

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on February 19, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Ted Powers- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Revisor of Statutes Office
Carol Doel, Committee Assistant

Conferees:

Representative Peggy Mast
R.E. "Tuck" Duncan - Kansas Wine and Spirits Wholesalers
Phil Bradley - Kansas Licensed Beverage Association
Becky Crawford - Kansas State Nurses Association
Mike Crouch - Emporia for Drug Awareness
Pam Foster - Student
Michelle Voth - Executive Director, Kansas Family Partnerships
David Canfield - State Government Affairs - Diageo
Kim Bowers
Laura Gilbow
Mary Beth Bowers
John Davis

Others attending:

See attached list.

The Chairman opened the floor for bill introductions and recognized Representative Tim Owens who requested a bill concerning reporting of expenditures for lobbying by governmental entities. The Chairman moved the bill with a second by Representative Peterson. With no objections, the bill will be accepted.

There were no other bill introductions.

The Chair opened the hearing on **HB 2285** - Concerning the revised Kansas code for care of children; relating to jurisdiction - and asked Kathie Sparks of Legislative Research to give an overview of the bill. Kathie explained that the bill would allow a court when a child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. (Attachment 1)

Representative Tim Owens addressed the Committee in support of **HB 2285** explaining that this bill allows the court the ability to consider the circumstances of each child who has been declared a CINC (child-in-need-of-care) in deciding whether the child should be released from jurisdiction before they complete high school. (Attachment 2)

No other person wished to speak to the bill and the Chairman closed the hearing on **HB 2285**.

Chairman Siegfroid opened the floor for hearing on **HB 2412** - Concerning children and minors; relating to minors' access to alcohol or cereal malt beverages.

At the request of the Chairman, Kathie Sparks, from Legislative Research, explained the bill which would amend current statutes regarding drivers' licenses, underage alcohol consumption, and listed other penalties which would be required of a court to levy against a violation as well as explaining the enhanced penalties for various violations. (Attachment 3)

Marci Ralston from the Department of Revenue stood to explain the fiscal note on **HB 2412**.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 19, 2007 in Room 313-S of the Capitol.

Representative Mast addressed the Committee in support of **HB 2412** which deters those who furnish alcohol to underage drinkers by revoking their driver's license for 180 days on the first violation and a full year on the second conviction. The penalty is the same for the minor in possession or attempting to purchase. Representative Mast opined that underage drinking leads to life long addiction, traffic fatalities, dangerous behaviors, and pain for the loved ones of both victims and perpetrators. ([Attachment 4](#))

Becky Crawford, representing the Kansas State Nurses Association, presented testimony favoring **HB 2412**. Ms. Crawford stated that they believe that underage drinking is widespread throughout Kansas and that nothing good comes from the consumption of alcohol by Kansas youth. Instead, it produces tragic consequences that affect the health, social and economic well-being of all Kansans. Ms. Crawford provided information that underage drinking cost Kansans \$646 million in 2005 and included medical care, work loss, pain and suffering associated with multiple problems resulting from the use of alcohol by youth. Ms. Crawford also related that in 2005, underage youth in Kansas consumed 22.2 percent of all alcohol sold in the state. ([Attachment 5](#))

Executive Director Emporians for Drug Awareness, Mike Crouch addressed the Committee to encourage the passage of **HB 2412** which he explained will allow the suspension or expulsion of a driver's license for purchasing or providing alcohol to a minor. Mr. Crouch provided statistics on the alcohol consumption of minors. ([Attachment 6](#))

Sharon Henry from SADD (Students Against Destructive Decisions) introduced Pam Foster, who belongs to the USD 244 Burlington High School SADD Chapter. Miss Foster presented testimony favoring more severe punishment put upon those adults who furnish or provide minors with alcoholic beverages as set forth in **HB 2412**. ([Attachment 7](#))

Michelle Voth, Executive Director, Kansas Family Partnership, supports the provisions of **HB 2412**. Ms. Voth expressed the opinion that the bill will help support parents who want to protect their children. This policy will reinforce the notion that driving is a privilege not a right and that drinking, driving and providing alcohol to underage youth is not acceptable. Ms. Voth further related that although **HB 2412** is sound policy, it is her opinion that it could be strengthened by "*making all references to a minor be consistent with all other underage drinking laws by defining a minor as someone the age of 21.*" ([Attachment 8](#))

David Canfield spoke on behalf of Diageo North America, Inc. in support of **HB 2412**. Diageo is the world's leading premium drinks business. They are absolutely opposed to underage drinking. Mr. Canfield gave the opinion that **HB 2412** would provide judges and prosecutors with another tool to use as a strong deterrent for this crime, a tool that they may be more willing to utilize. ([Attachment 9](#))

Kim Bowers recounted a personal situation in the loss of someone close to her in her support of **HB 2412**. Miss Bowers further stated that it was not being requested that a new law be created, but simply to increase the penalties for violating a current one. ([Attachment 10](#))

Laura Gilbow, a 23 year-old, Junior at Emporia State University, also related the personal loss of someone close to her due to the use of alcohol. Laura is now pursuing her Master of Science degree in either Rehabilitation Counseling or Mental Health Counseling. Ms. Gilbow realizes that many Kansans are suffering from the aftermath of underage drinking. She supports the Zero Tolerance bill (**HB 2412**). ([Attachment 11](#))

Mary Beth Bowers is the mother of a young man who fell into underage drinking and was killed in an automobile accident as a result of alcohol abuse. Ms. Bowers supports **HB 2412** relating that if the bill is passed into law, it will spare many young lives. ([Attachment 12](#))

John R. Davis, Vice President of the Kansas Association of Beverage Retailers, is neutral to the overall language in **HB 2412**, but they are opponents to the section relating to Kansas retailers. It is Mr. Davis' request that the drivers license portion be left out of **HB 2412**. ([Attachment 13](#))

Chairman Siegfried opened the floor to the opponents of **HB 2412**, and recognized R.E. "Tuck" Duncan who

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 19, 2007 in Room 313-S of the Capitol.

represents Kansas Wine & Spirits Wholesalers Association. Mr. Duncan expressed the opinion that the objection to **HB 2412** is because it attempts to reduce underage purchase, use or consumption of beverage alcohol, through enactment of another sanction, but that it ignores the most effective method of doing so - education. Mr. Duncan also included, in his testimony, a proposal in lieu of **HB 2412** (Attachment 14) Also submitted by Mr. Duncan was a copy of "*Under Age Drinking Prevention and Enforcement Act*", (Attachment 15), and a copy of "*Stop Act Passes Congress To Prevent Underage Drinking In America*". (Attachment 16)

Philip Bradley represents the Kansas Licensed Beverage Assn as an opponent to **HB 2412**. Mr. Bradley states that while they applaud efforts to stop underage drinking, they have not seen that the act is working as planned. It is their opinion that with the increase in penalties it appears that the server would lose their driver's license for 180 days. With the loss of their job it would seem logical that there would be an even greater need for transportation to stay working productive members of society. It appears to the Kansas Licensed Beverage Assn. that there is no need for this bill. (Attachment 17)

With no other persons wishing to address the bill, Chairman Siegfried called attention to written testimony from the Kansas Highway Patrol (Attachment 18), MADD (Mothers Against Drunk Drivers) (Attachment 19), Distilled Spirits Council Of The United States (Attachment 20), and Kansas PTA (Kansas Parents and Teachers) (Attachment 21), Prevention and Recovery Services (Attachment 22), Regional Prevention Center of the Flint Hills (Attachment 23), and The Century Council (Attachment 24).

Chairman Siegfried closed the public hearing on **HB 2412**.

With no further business before the committee, the Chair adjourned the meeting.

