legislation	
			Date of Arrival before 8/22/96	Date of Arrival after 8/22/96
FS	\$70	\$0	\$0	\$0
SSI	\$484	\$0	\$0	\$0
APA	\$362	\$362	\$362	\$0
Medicaid	Yes	No	Yes	No

Benefits for Children & Families

	Before Federal Legislation	After Federal Legislation (current state law*)	Under Proposed State Legislation	
			Date of Arrival before 8/22/96	Date of Arrival after 8/22/96
FS	\$70	\$0	\$0	\$0
AFDC/ATAP	\$275	\$275	\$275	\$0
Medicaid	Yes	No	Yes	No

* Under current state law, benefits paid to aliens under the ATAP program are all general funds.

Analysis of Costs/Savings with and without passage of HB 153 and/or SB 102

General Funds

(additional cost or savings calculated from FY98 Governor's Request)

	FY98	FY99	FY00	FY01	FY02	Net GF. . .
<u>With Bill</u>						
Adult Public Assistance	(156.0)	(304.2)	(446.6)	(577.2)	(705.9)	Savings
ATAP	(368.6)	(683.2)	(949.9)	(1,174.6)	(1,366.4)	Savings
Medicaid	-	-	-	-	-	N/A
Net Effect	(524.6)	(987.4)	(1,396.5)	(1,751.8)	(2,072.3)	Savings
<u>Without Bill</u>						
Adult Public Assistance	-	156.0	319.8	491.8	672.4	Cost
ATAP	203.0	376.2	523.1	646.8	752.4	Cost
Medicaid	(379.3)	(758.7)	(758.7)	(758.7)	(758.7)	Savings
Net Effect	(176.3)	(226.5)	84.2	379.9	666.1	Cost after FY99

Analysis of Costs/Savings with and without passage of HB 153 and/or SB 102

Total Funds

(additional cost or savings calculated from FY98 Governor's Request)

	FY98	FY99	FY00	FY01	FY02	Net GF. . .
<u>With Bill</u>						
Adult Public Assistance	(156.0)	(304.2)	(446.6)	(577.2)	(705.9)	Savings
ATAP	(405.9)	(752.4)	(1,046.1)	(1,293.6)	(1,504.8)	Savings
Medicaid	-	-	-	-	-	N/A
Net Effect	<u>(561.9)</u>	<u>(1,056.6)</u>	<u>(1,492.7)</u>	<u>(1,870.8)</u>	<u>(2,210.7)</u>	Savings
<u>Without Bill</u>						
Adult Public Assistance	-	156.0	319.8	491.8	672.4	Cost
ATAP	-	-	-	-	-	Cost
Medicaid	<u>(1,219.7)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	<u>(2,439.3)</u>	Savings
Net Effect	<u>(1,219.7)</u>	<u>(2,283.3)</u>	<u>(2,119.5)</u>	<u>(1,947.5)</u>	<u>(1,766.9)</u>	Cost after FY99

Introduction

HB 153 and SB102 propose changes to State law regarding the eligibility of legal immigrants for the Alaska Temporary Assistance Program, Medicaid, and the Adult Public Assistance program. These bills extend eligibility for these programs to all legal immigrants who were in the country as of August 22, 1996 (the date of passage of Federal Welfare Reform). Most legal immigrants arriving after August 22, 1996 would be barred from the programs for five years after their date of arrival. The following is an assessment of the impact if neither of these bills passes.

Alaska Temporary Assistance Program (ATAP)

Approximately 820 legal immigrants currently qualify for ATAP benefits. If neither of these bills were to pass, legal immigrants would be eligible for ATAP regardless of their date of arrival as long as they continued to meet all other eligibility criteria. This is because eligibility criteria in statute for ATAP do not currently contain any exclusion for legal immigrants. However, because of changes in federal law, legal aliens arriving after August 22, 1996 are subject to a 5-year bar on federally funded assistance. These immigrants would, therefore, be paid with General Funds during their first five years in the country.

Assumptions:

- Each year, approximately 145 legal immigrants who arrive in the country will qualify for ATAP benefits and the number of immigrant recipients from previous years will decrease by 15 percent because of normal attrition. The net result of these factors and the anticipated effects of welfare reform will be zero net growth in the number legal immigrant cases over the period.
- The ratio of GF to Federal expenditures remains constant after FY02 because new immigrants become eligible after the five-year federal bar.

Adult Public Assistance (APA)

Approximately 800 legal immigrants currently qualify for APA. If neither HB 153 nor SB 102 pass, legal immigrants will be eligible for APA benefits regardless of their date of arrival as long as they continue to meet all other eligibility criteria. This is because Alaska Statutes do not currently exclude legal immigrants from this program. APA is a general fund only program, so no costs shift to the state if HB 153 or SB 102 do not pass.

Assumption:

- Caseloads will increase by 5 percent each year.

Medicaid and General Relief Medical

If neither HB 153 or SB 102 passes this session, the state would stop providing regular Medicaid coverage to most legal immigrants. Some legal immigrants would remain eligible for Medicaid because they fall into mandatory coverage groups, like veterans and refugees. All immigrants remain eligible for Medicaid payment for emergency medical treatment.

Some immigrants would also qualify for the state's General Relief Medical program which pays for a very limited range of intensive services for the very poorest Alaskans. Therefore, while failing to pass HB 153 or SB 102 would produce some savings to the Medicaid program, significant amounts of funds would still be spent on legal immigrants through the Medicaid and GRM programs. The majority of these funds would be spent on intensive acute care services.

