

# HOUSE BILL REPORT

## HB 1404

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**As Reported by House Committee On:**  
Public Safety

**Title:** An act relating to prevention of alcohol poisoning deaths.

**Brief Description:** Preventing alcohol poisoning deaths.

**Sponsors:** Representatives Lias, Walsh, Goodman, Roberts and Jinkins.

**Brief History:**

**Committee Activity:**

Public Safety: 2/12/13, 2/14/13 [DP].

**Brief Summary of Bill**

- Prohibits a person under the age of 21 years from being charged or prosecuted for being a minor in possession of alcohol when in need of medical assistance as a result of alcohol poisoning or when, acting in good faith, seeking medical assistance for someone else experiencing alcohol poisoning.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 10 members: Representatives Goodman, Chair; Roberts, Vice Chair; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

**Minority Report:** Do not pass. Signed by 1 member: Representative Klippert, Ranking Minority Member.

**Staff:** Yvonne Walker (786-7841).

**Background:**

Alcohol poisoning is most commonly caused by binge drinking, but can also occur through accidental ingestion of household products containing alcohol. Alcohol is absorbed through the stomach and if absorbed on an empty stomach, alcohol will begin to affect brain functions in less than one minute.

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Once in the body, alcohol acts as a depressant, changing the way the body and the brain function. Generally, alcohol slows down normal functions including heart beat, breathing, and one's gag reflex that keeps a person from choking. Consuming large amounts of alcohol in a short amount of time can cause a person to pass out or keep one's organs from functioning.

Signs of alcohol poisoning include:

- consumption of large amounts of alcohol;
- inability to be woken up after drinking;
- skin that feels cold and clammy or looks pale;
- slowed or irregular breathing; and
- vomiting without waking up.

#### Alcohol Poisoning Statistics.

Estimates compiled by the World Health Organization suggest that excessive alcohol consumption results in deaths of around 1.8 million people worldwide every year. A large percentage of these deaths are caused by alcohol poisoning. In the United States, approximately 50,000 individuals are diagnosed for alcohol poisoning every year resulting in over 900 alcohol poisonings every week. A large number of these individuals are college students.

#### Minor in Possession of Alcohol Offense.

State law makes it unlawful for any person under the age of 21 years to possess, consume, or otherwise acquire any liquor. A person under the age of 21 years does not have to be in actual possession of alcohol to be charged for a Minor in Possession of Alcohol (MIP) offense. If a person under the age of 21 years old is exhibiting the effects of having consumed alcohol (alcohol on the breath, results of a breathalyzer test, and statements by others, etc.), that person may be charged with a MIP offense.

A MIP offense is a gross misdemeanor offense that is punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 90 days, or by both such fine and imprisonment. If the offender is under 18 years old, the offender would be subject to local sanctions which can include up to: 30 days in confinement; 12 months of community supervision; 150 hours of community restitution; and a \$500 fine.

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#### **Summary of Bill:**

A person under the age of 21 years who is in need of medical assistance as a result of alcohol poisoning or is acting in good faith when seeking medical assistance for someone else experiencing alcohol poisoning is exempt from being charged with a MIP offense if the evidence obtained for the offense was a result of needing or seeking medical assistance.

The exemption is not grounds for suppression of evidence in other criminal charges.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is about the specific charge of a MIP of alcohol and whether or not it is important for that person to call 911 or to worry about getting charged with a MIP charge. We know that in the case of simple drug possession that our law exempting someone from prosecution when calling 911 has helped to create awareness among young people when they need to summon assistance if their friends are in trouble.

This bill does not relate to driving under the influence or our broader efforts in trying to encourage people to make healthier decisions and behave more responsibly. This is strictly about a MIP and specifically about when someone may be caught because they called 911. If the person is caught for some other reason or they are committing some other crime, then there is no protection under this bill.

Underage use of alcohol has long been a social issue and it is only getting worse with the passage of the privatization of liquor. The unattended consequence has been the access and use by youth.

Currently, there are eight bills making its way through the Legislature this year that authorizes the use of alcohol at senior centers, wedding boutiques, grocery stores, theaters, day spas, and farmers' markets. Although the law enforcement's message is not to drink and drive, unfortunately the behavior message given to youth is that it is okay to drink a little and drive. Although, prevention funding has been reduced over the years, it is nice to see a bill that recognizes youth when they are in dire straits. Preserving life trumps a MIP charge.

(Opposed) None.

**Persons Testifying:** Representative Liias, prime sponsor; and Seth Dawson, Washington Association for Substance Abuse Prevention.

**Persons Signed In To Testify But Not Testifying:** None.