Mon 2/19/07

HB 2285

HB 2285 would allow a court when a child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court would be granted the discretion to not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is still attending highschool and has not completed the child's high school education or other equivalent of a high school education. In addition, the court would give notice of the request to all parties.

Under current law, the court is required to give notice to all parties and 30 days after receipt of the request, jurisdiction ceases. In addition, under current law, except upon request of the child, the court can not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement; is still attending high school and has not completed the child's high school education.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

THOMAS C. (TIM) OWENS
REPRESENTATIVE, 19TH DISTRICT
7804 W 100TH Street
Overland Park, Kansas 66212
(913) 381-8711 / FAX (913) 451-1479



STATE CAPITOL, Room 446-N
Topeka, Kansas 66612
(785) 296-7685
Email: owens@house.state.ks.us
Email: towens10@kc.rr.com

COMMITTEE ASSIGNMENTS
Taxation, Judiciary
Transportation & Public Safety Budget
Chairman, Corrections & Juvenile Justice Oversight

HB 2285
TESTIMONY February 19, 2007
FEDERAL AND STATE COMMITTEE

Thank you, Mr. Chairman and members of the committee. I am here to urge your positive consideration of HB 2285.

The bill amends K.S.A. 38-2203 regarding the jurisdiction of the court in child-in-need-of-care proceedings. Specifically this bill addresses instances where a child in need of care reaches the age of 18 prior to concluding his or her high school education or equivalency. It gives the court the discretion to not enter an order discharging an 18 year old, even if they request it, until June 1 of the school year in which the child becomes 18.

This allows the court the ability to consider the circumstances of each child who has been declared a CINC in deciding whether the child should be released from jurisdiction before they complete high school. It includes those children who are in foster care and further brings this issue into conformance with what we do in child support cases. This is a good support for vulnerable children who happen to reach 18 before they graduate and it allows the court to use its discretion after hearing the evidence in each individual case.

Thank you Mr. Chairman, I will stand for questions.

Federal and State Affairs
Attachment 2
Date 2-19-07

House Bill No. 2412

The bill would amend current statutes regarding driver's licenses, underage alcohol consumption. In addition to any other penalty provided in statute the following would also be required of a court to levy against a violation:

- Upon a first conviction, order the Division of Motor Vehicles to suspend the driving privileges of such violator for 180 days.
- Upon a second and subsequent conviction, suspend the driving privileges of the violator for one year whether or not that person has a driver's license.

The bill would require the enhanced penalties for the following violations:

- Lending any driver's license to or knowingly permit the use of any driver's license by any person under 21 years of age for use in the purchase of any alcoholic liquor; (Under current law Class B nonperson misdemeanor)
- Lending any driver's license to or knowingly permit the use of any driver's license by a person under the legal age for consumption of cereal malt beverage for use in the purchase of any cereal malt beverage; (Under current law Class A nonperson misdemeanor)
- Displaying or causing to be displayed or have in possession any fictitious or fraudulently altered driver's license by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage; (Under current law Class A nonperson misdemeanor)
- Furnishing alcoholic liquor or cereal malt beverage to a minor. Under current law, furnishing alcohol or cereal malt beverage to a minor is selling to, buying for, giving or furnishing any alcoholic liquor or cereal malt beverage to any minor is a class B person misdemeanor for which the minimum fine is \$200.
- Unlawfully hosting minors consuming alcohol or cereal malt beverage which is intentionally permitting a person's residence or any land, building, structure or room owned, occupied or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the possession or consumption therein of alcohol or cereal malt beverages by persons under the age of 18. Under current law, unlawfully hosting minors has a minimum fine of \$1,000.
- No person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcohol liquor or cereal malt beverage except as authorized by law. Violation of this act by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$200. Any person less than 18 years of age who violates this Act is a juvenile offender under the Kansas Juvenile Justice Code and the court is required that the offender pay a fine of not less than \$200 nor more than \$500. In addition, the court can require public services,

education or training programs dealing with the effects of alcohol or other chemical substances and upon a first conviction of a violation the court is ordered to suspend the driver's license for 30 days; second conviction for 90 days, and third and subsequent conviction for one year.



TOPEKA

HOUSE OF
REPRESENTATIVES**HB 2412****ZERO TOLERANCE****TESTIMONY February 18, 2007****FEDERAL AND STATE COMMITTEE**

PEGGY MAST
REPRESENTATIVE, 76TH DISTRICT
765 ROAD 110
EMPORIA, KANSAS 66801
(620) 343-2465

ROOM 446-N CAPITOL BLDG
TOPEKA, KS 66612
(785) 296-7685

COMMITTEE ASSIGNMENTS
VICE-CHAIR: HEALTH & HUMAN SERVICES
UTILITIES
SOCIAL SERVICES BUDGET

I want to thank this committee for the opportunity to speak on behalf of zero tolerance for underage drinking. This topic hits very close to home to many families across the United States and the state of Kansas today.

Zero Tolerance is a simple bill in that it deters those who furnish alcohol to underage drinkers by revoking their driver's license for 180 days on the first violation and a full year on the second conviction. The penalty is the same for the minor in possession or attempting to purchase.

I believe that the crime "fits the time" with this piece of legislation. Often, a mere fine is not a deterrent to someone who profits by supplying alcohol to minors. That profit can come in many ways. Perhaps they can charge the kids for the opportunity to have access, or perhaps they benefit from the fact that when our kids are under the influence, their inhibitions are much lower. Perhaps they just want to feel popular with the youth and don't think that the outcome of the drunkenness that will result can often be so tragic.

Just Saturday, I sat next to a young man who had only been out of prison for six months. His problem was drunk driving. When I asked him when he had developed the addiction, he said "Shoot I was probably 14 when I became addicted to alcohol and cigarettes!" That is a real tragedy to me. Beau will be fighting the desire to go back to the bottle for the rest of his life because someone got their thrills by supplying him with alcohol to get him drunk when he was only 14 years old. Somewhere out there is an irresponsible adult who did not care enough about his youth to protect it.

My own grandson experienced his first alcohol related accident at the age of 18. He is still having surgeries to try to give him sight in his right eye after a glass of booze shattered in his face on impact. He has since spent a night in jail after slamming into someone's home after skidding out of control while intoxicated.

We can deal with alcohol two ways: We can lock them up after they harm property, their own lives, or the lives of others. Sometimes we bury them instead. The second way is my preference. Let's deter alcohol consumption and try to get ahead of the addiction by postponing drinking until the legal age. Let's put a penalty on this crime by taking the offender's right to drive for a period of time. Underage drinking leads to life long addiction. It leads to traffic fatalities, dangerous behaviors, and pain for the loved ones of both victims and perpetrators. Let's address this problem and encourage people to do the right thing. Please help to pass this bill out of committee.

Federal and State Affairs

Attachment 4Date 2-19-07



1109 SW Topeka Blvd.
Topeka, Kansas 66612-1602

785.233.8638 • FAX 785.233.5222

www.nursingworld.org/snas/ks

ksna@ksna.net



ELLEN CARSON, PH.D., A.R.N.P., B.C.
PRESIDENT

THE VOICE AND VISION OF NURSING IN KANSAS

TERRI ROBERTS, J.D., R.N.
EXECUTIVE DIRECTOR

Contact for more information: Terri Roberts J.D., R.N.
troberts@ksna.net February 19, 2007

H.B. 2412 Driver's License Penalties; Minors Access to Alcohol *Oral Testimony*

Representative Siegfried and members of the House Federal and State Affairs Committee, my name is Becky Crawford and I am the Director of Communications for the KANSAS STATE NURSES ASSOCIATION (KSNA). KSNA is pleased to support the provisions of H.B. 2412 to limit youth access to alcohol in Kansas.