Assumptions:

- The Division of Medical Assistance estimates that one-quarter of those aliens age 65 and over and 15 percent of aliens under age 65 fall into an immigration status that federal law requires states to cover.
- The Division estimates that for the remaining aliens, one-half of all hospital and transportation services and 10 percent of all physician services received would still be provided under Medicaid coverage for emergency medical treatment for aliens.
- Some aliens would be eligible for coverage of inpatient hospital, nursing facility services, physician services, transportation services, and prescription drugs for certain chronic conditions under the General Relief Medical program. The Division estimates that one half of these services that are not covered under Medicaid emergency medical treatment would be covered under GRM. Hospital and nursing facility services are reimbursed at 28 percent of Medicaid rates. Other GRM services are reimbursed at 100 percent of Medicaid rates.
- Due to the timing of termination of coverage for immigrants and the time lag in billings for services already provided, the impact to the FY 98 budget would be only 50 percent of the annual impact of these coverage changes.

**Five Year Bar to Medicaid for New Legal Immigrants
Impact on Medicaid of Incremental Caseload Reduction
FY 98**

Federal welfare reform prevents most legal immigrants who arrived in the U.S. after August 22, 1996, from receiving regular Medicaid benefits for 5 years. Over time, this may reduce the Medicaid caseload as people going off Medicaid are not replaced by new arrivals.

These new arrivals remain eligible for Medicaid coverage of emergency medical services and some may qualify for General Relief Medical coverage of limited medical services. So, while legal immigrants leaving the regular Medicaid program are not replaced by newly arrived legal immigrants on regular Medicaid, they are replaced by an increased number of newly arrived immigrants receiving Medicaid for emergency medical services or receiving GRM coverage.

The average per person GF reduction from removing legal immigrants from the regular Medicaid caseload is approximately \$500, accounting for the cost shift to emergency coverage and GRM. (Fiscal note for HB153 estimates an annual GF reduction of \$758,700, based on a reduction of approximately 1530 immigrants.)

The Division of Public Assistance estimates caseload attrition of 163 people in FY 98. Allowing for another 40 people for attrition of Medicaid-only clients, total FY 98 attrition in Medicaid would be 203. Total Annual GF reduction in for Medicaid/GRM for 203 people is \$101,500. Assuming that the attrition occurred throughout FY 98, the average length of time these people would be off the caseload is six months. **Therefore, the net GF reduction in Medical Assistance for FY 98 would be \$50,750.**

A number of factors could reduce this impact, especially in FY 98:

Because of transitional Medicaid benefits, recipients may not leave the Medicaid caseload as quickly as they leave the cash assistance program.

Recipients with substantial medical expenses (above average costs) may be less likely to leave the caseload than recipients with fewer medical needs (below average costs).

Because payments for Medicaid services can be made up to six months after the services are provided, reductions in caseloads may not result in immediate, equivalent reductions in Medicaid expenditures.

In summary, there may be some incremental reduction in Medical Assistance spending in FY 98 as a result of federal restrictions on coverage of immigrants. However, this reduction is small, uncertain, and is within the limits accounted for by the Department's low-growth budget assumptions for Medical Assistance.

Legal Aliens

On August 22, 1996 President Clinton signed into law P.L. 104-193, The Personal Responsibility and Work Opportunity Act of 1996. This law has a substantial impact on immigrant eligibility for public assistance and medical assistance benefits. The table below compares the benefits to be received by legal aliens under current law and proposed legislation

Program	Current Law	Proposed Change
Food Stamps	Most legal aliens no longer eligible	No change: Fed only program
Supplemental Security Income	Most legal aliens no longer eligible	No change: Fed only program
Medicaid	Most legal aliens barred from Medicaid coverage regardless of entry date into country.	Legal aliens receiving Medicaid as of 3/22/96 grandfathered; legal aliens arriving after 3/22/96 barred for 5 years.
Alaska Temporary Assistance Program (ATAP)	Legal aliens eligible for benefits regardless of date of entry; legal alien benefits all general funds.	Legal aliens receiving benefits as of 3/22/96 grandfathered; legal aliens arriving after 3/22/96 barred for 5 years. Continue federal/state funding.
Adult Public Assistance	All legal aliens continue program eligibility.	Grandfathered eligibility to only those legal aliens in country as of 3/22/96 - legal aliens arriving after 3/22/96 barred for 5 years

HB

158

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Mary Pagenkopf

Senate Rules Committee 5/7/97 12:25 p.m.



Alaska State Legislature

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REPRESENTATIVE FRED DYSON

MEMORANDUM

May 7, 1997

To: Senator Loren Leman, Acting Chair
Senate Rules Committee

From: Representative Fred Dyson *Fred Dyson*

Subject: Request to schedule HB 158

Please schedule HB 158, "An Act relating to attendance at a public school on a part-time basis," for the Senate Floor, pending referral. The bill comes with a zero fiscal note. Attached is a Sponsor Statement for your review.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>



Alaska State Legislature

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REPRESENTATIVE FRED DYSON

HB 158 Sponsor Statement (revised)

"An Act relating to attendance at a public school on a part-time basis."

HB 158 prohibits public school districts from discriminating against part-time Alaskan students.

The Alaska State Constitution, Article VII, Section 1 (Public Education) states, "The legislature shall by general law establish and maintain a system of public schools open to all children of the State...." The Alaska Administrative Code makes provisions and establishes a funding mechanism for part-time students. According to 4 AAC 09.040, "a student enrolled in one course in a semester equals 0.25 full-time equivalent" of the foundation formula. This graduated scale gives a school full credit for a student who attends four courses daily.

When the Attorney General's office prepared the current state statutes for part-time students and the foundation formula reimbursement for part-time students, it was anticipated that every school would fulfill the constitutional mandate and not discriminate against part-time students.

On April 14th, the State Board of Education unanimously endorsed HB158. They strongly encourage public schools to provide educational service to all local qualified students including home, correspondence, and private school students.

