

SENATE BILL REPORT

HB 1404

As Reported by Senate Committee On:
Law & Justice, April 2, 2013

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

Brief Description: Preventing alcohol poisoning deaths.

Sponsors: Representatives Liias, Walsh, Goodman, Roberts and Jinkins.

Brief History: Passed House: 3/05/13, 72-24.

Committee Activity: Law & Justice: 4/01/13, 4/02/13 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; Kline, Ranking Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Sharon Swanson (786-7447)

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.

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 the 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 the person's organs from functioning.

Signs of alcohol poisoning include the following:

- 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 need 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 exhibits the effects of alcohol consumption such as by alcohol on the breath, results of a breathalyzer test, or statements by others, that person may be charged with an MIP offense.

An 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 is subject to local sanctions that can include up to: 30 days in confinement; 12 months of community supervision; 150 hours of community restitution; and a \$500 fine.

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 an 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.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is narrowly drafted to cover the specific charge of MIP. We know in the case of a drug overdose that people can call for help free from the fear of prosecution. We should extend this to young people who may not call for help for fear they will be charged and may lose their license or even a scholarship. Nothing in the bill will hinder a criminal investigation. The only information or evidence that will be impacted is the evidence linked to the call for help. As a first responder, I do not want any impediment to a young person calling for help. If people wait to call it can exacerbate the situation to the point of needing to revive a person. As we all know it can also result in the death of a young person. Young people need to be encouraged to call for help rather than hoping their friend will just sleep it off. Calling to save the life of a young person who has been drinking should not be any less important than calling to save the life of someone who has been using controlled substances. If this bill saves one life it is worth

doing. Binge drinking is a very serious event and while we do not support it, we do support this bill as a good Samaritan bill. There need to be as few impediments to calling for help as possible. As a parent, my child called for help for an unconscious friend and ended up being charged with the crime of MIP. I was proud of my daughter for calling but her friends may now be hesitant to call for fear of being prosecuted.

Persons Testifying: PRO: Representative Liias, prime sponsor; Mary Segawa, Steve Johnson, WA State Liquor Control Board; Michael White, WA State Council of Fire Fighters; Seth Dawson, WA Assn. for Substance Abuse; Don Pierce, Sheriffs and Police Chiefs; Hannah Russ, Amber Galaz, WA State Legislative Youth Advisory Commission; Tristan Hanon, Associated Students of WA State University; Don Covert, citizen; Shankar Narayan, American Civil Liberties Union – WA.