We believe that underage drinking is widespread throughout Kansas as it is across the United States. Nothing good comes from the consumption of alcohol by Kansas youth. Instead, it produces tragic consequences that affect the health, social and economic well-being of all Kansans.

Alcohol is a gateway drug, often leading its consumers into illicit drug use and further exasperating the health of Kansans. Those persons who begin drinking before age 15 are four times more likely to develop alcohol dependency and they are two and a half times more likely to become abusers of alcohol than those who begin drinking at age 21.

Statistics support that underage drinking is at the root of many serious problems in our state, including traffic crashes, homicides, suicides, traumatic injuries, drownings, burns, violent and property crimes, high risk sexual activities, fetal alcohol syndrome, alcohol poisonings, and the need for treatment related to alcohol abuse and dependency.

Alcohol-related traffic crashes are the leading cause of death for teenagers. In 2005, Kansas reported there were 526 alcohol-related traffic crashes involving alcohol impaired drivers under the age of 21; these crashes killed 12 individuals and injured 398 persons.

In 2004, the most recent year that information is available, 1,038 people ages 12-20 were admitted for alcohol treatment in Kansas, accounting for 15 percent of all treatment admissions for alcohol abuse in the state.

Approximately 133,000 of underage Kansas youth drink alcohol each year. In 2006, according to self-reports by Kansas students:

- the average age at which they began drinking more than just a few sips of alcohol was 13.
- 31 % had at least one drink of alcohol on one or more occasions in the past 30 days.
- 17% had five or more drinks of alcohol in a row in the past 30 days.
- 11% had been drunk at school at least once in the past year.

Federal and State Affairs

Attachment 5

Date 2-19-07

The majority of Kansas middle and high school students report that they consume alcohol to “have fun.” They most often obtain alcohol from a liquor store or from an older person who is not a parent. Almost a quarter of the students report not knowing how their parents feel about underage alcohol consumption and almost half report their parents allow them to attend parties where alcohol is served. Nearly half of the students report they have driven after drinking or ridden with a drinking driver.

Underage drinking cost Kansans \$646 million in 2005 and included medical care, work loss, and pain and suffering associated with the multiple problems resulting from the use of alcohol by youth. This translates to a cost of \$2,247 per year for each youth in the state and ranks Kansas 18th highest among the 50 states. Youth violence and traffic crashes attributable to alcohol use by underage youth in Kansas represent the largest costs to the state (\$483.6 million combined).

In 2005, underage youth in Kansas consumed 22.2 percent of all alcohol sold in the state, totaling \$211 million in sales which provided \$102 million in profit to the alcohol industry.

The registered nurses of Kansas support this initiative and encourage its passage.

Thank You.

References

- Journal of Studies on Alcohol*, Societal Costs of Underage Drinking (2006)
- Journal of Substance Abuse*, National Longitudinal Alcohol Epidemiologic Survey (1997)
- Kansas Drunk Driving Prevention Office, Middle and High School Student Survey (2006)
- Kansas Communities That Care, Kansas Student Survey, Kansas Social and Rehabilitation Services (2006)
- Kansas Accident Records System, Kansas Department of Transportation (2006)
- Office of Applied Studies, Substance Abuse and Mental Health Services Administration (2004)