Many public school districts such as Sitka, Mat-Su, and Fairbanks work cooperatively with all non-public school students. Their attitudes and actions allow many options for parents and provide for a quality educational experience. They report virtually no problems from this cooperation. For students who have been expelled from the public schools and are being home schooled in the interim, the part-time option will allow the student to gradually make the transition back into the public school system.

School districts have found part-time students to be academic and social assets to their schools. In working cooperatively with private and home school students, public educators take a critical step toward providing an important resource to "all children of the State." The participation of part-time students in public schools has helped to diminish the apprehension of many parents about the public school system.

As far as we know, every school district in the state accepts part-time students from the home, correspondence and private school communities **except** the Anchorage School District (ASD). ASD reasons that providing an educational benefit to an individual child might accrue as a benefit, somehow, to some private school and thus raise constitutional concerns. The Legislative Legal staff, as well as the Attorney General's office, maintain that there is no constitutional issue.

- Email -
Representative_Fred_Dyson@Legis.state.ak.us

- Internet -
<http://www.alaska.gov/legis/biz>

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 158

1997 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Education

Title: An act relating to attendance at a public school on a part-time basis.

BRU: K-12 Support

Sponsor: Representative Dvson

Component: Foundation Program

Requester: HESS

COMPONENT SERIAL NO. _____ 141

Expenditures/Revenues:

(Thousands of Dollars)

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

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

CHANGE IN REVENUES						
---------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: -0-

ANALYSIS: (Attach a separate page if necessary.) Section 1 requires a local school board to allow a child who is enrolled at a private school, is a correspondence student or is being home schooled, to enroll as a part-time student. Currently AAC 05.035, allows a school district to enroll a part-time student. School districts that permit part-time enrollment shall adopt a policy how the district will comply with certain requirements and process a request for part-time enrollment. Districts may enroll part-time students if there is space available, if requested by the student's parent, if the student has met the prerequisites for the course and if the enrollment does not result in an expenditure of public money for the direct benefit of a private educational institution. 4 AAC 09.050 establishes the methodology for counting part-time students for foundation funding.

Prepared by: Eddy Jeans, School Finance Manager

Phone: 465-8679

Division: Education Support Services

Date: 3-10-97

Approved by Commissioner: Shirley Holloway, Ph. D., Commissioner

Shirley Holloway

Agency: Education

Date: 3-10-97

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HB

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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

Senate Rules Committee 5/8/97 1:10 pm

Alaska State Legislature

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Official Business

Representative Al Vezey

HB 163

CLASSIFYING GAMMA HYDROXYBUTYRATE AS A CONTROLLED SUBSTANCE

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

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

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

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

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

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

FISCAL NOTE

STATE OF ALASKA

BILL
NO:

HB 163

1997 LEGISLATIVE SESSION

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

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:	2/22/97
Approved by Commissioner:		Date:	4/22/97
Agency	Ronald L. Otte, Dept. of Public Safety		

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date: _____

Department Affected: Administration

Title: "An Act relating to designating gamma-Hydroxybutyrate as a schedule IVA controlled substance"

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Representative Vezey

COMPONENT SERIAL NO. 1631

Requestor: (H) JUD

EXPENDITURES/REVENUES:

(Thousands of Dollars)

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

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

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

FUND SOURCE:

(Thousands of Dollars)

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

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

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

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

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 4/22/97

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House Targets Another 'Date Rape' Drug For Felony Status

For Immediate Release: May 2, 1997

Contact: Rep. Al Vezey (907) 465-3719

JUNEAU - Targeting drugs used in conjunction with sexual assault, the House of Representative Friday unanimously passed a measure which makes the use and possession of the "date rape" drug Gamma Hydroxybutyrate (GHB), a controlled substance and possession a felony.

Representative Al Vezey (R-Fairbanks), sponsor of HB 163 which outlaws GHB, said the drug is known by street names that include Liquid E, Liquid X, GBH, Gib, liquid ecstasy, Scoop, Georgia Home Boy, Natural Sleep-500, and Oxy-sleep.

Rep. Vezey said it is one of the many date rape drugs being used in the United States. The Legislature recently passed HB 69, which classifies Flunitrazepam, also known as Rohypnol, as a controlled substance and makes possession of that drug a felony.

Vezey said the illegal use of GMB is also on the increase in the United States and past illegal drug use trends indicate that Alaska will soon be confronted with the increased use of GHB's, just as Rohypnol use has recently been confirmed in Alaska. Currently, GHB is not scheduled as a controlled substance in Alaska or by the Federal government. The Drug Enforcement Agency is currently working to schedule GHB as a controlled substance under federal law.

GHB depresses the respiratory system and reduces the amount of oxygen the brain receives, resulting in unconsciousness.

"As is the case with Rohypnol, victims of drug induced rape through use of GHB can not identify their victims and conviction is difficult and rare. This bill further sends the message that we will not tolerate those in our society who would perpetrate drug induced sexual assault," said Vezey.

According to James Tolliver of the DEA's Seattle office, the major problem with GHB is this drug is exclusively made in home laboratories. The drug is odorless and nearly tasteless so it is virtuously undetectable in a drink.



April 4, 1997 / Vol. 46 / No. 13



MORBIDITY AND MORTALITY WEEKLY REPORT

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March 1997

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

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

Texas

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

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

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES / Public Health Service

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MMWR

April 4, 1997

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

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

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

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

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

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

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

Gamma Hydroxy Butyrate Use — Continued

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

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

References

1. Vayer P, Mandel P, Maitre M. Gamma-hydroxy butyrate, a possible neurotransmitter. *Life Sci* 1987;41:1547-57.
2. CDC. Multistate outbreak of poisonings associated with illicit use of gamma hydroxy butyrate. *MMWR* 1990;39:861-3.
3. Mamelek M. Gammahydroxybutyrate: an endogenous regulator of energy metabolism. *Neurosci Biobehav Rev* 1989;13:167-98.