PO Box 2015
Emporia KS 66801

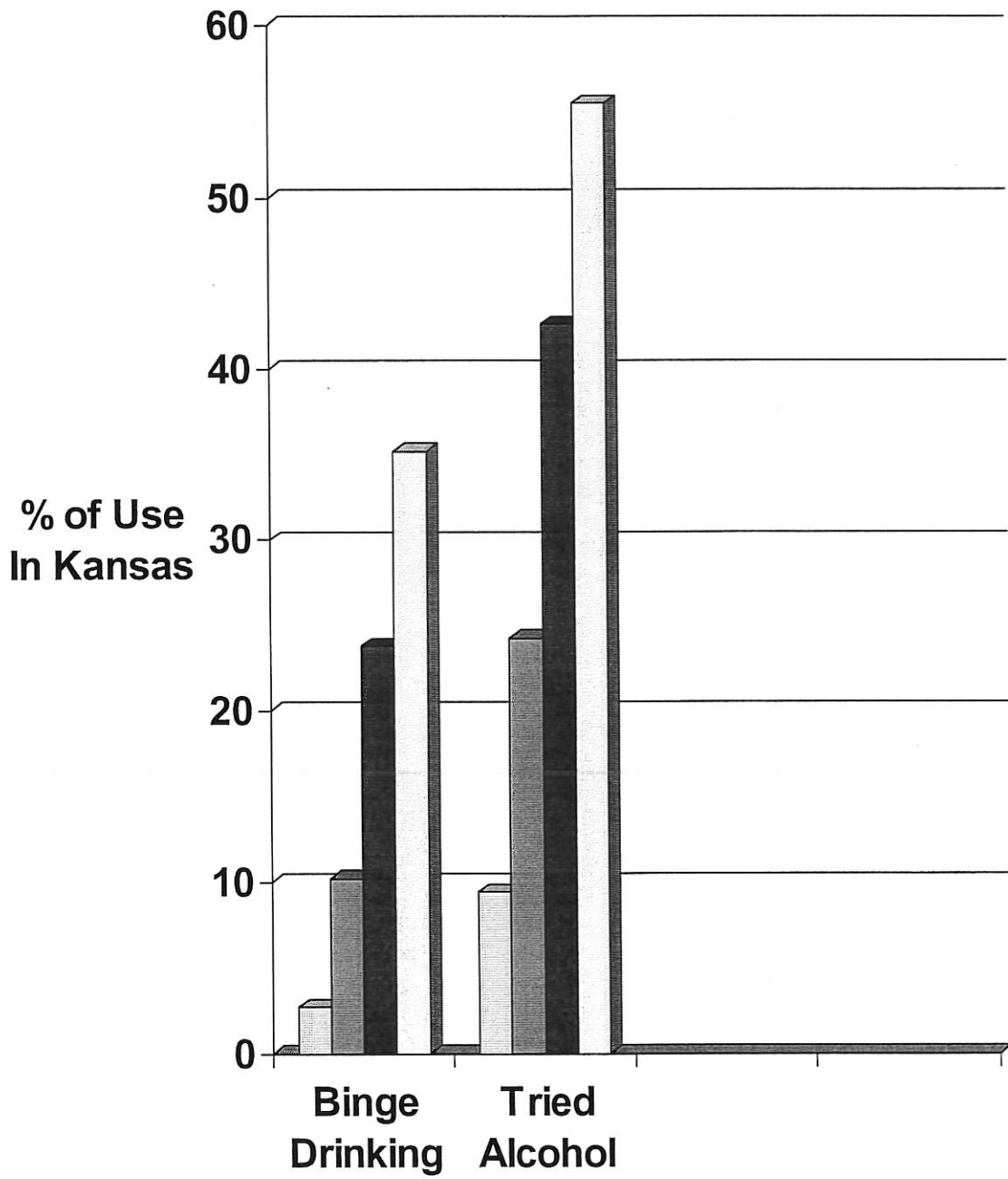
620 341-2450
Fax 341-2331

I am here today to encourage you to support House Bill 2412 which will allow for the suspension or expulsion of a driver's license for purchasing or providing alcohol to a minor. Statistics from the Kansas Communities That Care survey which surveyed **6th, 8th, 10th, and 12th graders** across the state shows that **31.8%** of students in the state of Kansas on average have consumed alcohol in the past **30 days**. The same survey shows that **10.2% of 8th graders, 23.8% of 10th graders and 35.2% of 12th graders** have participated in "**binge drinking**" which means they have consumed **5 or more alcoholic beverages in a row** at least once in the past two weeks. According to the survey the number one drug of choice among youth in the state of Kansas is Alcohol. This survey is a perfect example of the problem we face with underage drinking in Kansas. I don't believe that we should be sending the message to our youth that it is acceptable for **31%** of them to consume alcohol; we should be sending the message that we care about their well being and future. Research shows that the human brain is not completely developed until the age of 24. Research also shows that the years between ages 16 and 21 are critical to the development of the brain and that alcohol use can cause permanent negative effects on this development. A great deal of the underage alcohol use is caused by adults and parents who purchase and provide it for the youth. Research shows that youth respond best when they receive consistent messages from those impacting their lives. If our schools, communities, and lawmakers are saying they shouldn't drink, but parents or other adults will provide alcohol for them then they begin to think it must be okay for them to break the law. When youth are taught that it is okay to break the law by drinking, often times they will think it is okay for them to break other laws. Parents and other adults should be held responsible for modeling proper behavior for our youth. Often times when adults are purchasing or providing alcohol to minors it is not only their child they are providing to. No adult should have the right to make the decision to purchase or provide alcohol to another parent's child. Strengthening the penalties to include suspension and expulsion of a driver's license will force parents and adults to think about the decisions they are making and the messages they are sending to our youth. It is important that we continue to fight the trend that is underage drinking. It is imperative to the health, educational and long term success of our youth that we pass this bill for them. I ask you, should we continue to accept that **31.8%** of our youth are consuming alcohol. I urge you to support House Bill 2412 for the future of our children. Thank you again for your time today. If you have any further questions please feel free to contact me anytime.

Mike Crouch
Executive Director
Emporians for Drug Awareness

Federal and State Affairs
Attachment 6
Date 2-19-07

Youth Alcohol Use



6th 8th 10th 12th

Contact BHS SADD for more information:
Sharon Henry, Sponsor; February 19, 2007

H.B. 2412 Driver's License Penalties; Minors Access to Alcohol Oral Testimony

Representative Siegfroid and members of the Federal and State Affairs Committee, the Burlington Chapter of Students Against Destructive Decisions is pleased to support the provisions of H.B. 2412 to limit youth access to alcohol in Kansas.

We represent the USD 244 Burlington High School SADD Chapter. It is our opinion that there should be more severe punishments put upon those adults who furnish or provide minors with alcoholic beverages. Nothing good comes from the use of alcohol by our peers. Furthermore, we feel minors who are in possession of alcohol should have equally severe punishments placed on them as well. If adults know that there is a chance they will lose their license for a year when they are caught furnishing alcohol to a minor, we believe that this would make a substantial impact so that they would pay attention and not commit the act.

Too often we hear of accidents involving underage drinking, and we are here to try to make a difference for our peers and loved ones. As we all know it is not always the driver that has been drinking that suffers the most, but often innocent loved ones that have to pay the price.

We feel that it is a privilege to drive and have a valid driver's license. People that are of legal age have a right to choose to drink but when they furnish alcohol to minors or choose to drink and drive themselves they violate that right.

The public should have the right to feel safe when they get behind the wheel. Alcohol-related traffic accidents are a leading cause of injury and death. We should not have to worry about how much alcohol the driver of an oncoming car has consumed. If consumers drink and drive they violate everyone's rights and the consequences of that action should be substantial.

It is a common fact among our high school student body that alcohol can be obtained easily at any time. We believe that this bill is a step in the right direction to curb this. We agree and support this legislation that will revoke the violator's license, whether it is the adult or a minor. We believe that by placing this restriction on drivers throughout Kansas it will help to prevent underage drinking and save the lives of many.

Federal and State Affairs

Attachment 7

Date 2-19-07



Contact Michelle Voth, M.P.A., Executive Director
Kansas Family Partnership
5942 SW 29th Street
Topeka, KS 66614
785-266-6161

Testimony in support of H.B. 2412 Driver's License Penalties; Minor's Access to Alcohol

Representative Siegfried, and members of the Federal and State Affairs Committee, my name is Michelle Voth and I am pleased to support the provisions of H.B. 2412. I am here as a parent of three sons and as Executive Director of the Kansas Family Partnership, a statewide drug prevention agency. I have witnessed the impact of underage drinking, the access our youth have, and the problems associated with it.

Alcohol is the number one drug of choice for Kansas youth and the consequences of underage drinking are significant. While it is illegal for youth to purchase, consume or possess alcohol consider the following realities:

- 25% of Kansas teens report having had their first drink before the age of 13.
- One-third of 12th graders and nearly one out of four 10th graders report binge drinking.
- Over 55% of 12th graders and 42% of 10th graders reporting having beer wine or hard liquor at least once in the past 30 days.

New research has shown that the brain is still developing into the 20's and alcohol can seriously damage long- and short-term growth processes. This is the time that the frontal lobe is developing and when pathways and connections in the brain are still developing. That is the area of the brain responsible for judgment and anyone who has had a teenager or who has been around them knows that judgment often falters when it comes to risk taking behavior. This is part of the development process. The use of alcohol during this time impairs learning and memory and damage at this time can be long term and irreversible.

Research also shows us that drinking reduces academic performance. Consider these facts:

- Adolescent drinkers score worse than non-users on vocabulary, general information, memory, and memory retrieval.
- Verbal and nonverbal information recall is most heavily affected, with a 10% performance decrease in alcohol users.

Federal and State Affairs

Attachment 8

Date 2-19-07

- Adolescent drinkers perform worse in school, are more likely to fall behind and have an increase risk of social problems, depression, suicidal thought and violence.
- Alcohol affects the sleep cycle, resulting in impaired learning and memory.

We know youth are drinking, they have access, it is harmful to their brains, and it affects their performance and their judgment, all of which have serious consequences for both them and others. So how can we reduce underage drinking?

With H.B. 2412 the Kansas Legislature has an opportunity to provide a strong policy that reinforces the message that underage drinking is not acceptable. It provides additional strength and teeth to this message by increasing the penalties. If I tell my sons that I don't want them to drink but I provide no enforcement or consequences, my words are hollow. If there is no penalty that is significant and meaningful, the chance of behavior change is greatly reduced.

H.B. 2412 will help support parents who want to protect their children. This policy will reinforce the notion that driving is a privilege not a right and that drinking, driving and providing alcohol to underage youth is not acceptable. Having to pay a fine is significant to some people but to others it is not. The ability to drive is important to all who have licenses or who hope to have one. This is true for both youth and adults.

If we are to reduce underage drinking in Kansas our policies must focus on the following strategies:

1. Reducing access
2. Reducing sales and the provision of alcohol to children and youth
3. Increasing enforcement of underage drinking laws
4. Providing more education about the harmful effects of alcohol abuse
5. Reducing the demand for alcohol and the social norms about alcohol use by children and youth.

HB 2412 is sound policy; however it can and should be strengthened. The major deficiency I see in this legislation is that for the purpose of social hosting (21-3610c) it defines a minor as someone under the age of 18. **I urge you to fix the flaw in the law by making all references to a minor be consistent with all other underage drinking laws by defining a minor as someone the age of 21.** This could easily be accomplished by incorporating the language found in HB 2463. This would require a minor change in Section 4, Line 21 on page 6 of HB 2412.

Thank you for your consideration and I urge you to support HB 2412 with this one revision.

DIAGEO

**TESTIMONY OF
WINNFIELD ATKINS
SENIOR DIRECTOR, STATE GOVERNMENT AFFAIRS
DIAGEO NORTH AMERICA, INC.**

**State of Kansas
House Federal and State Affairs Committee**

February 19, 2007

Chairman Siegfried and members of the committee, my name is Winnfield Atkins and I'm submitting testimony today on behalf of DIAGEO North America, Inc., in support of House Bill 2412 by Rep. Peggy Mast, a bill intended to reduce underage drinking by establishing a zero-tolerance policy in Kansas for adults who unlawfully provide alcohol to minors.

Diageo North America, Inc. is a subsidiary of Diageo plc. Diageo is the world's leading premium drinks business with an outstanding collection of beverage alcohol brands across spirits, wine and beer categories. These brands include: Guinness, Johnnie Walker, Smirnoff, J&B, Baileys, Cuervo, Crown Royal, Tanqueray, Captain Morgan, and Beaulieu Vineyard and Sterling Vineyards wines.

Diageo is a global company, trading in more than 200 countries around the world and is unquestionably committed to social responsibility and working to reduce underage drinking.

Diageo is absolutely opposed to underage drinking. For years we have supported programs aimed at combating underage drinking. Diageo is a founding member of the Century Council (TCC), a nonprofit educational organization funded by America's leading distillers committed to fighting underage drinking and drunk driving. In Kansas, the Century Council has conducted a number of programs to accomplish this goal, including:

- *We Don't Serve Teens*, a new public awareness program developed with the Federal Trade Commission aimed at underage drinking prevention with an emphasis on the consequences of furnishing alcohol to minors.

Federal and State Affairs

Attachment 9

Date 2-19-07

- *Alcohol 101 Plus*, an interactive experience that helps college students make safe and responsible decisions about alcohol; 30 college campuses in Kansas currently use *Alcohol 101 Plus*.
- *The Brandon Program - Make the Right Choice*, a forceful and moving high-school speaker program featuring the story of a young man who made a bad decision about drinking, and is still paying for the consequences; Brandon has made speaking appearances at numerous Kansas high schools over the years.
- *Prom night tips for parents*, which provides information on how to make Prom night safe.
- *Ask, Listen, Learn*, a highly interactive program for middle school kids and their parents, produced in partnership with the *Nickelodeon* network.

These are just a few examples of programs that Diageo and the nation's other distillers, through the Century Council, conduct and fund across the country every year. In addition to our work with the Century Council, Diageo has been working across the country over the last several years to support legislation identical to HB 2412 to impose strong driver's license suspension deterrents for adults convicted of knowingly furnishing alcohol to minors.

I'm here today to express Diageo's support for HB 2412 – which establishes tough drivers' license suspension penalties for adults who are convicted of knowingly furnishing alcohol to a minor or for allowing a minor to use an adult's driver's license to obtain alcohol. In addition, HB 2412 establishes those same tough driver's license suspension penalties for minors who attempt to purchase alcohol using a false or altered driver's license.

So, why target adult furnishers with this penalty? Well, according to experts, adult friends, family and acquaintances are the single biggest source of alcohol for underage drinkers. In fact, studies consistently find that for underage drinkers, adult friends are the most common source of alcohol. A 2003 report to Congress by the National Academy of Sciences identified parties, friends and adult purchasers as the most frequent sources of alcohol among college students, and family members as the most frequent source for younger adolescents. According to research from the Century Council, 65% of underage drinkers get their alcohol from family and friends, while only 7% obtain it from a store or bar that does not check ID. This shows us that our retail partners are doing a good job of checking I.D.s and not selling to minors. However, there is little or nothing they can do to stop a legal age purchaser from taking those products elsewhere and giving them to minors.

Although underage drinking rates are significantly lower than they were in 1980, most measures of underage drinking show little change in the last 10 years. Underage drinking remains a serious problem: more than 17% of 12 to 17-year-olds report drinking in the past month, and more than 10% of the same age group report consuming 5 or more drinks on one occasion in the past month. Studies also indicate that minors remain overrepresented in alcohol-related traffic fatalities. This bill establishes a "zero tolerance" rule for adults who supply alcoholic beverages to minors. It is an important step toward

keeping alcohol out of children's hands and protecting them from the dangers associated with underage drinking.

In Kansas, it is a misdemeanor to furnish alcohol to minors. Indeed, it is illegal in every state to furnish alcohol to minors. Unfortunately, these laws are too rarely enforced and punishment is too rarely meted out. The only real deterrent currently available to prosecutors is to impose monetary fines, and jail time is rarely, if ever, imposed for this crime. HB 2412 will provide judges and prosecutors with another tool to use as a strong deterrent for this crime, a tool that they may be more willing to utilize.

It is clear to us that when you act to limit underage access to alcohol, you make underage drinking a lot harder to accomplish. As an industry leader on responsible drinking, we believe it is imperative we take a stand for our kids. Like all businesses, Diageo is a company of families; of brothers, sisters, mothers and fathers – we believe protecting our children from the dangers associated with underage drinking is the responsibility of us all.

I would respectfully request the Committee give favorable consideration to this important measure.

Kids Will Be Kids – So Adults Have To Be Adults

We can't end underage drinking with the bill you are considering today; however, we can accomplish a great deal by increasing the penalty for providing alcohol to minors. By making the boundaries around underage drinking stronger we can decrease the number of life-altering decisions being made by young people while they are intoxicated.

Almost exactly one year ago, my nephew was at a party where adults had provided alcohol to minors. Stephen went to this party and began drinking. (Kids will be kids.) He met another guy there who was also drinking. (Kids will be kids.) They met a third who needed to get home for curfew. They had been told by their parents to never drink and drive; but it was just a short trip. (Kids will be kids.)

The driver lost control on gravel, flipped the car several times. All three boys were thrown from the car. One of the boys was in the hospital for a long time. He still doesn't remember the thirty days leading up to the accident. His scars will last a lifetime. The driver, last I knew, was sitting in prison.

My nephew died in a hospital emergency room full of strangers. His parents were unable to get there in time to see him. He is buried in a quiet little cemetery. His friends all bring little toy four wheelers and jet skis to decorate his grave. They leave cards and notes and sand from the sand dunes in Oklahoma. They all want to find a way to feel connected to a friend they will never see again. (What can you say, kids will be kids.)



Adults Have To Be Adults

Many adults who provide alcohol to children do not mean any harm. They simply are too motivated to be a "friend" to teens to look out for their best interests. They forget, ***kids will be kids, so adults have to be adults.*** Never the less, their "seemingly harmless actions" can have a life-long negative impact on teens.

Many teens who become addicted to illegal drugs, first try them while they are intoxicated. How many teens become pregnant or contract an STD because they are too intoxicated to fully appreciate the consequences of their actions? How many teens break other laws while they are intoxicated such as shoplifting and fighting? Alcohol impairs judgment, especially in those inexperienced enough to believe they are invincible.

Often adults say they are doing "a good thing" by giving children a chance to drink in a "safer environment". Some adults naively believe that if they take don't let teens drive home; there are no other negative consequences to their actions. They even go so far as to use that as justification when providing alcohol to other people's children. As if this "personal wisdom" gives them the right to choose for other parents.

Federal and State Affairs

Attachment 10

Date 2/19/07

Personally, I believe what should concern us even more are those people who provide alcohol to minors for other reasons. Sometimes, adults are paid by teens to provide alcohol. These people make money from breaking the law. Even if they are not motivated by greed, they often benefit from what they do in other ways.

Adults can be motivated to provide alcohol to minors because they are looking for someone who can be easily manipulated. They may be looking for someone to "hook up" with for the night or someone younger to lure into a controlling-long term relationship. The fact is it is easier to convince a young teen to have sex or to try other drugs when that teen is intoxicated. In fact, how many young girls are as careful about getting into a car with a stranger if they are drunk as they are when sober?

You are not being asked to create a new law; but simply to increase the penalties for violating a current one. This bill will not put well-meaning people in jail; but it will create real consequences for those who encourage minors to break the law. It will discourage adults from creating situations that make our children even more vulnerable when faced with life-altering decisions.