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

†Public Law no. 91-513.

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

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

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

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

GAMMA-HYDROXYBUTYRATE (GHB)

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

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

Pharmacological Effects of GHB:

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

Clinical Uses of GHB

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

Marketing Status of GHB

Has never been approved by the Food and Drug Administration (FDA) for medical use in the United States.
Is currently under development by the drug company, Orphan Medical Inc., for the treatment of narcolepsy in the U.S.
Approval by FDA for medical use in the United States is expected in 2 to 3 years providing that there are no problems with the development process.
Available in Tunisia, New Zealand, Netherlands, Morocco, Italy, French West Africa, France, Spain, Hungary and Germany as intravenous anesthetic.
Trade Names in other countries: Alcover, Anelamin, Gamma-OH, Somsanit
All are injectable solutions.

Disposition of GHB in Body

Readily absorbed in gastrointestinal tract.
Readily reaches the brain.
Metabolized in liver to carbon dioxide and water.
No active metabolites.
Excreted in urine in largest amount within 2 to 5 hours after ingestion.
Not detectable in biological fluids (blood, urine) after 12 hours following ingestion.

Individuals Who Abuse GHB

Bodybuilders
High School and College Students
Rave Party Attendees
Night Club Attendees
Individuals Intent on Sexual Assault

Reasons Cited for Abuse of GHB in the United States

Promotion of muscle growth via increases in endogenous growth hormone production.
Used as sedative to come down off of stimulants (e.g. ephedrine).
Achieve an intoxicated "high" (usually in combination with alcohol).
Cheap substitute for ecstasy (MDMA).
Mentally and physically incapacitate women for purposes of committing sexual assault.
Promoted as nutritional supplement.
Abused as aphrodisiac.

Use of GHB to Commit Sexual Assault.

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

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

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

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

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

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

Forms of GHB on Street:

Liquid Form

Most common form encountered.

Usually clear.

Usually viscous.

Has a salty taste.

Clandestinely made.

Powdered Material

Grainy

White to off-white (sand) colored.

Tends to take on water (hygroscopic).

Most likely primarily clandestinely produced.

At least one foreign source has been identified.

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

Available from some chemical supply stores in powdered form.

Specific Formulations

Rarely found.

Has been found in capsule form.

Street Names for GHB:

Greivous Bodily Harm (GBH)

Georgia Home Boy

Liquid Ecstasy

Liquid X

Liquid E

Liquid G

G

Soap

GHB

GBH

Scoop

Easy Lay

Salty Water

G-riffick

Cherry Meth

Organic Quaalude

How is GHB Taken:

Oral Administration Only.

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

Dose can vary considerably.

Liquid GHB

Taken either alone or in other drinks.

Primarily used in conjunction with alcohol consumption.

In Texas - 1 Bottle Cap full about every hour.

Powdered GHB

One to two spoonfuls at a time.

Dissolved in liquids such as water or alcohol beverages.

Adverse Effects of GHB:

Drowsiness	Reduced Muscle Tone (Hypotonia)
Dizziness	Reduced Blood Pressure (Hypotension)
Euphoria	Decreased Heart Rate (Bradycardia)
Reemergent Delirium with Hallucinations	Decreased Respiration Rate
Agitation	Seizures -
Restlessness	Absence Seizures
Delusions	Grand Mal Seizures
Headache	Amnesia
Nausea and Vomiting	Reduction or Loss of Gag Reflex
Enuresis	Abrupt Loss of Consciousness
Excessive Salivation	Coma
Sweating	DEATH
Reduced Body Temperature (Hypothermia)	(Primarily with other drugs)

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

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

Dependence can develop with prolonged use of the drug.

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

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

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

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

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

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

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

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

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

Primarily via clandestine laboratory synthesis.

Usually liquid is formed.

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

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

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

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

Clandestine Synthesis of GHB

Conversion of gamma-butyrolactone with base to GHB.

One-Step Reaction

No special reactions conditions required.

Special chemical knowledge is not required.

Required chemicals are cheap and easy to obtain.

Synthesis has been described extensively on the Internet.

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

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

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

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

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

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

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

26 Total Cases Involving 40 Total Exhibits.

Breakdown of Cases by Year

1994 - 2

1995 - 11

1996 - 12

Of 40 Total Exhibits

25 Exhibits were liquids.

14 Exhibits were powdered material

1 Exhibit was capsules each containing 1.14 grams GHB.

Distribution of Cases Among States

California	8
Illinois	3
Georgia	3
Louisiana	2
Florida	2
Texas	2
Michigan	2
Arizona	1
Rhode Island	1
Colorado	1
Massachusetts	1

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

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

Regulatory Control Actions

Not presently scheduled under the federal Controlled Substances Act.

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

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

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

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

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

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

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

Countries With GHB Abuse:

United States
England
Spain
Sweden
Australia
Italy
Germany
Netherlands

HB

168

HOUSE COMMITTEE REPORT

2-6-98

D
(9)

Date Referred to Committee: March 5, 1997

FURTHER REFERRALS:

State Affairs

Date of Committee Action: 2/5/98

The RESOURCES Committee considered:

HB 168

HOUSE BILL NO. 168

TRADITIONAL ACCESS FOR TRADITIONAL ACTIVI

"An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes; and providing for an effective date."

recommends it be replaced with the following committee substitute

CSHB 168 (RES)

[x] the same title [] a new title

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

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) _____

[] fiscal note(s) _____

[x] zero fiscal note(s) FOM

[] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Beverly Masek</i>	MASEK	✓			
x " " "					
<i>Bill Hudson</i>	HUDSON			✓	
<i>Scott Egan</i>	EGAN	✓			
<i>Paul Ryan</i>	RYAN	✓			
<i>John Green</i>	GREEN			✓	
<i>Irene Michelle</i>	MICHELLE		✓		
		(3)	(2)	(2)	

CO- CHAIR'S SIGNATURE *Scott Egan*
Egan

Bill Hudson
Hudson

HOUSE COMMITTEE REPORT

2-25-98
Rules

(7)
Date Referred to Committee: February 6, 1998

FURTHER REFERRALS:

Date of Committee Action: 2/24/98

The STATE AFFAIRS Committee considered:

HB 168

HOUSE BILL NO. 168

TRADITIONAL ACCESS FOR TRADITIONAL ACTIVI

"An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 168 (RES) 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) _____ zero fiscal note(s) FTG
2-16-98

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	James			✓	
	ELTON		✓		
	Berkowitz		✓		
	IVAN			✓	
	DYSON			✓	
	Verzy	✓			
	Hodgins	✓			
		(2)	(2)	(3)	

CHAIR'S SIGNATURE Janette James

HOUSE COMMITTEE REPORT

3.19.98
Rules

Date Referred to Committee: February 25, 1998

FURTHER REFERRALS:

Date of Committee Action: March 18, 1998

The RULES Committee considered:

HB 168

HOUSE BILL NO. 168

TRADITIONAL ACCESS FOR TRADITIONAL ACTIVI

"An Act relating to use of traditional means of access to assist in taking game or fish and to traditional means of access for traditional outdoor activities on land and water set aside for fish and game purposes; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 168 (RUS)

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) _____

zero fiscal note(s) Fish & Game
2/16/98

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Brian Porter</u>	<input checked="" type="checkbox"/>			
<u>Frank Phillips</u>	<input checked="" type="checkbox"/>			
<u>Pete Kott</u>	<input checked="" type="checkbox"/>			
<u>W.R. Williams</u>	<input checked="" type="checkbox"/>			
<u>K. Elton</u>		<input checked="" type="checkbox"/>		
	(4)	(1)		

CHAIR'S SIGNATURE Pete Kott
Kott

SENATE COMMITTEE REPORT

DATE: 4/8/98

FURTHER: *has no further*

DATE TURNED
IN TO OFFICE: 4/17/98

Resources Committee considered

CS FOR HOUSE BILL NO. 168(RLS)(efd fld)

"An Act to
me
purposes."

HB 168 TRADITIONAL ACCESS FOR TRADITIONAL ACTIVITY

o traditional
n and game

Handwritten initials

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>			✓
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

ADFiG	2/2	X	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

HB

170

LEGISLATIVE REFERENCE LIBRARY

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

150 Seward Street, Suite 400
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

Senate Rules Committee 3/5/98 12:27 pm



OFFICIAL BUSINESS

Alaska State Legislature Senate

Office of the Secretary

FOR YOUR IMMEDIATE ATTENTION

STATE CAPITOL, ROOM 213
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832
EMAIL: senate_secretary@Legis.state.ak.us

DATE: March 20, 1998
TO: Rules Committee
(Senator Kelly)
FROM: Office of the Senate Secretary

The Senate President has added/changed the referral(s) on the following bill(s):

HOUSE BILL NO. 170 RETRIEVE

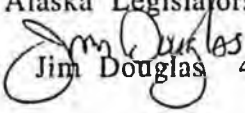
Please give the bill file(s) to the page delivering this message. The bill file(s) will be returned to your Committee after the appropriate changes have been made.

Thank you.

March 6, 1998



To: Alaska Legislators

From:  Jim Douglas, 4-H Program Chair

Re: Service Animal Legislation

In an attempt to get access to private and public buildings for service animals HB 170 was introduced. The HESS version of the bill was acceptable to the 4-H program, but the version that passed out of Judiciary and through Rules is an affront to over twenty years of outstanding work by 4-H members and volunteers to raise guide dog puppies.

The 4-H program has been in the guide dog raising business for over 40 years. We have programs in every state in the U.S. In all cases we are the agency who certifies and trains our leaders and members with dogs. The 4-H program does not need a certification program. We have been the most successful program in the U.S. in raising guide dog puppies. In Alaska our 4-H program is associated with Guide Dogs for the Desert out of Palm Springs, California. They provide materials that help us certify and train their puppies.

HEALTH AND SOCIAL SERVICES CERTIFICATION

Cost

It now costs \$800 to \$1000 for volunteers to raise a guide or service dog for the eighteen months prior to its final training back at the guide dog or service dog school. The families that raise these dogs do so at a great sacrifice to their family budget. Adding a health and social services cost to what is already a very expensive community service is unnecessary. The 4-H program has a screening process as well as a recommended training process in place that works.

Identification

4-H guide dogs are identified with a blue and white coat that says Guide Dog Puppy and with a 4-H clover. 4-H members carry identification. If any other identification were used as planned in the bill, 4-H could well lose its identity and would certainly lose control over the program.

Swiftness of Service

At this time when a prospective 4-H member or leader wants to have a guide dog, 4-H agents or volunteers are required to go out to the home and while the family is still interested we certify them and have the dog on order. If H&SS were involved we would have to wait until they could certify the family and then we would still have to certify because of our liability insurance. H&SS becomes an extra cost as well as an extra step in what was already a smooth running operation.

ACTION REQUESTED

Ask that you vote for HB 170 as it came out of HESS and not the bill that came out of Judiciary.

If you approve the bill out of Judiciary, amend the bill to exempt the 4-H program from the certification process or remove the sections that refers to service animals in training being certified by H&SS.

Thank you for your support.