Kids will be kids, so adults have to be adults.

Thank you,



Kim Bowers

717 Neosho St.
Emporia KS 66801

February 18, 2007

To Whom it may Concern:

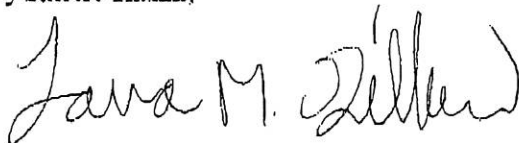
My name is Laura Gilbow and I am a 23-year-old, 4th-year Junior at Emporia State University and a pending member of KAAP. I am currently working to obtain my Bachelor of Science degree in Rehabilitation Services Education along with my AAPS (Addiction and Prevention Service) certification. After completing the undergraduate program, I will pursue my Master of Science degree in either Rehabilitation Counseling or Mental Health Counseling. My ultimate goal is to become a Licensed Professional Counselor, "hang a shingle in my neighborhood," and offer services to individuals and families who are affected (either directly or indirectly) by drug and alcohol addiction.

I am writing this letter to make you aware of the effect that underage drinking has on the personal lives of numerous Kansans. My family is a prime example. On November 6th, 2005, my 19-year-old brother, Paul, was killed in a nonsensical fight which happened while he was inebriated. This incident was the last of many similar situations that began occurring after he began drinking alcohol at age 12. Alcohol graduated to Marijuana, which eventually led to cocaine. He encountered law enforcement officials numerous times throughout his high school years, but only seemed to receive minimal consequences (such as 5 hours of community service).

When he was 18, he and a woman (whom I suspect of involvement in illegal drug activity) had a daughter, Analice. Analice (3-years-old) is now under the legal guardianship of my parents. As a result of underage drug and alcohol use, my niece will have limited contact with her mother and never know her father.

As I am becoming educated in the field of Drug and Alcohol Counseling, I am realizing that my family's story is not isolated. Many Kansans are suffering from the aftermath of underage drinking and will continue to do so until a more effective consequence is put into place. That is why I support the Zero Tolerance Bill and ask that you do the same - keeping my family's story in mind - as you vote.

My Sincere Thanks,



Laura M. Gilbow
Student, FSU

Federal and State Affairs
Attachment 11
Date 2-19-07

Rosemary Cubie - Fw: MB's testimony for hearing

From: <gregb@fhrd.net>
To: <rosemaryc@house.state.ks.us>
Date: 2/19/2007 9:53 AM
Subject: Fw: MB's testimony for hearing

----- Original Message -----

From: gregb@fhrd.net
To: coffeesos@soskansas.com
Sent: Sunday, February 18, 2007 8:45 PM
Subject: Fw: MB's testimony for hearing

----- Original Message -----

From: gregb@fhrd.net
To: coffeesos@soskansas.com
Sent: Sunday, February 18, 2007 8:41 PM
Subject: MB's testimony for hearing

In our culture it is a documented fact* that most underage drinkers don't stop at one or two social drinks - they drink to get drunk.

Even though my husband and I don't drink, and we taught our children not to drink, our 20 year old son fell into the socially accepted practice of underage drinking and died last year in a car accident as a result of alcohol abuse.

Since "kids will be kids", adults need to be adults and do something about this national problem.

If the bill that we are considering today is passed into law, thereby sparing many young lives, can we honestly consider this stronger penalty too severe?

* from the Executive Summary of Underage Drinking in the United States: A Status Report - 2005 - published by The Center on Alcohol Marketing and Youth

Federal and State Affairs

Attachment 12

Date 2-19-07



The Kansas Association of Beverage Retailers

P.O. Box 3842
Topeka, KS 66604-6842
www.kabr.org

Phone 785-266-3963
Fax 785-234-9718
kabr@amycampbell.com

Larry Knackstedt, President

Amy A. Campbell, Executive Director

TESTIMONY PRESENTED TO THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

Re: HB 2412

February 2007

By John R Davis,
Vice President

Wichita, Kansas Liquor Store owner for over 30 years

Mr. Chairman and members of the committee, my name is John Davis and I appear before you as neutral on the overall bill, but an opponent to the section relating to Kansas retailers. The Kansas Association of Beverage Retailers does not oppose more serious enforcement of the laws against underage individuals who choose to drink illegally and for the adults who knowingly provide the alcohol.

House Bill 2412 is written so as to use the drivers license privilege revocation process to further penalize individuals who have for various reasons violated Kansas State Liquor Laws which in themselves already have penalties assigned to them by Kansas Statute.

My attention was drawn to the part of HB 2412 that pertains to the Liquor Store Owners and their Employees. Starting on page no. 5, line 21 and continuing through page no. 6, line 13.

Currently my employees and my self;

- A) Are subject to being set up (STUNG) by law enforcement personnel using Under-Age Individuals (UAI's) hired by the state to assist in the enforcement of the underage drinking laws
- B) If successfully STUNG we can expect to appear in District Court for our Preliminary Hearing and be:
 - Arrested
 - Handcuffed
 - Go to County Jail
 - Finger printed
 - Mug shots taken
 - Bailed out
 - Have a record and be labeled a criminal

(Over)

Federal and State Affairs

Attachment 13

Date 2-19-07

This process takes from 2 to 5 hours. My clerk would then have to return to the court on another date to attend the actual court session, plead guilty, no contest or get diversion.

All this for selling to an individual who was hired to make my employee's life miserable. If underage children are truly purchasing alcohol it should be no problem getting a real under 21 year old person to catch. Take their DRIVERS LICENSE and penalize the real criminal NOT MY EMPLOYEE.

I believe that the intent to purchase begins when the person under 21 years old decides to push the door open. Let's make a law that would make that illegal and punish that under age person for entering any place that sells alcohol.

My employee is typically an individual who is;

- > Always 21 years old
- > Of limited education
- Works for near minimum wage (\$6- \$10) per hour
- Never intends to break the law
- Lives paycheck to paycheck
- Will gain nothing by selling to a minor

KABR conducts regular education seminars – Beverage Alcohol Training – to teach clerks to avoid making illegal sales. I have enrolled my clerks in these programs. In addition, I have specific policies in my store to make sure that employees check I.D.s. It is rare that an employee will make an illegal sale. However, if it does occur, there are criminal penalties for the clerk and additional administrative penalties – including fines and closing the store for one or more days - against my license to address this. If there are repeated offenses, I will lose my license.

Please don't add additional punishments for my employees that affect their ability to work.

LEAVE THEIR DRIVERS LICENSE OUT OF HB 2412.

Presidents Day, 2007

To: House Committee on Federal and State Affairs
 From: R.E. "Tuck" Duncan
 RE: HB 2412

HB 2412 would impose various periods of suspension of one's driver's license upon conviction of various crimes relating to lending to a minor, permitting use of by a minor or a minor's using another's driver's license to purchase beverage alcohol; selling to, buying for or furnishing to a minor beverage alcohol; and unlawfully hosting minors. K.S.A. 41-727 would amend the 2004 amendments (L.2004, Ch. 94) increasing the 30 day suspension for a first conviction and imposing the one year suspension of one's drivers license upon a second rather than a third conviction of a person under 21 years of age who possesses, consumes, obtains, purchases or attempts to obtain or purchase alcoholic liquor or cereal malt beverage.

Our primary objection to this bill is that it attempts to reduce underage purchase, use or consumption of beverage alcohol, through enactment of another sanction but that it ignores the most effective method of doing so – **education**. Candidly, there probably are already enough laws on the books and a variety means of penalizing persons who undertake to furnish beverage alcohol or cereal malt beverages to minors. We need to promote social responsibility whereby persons under the age of 21 are dissuaded from violating the law. Such an effort is accomplished through education.