GUIDE DOGS OF THE DESERT, INC.
P.O. Box 1692, Palm Springs, California 92263
(619) 329-6257

APPLICATION TO RAISE A GUIDE DOG PUPPY

Name (Mr./Mrs./Ms.) _____ Age: _____

Are there children in the home? _____ Their ages _____

Address _____

Environment: City ___ Suburban ___ Rural ___

Name of parent if applicant under 18 years old: _____

Telephone: Home () _____ Work () _____ Mr./Mrs./Ms.
(circle one)

1. Where did you hear about our puppy raising program? _____

2. Have you ever raised a dog before? _____ A dog for the blind? _____

When and from which school? _____

What became of that dog? _____

3. If you have a pet/pets, please give type, dog breeds, ages and sexes: _____

4. Do you have a fenced yard or enclosed area to relieve the puppy? _____

5. Do you agree to allow the puppy to live in your house and sleep in your bedroom? _____ (Initial)

GUIDE DOGS OF THE DESERT, INC. provide inoculations and worming if you bring the puppy to the training facility. If pups are not considered for breeding stock, GUIDE DOGS OF THE DESERT, INC will reimburse for neutering up to \$50.00 or provide for neutering by our own veterinarian. GUIDE DOGS OF THE DESERT, INC. will provide occasional boarding at the facility, including boarding of females in season.

6. Do you agree to pay for normal veterinary expenses? _____ (Initial)

The raiser is responsible to provide a loving atmosphere and socialization and to teach the pup appropriate house behavior. The approximate cost to the raiser is \$500.00. This cost is a donation and may be tax deductible.

7. I understand and agree this puppy shall remain the property of Guide Dogs of the Desert, Inc. and agree to return the puppy to Guide Dogs of the Desert, Inc. as requested for evaluation, neutering and when the puppy is needed for training. _____ (Initial)

8. I have read and agree to the conditions outlined in the attached copy of the "Puppy Raiser's Fact Sheet". _____ (Initial)

9. I agree to participate in Puppy and school events held throughout Southern California whenever possible. _____ (Initial)

10. What date are you available to receive a puppy? (usually there is a 6 month wait) _____

11. Breed Preference: () Golden Retriever () Female
 () Labrador Retriever () Male
 () German Shepherd

Signature of applicant(s): _____

Parent signature (if applicant is under 18 years of age) _____

Alaska Extension Agent _____

Application Procedure
for the
Alaska Guide Dog Puppy Project

- 1) Person (14 or older) or a family expresses a very strong interest, contacts District Extension Agent or Area Guide Dog Puppy Project Leader.
- 2) Extension Agent or Area Guide Dog Puppy Project Leader provides person with Puppy Raiser's Fact Sheet and Application to Raise a Guide Dog Puppy.
- 3) Person fills out the application and contacts the Area Guide Dog Puppy Project Leader to set up a date for a Home Interview with the whole family and family pet(s). Applicant must join 4-H either as a member (youth) or a leader (adult.)
- 4) Area Guide Dog Puppy Project Leader makes a recommendation on the bottom of the application. If the family meets with the Project Leaders approval provide them with a copy of the Puppy Raiser's Manual so they can become familiar with it while they wait for their puppy.
Note: There may be a time when you will have to decline a request. It is difficult but keep in mind the best interest of the puppy, that family and the Alaska Guide Dog Puppy Program.
- 5) Give a copy of the approved application to the local Cooperative Extension Agent for their records and send one to the State Coordinator of the Guide Dog Puppy Project: Linda Athons, 34824 K-Beach Rd., Suite A, Soldotna, AK 99669.
- 6) The State Coordinator will send a copy of the application to Guide Dogs of the Desert (GDD) for them to process.
- 7) GDD will contact the raiser directly when a puppy is available.
- 8) GDD will alert the State Coordinator of the available puppy and travel arrangements will be made by the State Coordinator for the puppy to travel to Alaska. Alaska Airlines donates the cost of transporting our puppies.
- 9) The raiser should contact the local Cooperative Extension Agent to notify him/her of the puppy's arrival.
- 10) Let the raising begin!!

Linda Athons
12/15/97



P. O. Box 1692
Palm Springs, CA 92263
(619) 329-6257

PUPPY RAISER'S FACT SHEET

As a puppy raiser, you should be aware that there are many pros and cons of raising a guide dog puppy. These puppies are right now ordinary puppies who will chew, bark and whine. They are not housebroken. They have been screened and accepted as donations or procured through our own breeding program. Raising a puppy can be fun and rewarding but it can also get difficult and tiresome.

Make sure that everyone in the household likes the idea and agrees to raising the pup. Raising the pup is truly a family affair. Although one individual may be assigned the responsibilities, the whole family will have to adjust and participate. The entire family will hear the pup cry and whine the first few nights, smell occasional accidents, and have articles belonging to them chewed on.

You will receive the pup at approximately 8 to 10 weeks of age and keep it until it is between 12 to 18 months of age. The puppy will have started its inoculations against distemper, hepatitis, leptospirosis, parainfluenza and canine parvo virus. The puppy will have been dewormed, but will need a rabies inoculation at 4 months of age.

Your guide dog puppy will need LOVE AND SOCIALIZATION more than anything else. You are expected to housebreak the pup, and fully socialize it to people, animals, traffic, noises, strange surroundings and surfaces. Riding in cars comfortably is also important. We encourage basic obedience training to aid in the pup's socialization program and for general control purposes, but don't overdo it.

Fleas and ticks are the number one problem experienced by raisers. It is of paramount importance that the pup be kept flea and tick free to prevent any allergic reaction from developing.

Female puppies will come into season between 6 and 14 months of age. This is a bloody discharge period of 21 days and the only time a dog will be able to "get pregnant". Please make arrangements to secure the pup during this time (you may bring it to the school to be boarded.) Males will be altered around 8 to 10 months unless they are being considered for the breeding program. These expenses will be reimbursed up to \$50.00 or provided by our own veterinarian.