The Industry participates in a number of these efforts the most recent one being the Century Council's new campaign against underage drinking. The "We Don't Serve Teens" campaign is designed to deter underage drinking by reminding adults that providing underage drinkers with alcohol is unsafe,

illegal and irresponsible. The "We Don't Serve Teens" campaign also seeks to educate adults on the severe legal consequences of providing alcohol to minors, which could include fines and jail sentences, through television and radio public service announcements, lapel pins, cold case stickers, ceiling danglers, and register signs. Some of these P.O.S. materials are enclosed with this newsletter for your use.

First, We are aware that ALEC has developed model legislation which, as part of an **Underage Drinking Prevention and Enforcement Act** is designed to modify specific aspects of a state's existing laws to prevent the sale, furnishing, access to and the possession and consumption of alcohol by persons under the legal drinking age. The sections of the model bill include language to enhance existing law with respect to the following: parental notification; false identification documents; serving, giving, purchasing for, or selling alcohol to persons under the legal drinking age; criminal liability for adults who enable underage drinking parties; prohibiting possession, consumption, and attempted purchase of alcohol by persons under the legal drinking age; guidelines for the use of persons under the legal drinking age in underage alcohol purchase investigations; establishing consistent policies and sanctions for the possession and use of alcohol on school

property for a school which includes any grades K-12 or while attending a school function by persons under the legal drinking age.

Kansas does not have a parental notification provision which is based on surveys and studies indicating that parents are the primary influence on their children's decisions and that parental involvement is essential in supporting a young person's efforts to seek and obtain basic support and encouragement as well as any appropriate professional assistance. Kansas law does currently address the manufacture, sale, use, attempted use, and possession of false IDs for the purpose of illegally obtaining alcohol beverages. Kansas law addresses the issue of adults above the legal drinking age furnishing alcohol to persons under the legal drinking age. Kansas law now addresses situations where adults above the legal drinking age knowingly make their property available for parties at which alcohol is consumed by persons under the legal drinking age. KWSWA support its enactment. Kansas law provides for compliance checks and has codified standards for the use of persons under the legal drinking age in law enforcement investigations or compliance checks of licensees. We have attached this policy adopted by ALEC's Civil Justice Task Force at the Annual Meeting, July 20, 2006 and approved by the ALEC Board of Directors August, 2006.

Please note, that in that policy the use of the suspension of a driver's license as a sanction is only provided for when the person under the legal drinking age, illegally possesses, consumes, or attempts purchase of beverage alcohol. Kansas has already adopted that sanction (Page 7, lines 24-39).

Secondly you may not be aware that the congress recently passed and the President signed into law **the Sober Truth on Preventing (STOP) Underage Drinking Act**, the first stand alone federal legislation authorizing funding for underage drinking prevention and intervention. We have attached a copy of the MADD news release and the Act for your reference. One of the provisions of this Act is to discern "best practices" in the area of preventing underage drinking.

So what do we propose in lieu of HB 2412 ?

1. Monitor the reports that will be forthcoming as a result of the STOP Act, and review those best practices for possible enactment in the future. **It may be worthwhile to study additional measures in the interim as the federal process goes forward. We would be please to participate with you in this effort.**
2. As it relates to teen age drivers the legislature could resolve that to the extent it is not included in such curriculum, to have made an element of all driver's training courses education on underage drinking and DUI laws.
3. Consider the parental notification provisions (Sec. 4) and the provisions Sec. 10. which provides "Every K-12 school district shall develop a policy by [insert date], detailing the consequences that will result for a student at school if the student is found to be under the influence, in possession or drinking alcohol either on school property, while representing the school at extracurricular activities, while in transit to and from school and school events, or while attending a school event. (Cf. Mo. Rev. Stat. § 160.069) "
4. Empower the Alcoholic Beverage Control by extending its jurisdiction to conduct compliance checks to cereal malt beverage licensees as well as to beverage alcohol licensees.

Thank you for your kind attention to and consideration of these matters.

Underage Drinking Prevention and Enforcement Act

Adopted by ALEC's Civil Justice Task Force at the Annual Meeting, July 20, 2006.

Approved by the ALEC Board of Directors August, 2006.

Summary

This legislative language is designed to modify specific aspects of [name of state]'s existing laws to prevent the sale, furnishing, access to and the possession and consumption of alcohol by persons under the legal drinking age. The sections of the model bill include language to enhance existing law with respect to the following: parental notification; false identification documents; serving, giving, purchasing for, or selling alcohol to persons under the legal drinking age; criminal liability for adults who enable underage drinking parties; prohibiting possession, consumption, and attempted purchase of alcohol by persons under the legal drinking age; guidelines for the use of persons under the legal drinking age in underage alcohol purchase investigations; establishing consistent policies and sanctions for the possession and use of alcohol on school property for a school which includes any grades K-12 or while attending a school function by persons under the legal drinking age.

Section 4 addresses parental notification and is based on surveys and studies indicating that parents are the primary influence on their children's decisions and that parental involvement is essential in supporting a young person's efforts to seek and obtain basic support and encouragement as well as any appropriate professional assistance.

Section 5 addresses the manufacture, sale, use, attempted use, and possession of false IDs for the purpose of illegally obtaining alcohol beverages. This area requires additional attention in part to simplify administration of justice and in part to recognize the prevalence of the use of false identification and specifically address different methods that underage persons use to illegally purchase alcohol. This subject should be fully addressed within the state alcohol beverage code in conjunction with provisions establishing the legal drinking age.

Section 6 addresses the issue of adults above the legal drinking age furnishing alcohol to persons under the legal drinking age and is based on a number of studies that indicate that a substantial majority of the alcohol consumed by those under the legal drinking age is provided by parents, siblings, co-workers, fellow students, or other adults of legal drinking age.

Section 7 addresses situations where adults above the legal drinking age knowingly make their property available for parties at which alcohol is consumed by persons under the legal drinking age. According to law enforcement officers, specific legislative sections should address those who host or knowingly permit illegal underage drinking to occur on property they own or control.

Section 8 is a concise and comprehensive formulation of a prohibition on possession, consumption, purchase, and attempted purchase of alcohol by persons under the legal drinking age with penalties.

Section 9 is a codification of standards for the use of persons under the legal drinking age in law enforcement investigations or compliance checks of licensees.

Section 10 is an effort to align alcohol policies in schools which include any grades K-12 in support of the state's laws establishing the legal drinking age.

Federal and State Affairs

Attachment 15

Date 2-19-07

Model Legislation

Section 1. {Short title} Underage Drinking Prevention and Enforcement Amendment/Act

Section 2. {Legislative Declaration}

The purpose of this amendment/act is to reduce the purchase, possession, and consumption of alcohol by persons under the legal drinking age.

Section 3. {Findings} The {Insert Name of Legislative Body} of this State makes the following findings:

(A) According to government and reliable independent research, such as from the University of Michigan, Monitoring the Future Study; National Highway Traffic Safety Administration, U.S. Dept. of Transportation; and Partnership for a Drug Free America, significant reductions in incidents of illegal underage drinking and related harms have occurred through the tireless efforts of [insert name of state] and local law enforcement and the active support of innumerable concerned citizens and responsible licensees doing business in [name of state]. Those efforts to effectively combat illegal underage drinking include a comprehensive system approach; the elements of which are sound laws, strict enforcement, even-handed adjudication, and state-wide education.