JOE HAYES

119 N. Cushman, Ste. 205
Fairbanks, AK 99701
907-456-7423 Fax: 451-9293

While in Juneau
State Capitol
Juneau, AK 99801-1182
907-465-3466



Representative Tom Brice

ALASKA STATE LEGISLATURE

Sponsor Statement

House Bill 170

"AN ACT RELATING TO INTERFERENCE WITH THE RIGHTS OF PHYSICALLY AND MENTALLY CHALLENGED PERSONS; AND RELATING TO SERVICE ANIMALS DURING THEIR TRAINING PERIOD."

Although the Americans with Disabilities Act (ADA) allows service animals into public facilities, too often young service animals are turned away from public facilities due to the existing law being arbitrary. HB 170 extends this law to include the young animals in training. Service animals perform functions and tasks that an individual with a disability cannot perform for themselves. These young animals need the same exposure as trained service animals if they are expected to perform those tasks.

Additionally, HB 170 will establish a state certification program through the Department of Health and Social Services. The program will establish criteria to determine how in training service animals and their trainers are identified in Alaska.



HB

182

Alaska State Legislature

Committees:
Transportation, Chairman
Resources
Economic Development
Rules



Representative William K. Williams

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-7157

2/24/98

Sponsor Statement

House Bill 182

“An act relating to the qualifications of the State forester.”

This bill would require the state forester (director of the Division of Forestry) to have a bachelor's or higher degree in a forestry-related program and have three years of field experience in forestry. It would also require the commissioner of the Department of Natural Resources to solicit and consider the recommendations of the state Fire Chief's Association or successor organization while reviewing the list of candidates for the state forester position forwarded by the board of forestry.

A “forester” is a specialist in forestry. The state forester heads a division comprised of mostly professional foresters and forestry technicians. I believe the division director should have a proper education in forestry and adequate field experience. Under the current statute there are neither forestry qualifications nor field experience required to head the state division of forestry. Considering the statutory defined responsibilities of the division the lack of required forestry qualifications and experience is alarming.

The state forester is charged with fire suppression on state land. In fact over half of the forester's job is related to fire suppression. Because of this fact it is logical that the Fire Chief's Association should have some input in the selection process of the state forester. While the legislation does not bind the commissioner of Natural Resources to act on any particular recommendation it does allow the Chief's to have input during the hiring process.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 182

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act Relating to the qualifications BRU: Resource Development
of the State Forester Component: Forest Mgmt & Development
 Sponsor: Representative Williams
 Requestor: House Finance Component Serial No. #435

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY98) cost: \$ none

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)

There is no anticipated fiscal impact associated with implementation of this legislation.

Prepared by: Jeff Jahnke, State Forester *Mike Bus for* Phone: 465-3379
 Division: Forestry Date: 11-Feb-98
 Approved by Commissioner: *Mike Bus for John Shively* Date: 2-11-98
 Agency: Natural Resources

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

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SCSHB182(RES)

Revision Date: 12-Mar-98 Dept Affected: Natural Resources
 Title: An Act Relating to the qualifications of the State Forester BRU: Resource Development
 Sponsor: Representative Williams Component: Forest Mgmt & Development
 Requestor: (S)RLS Component Serial No. #435

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ none

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
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)

There is no anticipated fiscal impact associated with implementation of this legislation.

Prepared by: Jeff Jahnke, State Forester *Jeff Jahnke* Phone: 465-3379
 Division: Forestry Date: 12-Mar-98
 Approved by Commissioner: *John Michael* Date: 3-12-98
 Agency: Natural Resources

HB

189

From the office of . . . **Representative John J.
Cowdery**

State Capitol Building, Room 416
Juneau, AK 99801
907-465-3879 phone
907-465-2069 fax

MEMORANDUM

TO: Senate Judiciary Committee
FROM: Rep. John J. Cowdery
DATE: Feb 12, 1998
RE: SCS CSSSHB 189 (HES)

SCS CSSSHB 189 (HES) SPONSOR STATEMENT

The purpose of HB 189 is to restrict access by minors to tobacco products. Restricted access is accomplished by banning self-service displays in retail establishments. The operative language in the bill is:

“... a person may not sell cigarettes, cigars, tobacco ... unless the sale occurs in a manner that allows only the sales clerk to control access to the ... tobacco...”

However, the bill provides an exemption for retail stores that sell primarily tobacco products and restrict access to persons 19 years of age and older. This provision will allow “tobacco boutiques” who specialize in tobacco products and accoutrements, to the near exclusion of other merchandize, to have public access to the tobacco products.

Self-service displays are notoriously susceptible to shop lifting and impulse buying by minors. Their elimination has proven to be a popular means of removing access by minors to cigarettes. More than 180 cities throughout the U.S. have already implemented prohibitions on self service displays. Three months ago, the Municipality of Anchorage passed an ordinance modeled after HB189.

Additionally, new language is added to the statute which requires that signs be posted near vending machines in employee break rooms where employees under the age of 19 may be present indicating that:

“possession of tobacco by a person under 19 years of age is prohibited under A.S. 11.76.105.”

Finally, another important provision in HB 189, is that it extends the offense of “selling tobacco to a minor,” to persons who are minors. Under current law, it is unprosecutable if an 18 year old sells to a minor. HB 189 closes that loophole.

Thank you for your consideration of this legislation.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SCS CSSSHB 189(HES)

Revision Date: _____
 Title: An Act relating to sale, gift, exchange, or distribution
of tobacco products.
 Sponsor: Reps. Cowdery, Austerman, Ryan
 Requestor: Senate HESS

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

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	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						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill creates penalties for sale of tobacco to persons under 19 years of age and establishes conditions under which tobacco and tobacco products can be sold. No fiscal impact is anticipated by this bill.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: Deborah B. Sedwick
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 1/30/98
 Date: 1/30/98

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SSHB 189

Revision Date: _____
 Title: "An Act relating to sale of tobacco and tobacco products..."
 Sponsor: Rep. Cowdery
 Requestor: (H) JUD

Department Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

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

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact to the Department of Administration.

Prepared by Erant McDee, Director
 Division: Office of Public Advocacy

Phone 274-1684
 Date: _____

Approved by Commissioner Mark Bover
 Agency: Department of Administration

Date: 4/25/97

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Revision Date: _____ Dept. Affected: Revenue
 Title: Restrict Tobacco Sales/Possession BRU: Revenue Operations
 Component: Income and Excise Audit
 Sponsor: Representative Cowdery
 Requestor: (S) HES COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	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						
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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 (FY98) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The proposed legislation lowers the standard under Title 11 upon which the Department of Revenue would follow for suspending or revoking a businesses tobacco license. When revocation or suspension takes place the business has the right to utilize the administrative appeal process to challenge the departments action. It is hard to determine what effect this will have on the department's administrative hearing resources. No increased budgetary resources are requested at this time.

Prepared by: Larry Meyers, Director Phone: 269-6620
 Division: Income and Excise Audit Date: January 13, 1998
 Approved by Commissioner: Wilson L. Condon Date: January 13, 1998
 Agency: Revenue

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 189

Revision Date: January 12, 1998 Dept. Affected: Public Safety
 Title: Restrict tobacco sales/possession BRU: DPS Statewide Support
 Component: Commissioner's Office
 Sponsor: Representative Cowdery
 Requestor: Senate HESS COMPONENT SERIAL NO. 0523

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

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-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

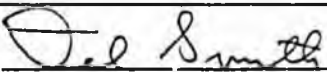
1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 98) 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.)

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner Phone: 465-4322
 Division: Commissioner's Office Date: January 12, 1998
 Approved by Commissioner:  Date: January 12, 1998
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSSHB 189(JUD)AM

Revision Date: _____ Title: <u>An Act relating to sale, gift, exchange, or distribution</u> of tobacco and tobacco products;.... Sponsor: <u>Reps. Cowdery, Austerman, Ryan</u> Requestor: <u>Senate HESS</u>	Department: <u>Commerce and Economic Development</u> BRU: <u>Occupational Licensing</u> Component: <u>Operations</u> COMPONENT SERIAL NO. <u>1844</u>
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Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

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

Estimate of any current year (FY 98) cost: \$ 0.0

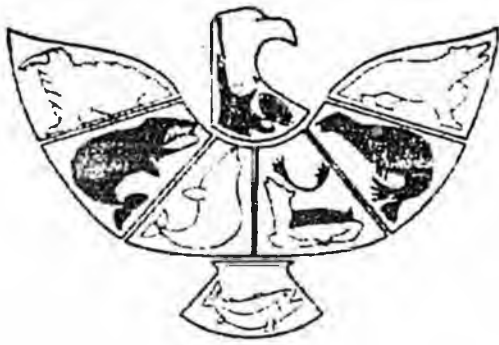
POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill creates penalties for sale of tobacco to persons under 19 years of age and establishes conditions under which tobacco and tobacco products can be sold. No fiscal impact is anticipated by this bill.

Prepared by:	Jennifer Strickler, Administrative Manager	Phone:	465-2144
Division:	Occupational Licensing	Date:	1/12/98
Approved by Commissioner:	Deborah B. Sedwick	Date:	
Agency:	Commerce and Economic Development		

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Alaska Native Health Board

4201 Tudor Centre Dr., Suite 105
Anchorage, Alaska 99508

Phone: (907) 562-6006
FAX: (907) 563-2001

4/26/97 465-2069

Dear Rep. Cowdery:

I am writing this note to apologize for any misconception that might have arisen from the story that was published in this week's *Alaska Star*. In a story about HB 159 (sponsored by Pete Kott and co-sponsored by you and several others), I am quoted as saying that "the bill is co-sponsored by legislators who have in the past supported the tobacco industry." What I really said is that while some of the bill's sponsors might not be aware that this is a bad bill (supported by the tobacco industry), Eldon Mulder is not that naive. (Those of us on the other side are well aware of Eldon's ties to the tobacco industry.)

At the time I was interviewed I wasn't even aware that you are a co-sponsor of HB 159. I know from talking to you before the elections that you definitely are not sympathetic to the tobacco industry. I truly am sorry for any flak you might get from the *Alaska Star* article. (At least your name is not mentioned in the story.)

By the way, your proposal to prohibit self-service tobacco displays is excellent. If the tobacco industry feels it has any real chance of passing, they will fight it. I am hoping we can get the tobacco tax passed this year, then come back and advocate for further measures that really could help, such as the ban on self-service displays in your bill and the provision in Con Bunde's bill to allow kids to work with enforcement officials to identify those merchants who sell to minors.

Best wishes,

Ann Marie Holen

ALUTIAN PEOPLE ISLANDS ASSOCIATION
ARIZONA ALASKA HEALTH CORPORATION
CHUGACHMIIT
COFFEEVILLE NATIVE ASSOCIATION
EASTERN ALUTIAN TRIBES
KODIAK AREA NATIVE ASSOCIATION
MANILAU ASSOCIATION

NETLAH ALASKAN COMMUNITY
MT. SANFORD TRIBAL CONSORTIUM
NATIVE VILLAGE OF ELLITNA
NATIVE VILLAGE OF IYONER
NUPILCIK TRADITIONAL COUNCIL
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SOUTH EAST ALASKA REGIONAL HEALTH CONSORTIUM
TANANA CHIEFS CONFERENCE
YUKON-KUSKOKWIM HEALTH CORPORATION
VALDEZ NATIVE TRIBE

Americans for Nonsmokers' Rights

Helping you breathe a little easier

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 (Alman 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 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).

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).