(B) To sustain and further the progress achieved to date, enhancements are required to address the purchase, possession, and consumption of alcohol by persons under the legal drinking age, a significant number of whom continue to violate the laws of [name of state] posing unacceptable risks to their health and safety and that of all citizens. The [name of legislature] finds that amendments based on recent and credible policy research are warranted in the following areas [edit list as appropriate to the needs of the specific state]:

- (1) Parental notification;
- (2) Manufacture, sale, possession, display, use, or attempted use of false identification to illegally obtain alcohol beverages;
- (3) Adults serving, giving, or selling alcohol beverages to or purchasing alcohol beverages for persons under the legal drinking age;
- (4) The hosting of parties on public or private property at which underage persons are permitted or encouraged to illegally consume alcohol by adults of legal drinking age;
- (5) Possession, consumption, and attempted purchase of alcohol beverages by persons under the legal drinking age;
- (6) Guidelines for use of persons under the legal drinking age in investigations; and
- (7) Effective K-12 school district alcohol policies that support underage drinking laws.

Section 4. {Parental Notification}

(A) When a person under age 18 is cited or arrested for a violation of [insert appropriate sections of state law], the law enforcement agency employing the arresting officer [or the court arraigning the person or adjudicating the charges] shall make a reasonable attempt to notify such person's custodial parent or guardian of the citation, arrest, or conviction. (Cf. Neb.Rev.St. § 54-180.05)

Section 5. {Manufacture, Sale, Possession, Display, Use, or Attempted Use of False Identification Document to Illegally Obtain Alcohol Beverages}

(A) Definition

The term "identification document" means any document issued by the Secretary of State or other state official, the United States Government, any other state or political subdivision thereof, or any governmental or quasi governmental organization that includes a computerized number or file, and any information concerning a person's name, sex, date of birth, or such person's photograph including without being limited to a passport, military identification card, permanent resident card, driver's license, or any similar document customarily accepted for the purpose of verifying the age of a person purchasing alcohol beverages. (Cf. Ga. Code Ann. 16-9-4 (a) and 15 I.L.C.S. 335/14A)

(B) Unlawful Use of Identification Document

It is a violation of this section for any person:

(1) To possess, display, or cause to be displayed any identification document that has been cancelled, suspended, or revoked within [insert number] days of notice of cancellation, suspension, or revocation being sent;

(2) To possess, display, cause to be displayed any identification document that has been unlawfully physically altered or mutilated to falsify or obscure identifying information;

(3) To possess, display, cause to be displayed any forgery, copy, simulation, or other facsimile of an identification document;

(4) To display or represent as the person's own any identification document issued to another;

(5) To allow any unlawful use of an identification document issued to the person; or

(6) To lend an identification document to another or knowingly allow the use thereof by another; for the purpose of purchasing alcohol beverages at any business licensed under this title in violation of [insert state citation establishing legal drinking age].

(C) This section does not prohibit any lawfully authorized investigative, protective, law enforcement, or other activity of any agency of the United States, State of [insert name], or any other state or political subdivision thereof.

(D) Violations and Penalties

(1) Any person convicted of a violation of subsection (B) shall be guilty of an infraction [or analogous classification] on the first offense, a misdemeanor on the second offense, and a [insert class] felony on any subsequent offense.

(2) Any juvenile and any other person convicted of a first violation of this subsection (B) shall be sentenced to a minimum fine of [insert amount] or a minimum of [insert number] of community service, preferably in support of an alcohol abuse prevention program or organization, if available. (Cf. 15 I.L.C.S. 335/14)

(3) For a second or subsequent violation of subsection (B), the person shall be subject to [insert cite for general misdemeanor or felony penalties or insert specific penalty].

(4) For a second or subsequent violation of subsection (B), any juvenile shall be [insert state terminology for adjudication of juvenile delinquency].

(E) It is unlawful for any person to agree to supply or to aid in supplying (i.e., manufacture, sale, or distribution) any person with an identification document by any means whatsoever that can be used for misrepresentation of age or identity for fraudulent purchase of alcohol

beverages. A violation is a felony punishable by up to [insert term] of days of imprisonment and a fine of up to [insert number] dollars. (Based on FL 322.212)

Section 6. {Adults Serving, Giving, or Selling Alcohol Beverages to or Purchasing Alcohol Beverages for Persons Under the Legal Drinking Age}

(A) It is unlawful for a person to transfer or give to a person under the legal drinking age for the purpose of consumption any alcohol beverage at any place in the State. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than [insert number] dollars or imprisoned not more than [insert term] days. A person who violates this section a second or subsequent time is guilty of a [insert higher class] misdemeanor and, upon conviction, must be fined not more than [insert graduated number] dollars or imprisoned not more than [insert graduated term] days.

(B) The provisions of this section do not apply to [insert exemptions already contained in state code or use following list] – (mostly from Cf. SC Code Ann. 61-6-4070(5)(A)(d))

(1) a spouse over the age of twenty-one giving alcohol beverages to his or her spouse under the age of twenty-one in the presence of the legally-aged spouse (optional place restrictions); or

(2) a parent or guardian over the age twenty-one giving alcohol beverages to his or her children or wards under the age of twenty-one in the presence of the parent or guardian (optional place restrictions); or

(3) to a person giving alcohol beverages to another person under the age of twenty-one in conjunction with a religious ceremony or other such purpose; or

(4) exclusions for alcohol beverages to be served to a student under the age of twenty-one, as part of a culinary school (with acceptable practices delineated) or to a student in a curriculum licensed or registered by the state education department and is required to taste or imbibe alcoholic beverages in courses which are part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during classes conducted pursuant to such curriculum, or (Cf. N.Y. Alco. Bev. Cont. s. 65).

Section 7. {Criminal Liability for Adults Who Enable Parties Involving Underage Drinking – Laws that single out adults enabling drinking parties on their property for additional penalties. (Cf. Mich. Comp Laws Ann. § 750.141[a])}

(A) Except as otherwise provided in subsection (B), an owner, tenant, or other person having control over any premises, residence, or other real property shall not knowingly allow persons under the legal drinking age to consume or possess an alcohol beverage at a social gathering on or within that premises, residence, or other real property. "Social gathering" means an assembly of 2 or more individuals for any purpose, unless all of the individuals attending the assembly are members of the same household or immediate family. Each social gathering constitutes one violation.

(B) This section does not apply to the use, consumption, or possession of an alcohol beverage by an individual pursuant to a lawful prescription, or to the use, consumption, or possession of an alcohol beverage by a person under the legal drinking age for religious purposes [insert any other exceptions in existing law].

(C) Except as provided in subsection (D), a person who violates subsection (A) is guilty of a misdemeanor punishable by imprisonment for not more than [insert term] days or by a fine of [insert amount] dollars, or both.

(D) For a second or subsequent violation of subsection (A) the person is guilty of a misdemeanor punishable by imprisonment for not more than [insert graduated term] or by a fine of [insert graduated amount], or both.

(E) Evidence of all of the following gives rise to a rebuttable presumption that the defendant allowed the consumption or possession of an alcohol beverage on or within a premises, residence, or other real property, in violation of this section:

(1) The defendant had control over the premises, residence, or other real property.

(2) The defendant knew that a person under the legal drinking age, other than his or her own child or spouse, was consuming or in possession of an alcohol beverage at a social gathering on or within that premises, residence, or other real property.

(3) The defendant failed to take corrective action to stop violations of underage drinking laws.

(F) This section does not authorize selling or furnishing an alcohol beverage to a person under the legal drinking age.

(G) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

Section 8. {Possession, consumption, purchase, and attempted purchase of alcohol beverages by persons under the legal drinking age (Cf. Colorado §18-13-122 and Missouri §311.325-6)}

(A) Any person under the legal drinking age, who purchases or attempts to purchase, or has in his or her possession, any ethyl alcohol or who is visibly intoxicated or has a detectable blood alcohol content of more than [insert state standard for zero tolerance for underage drinking and driving] commits a strict liability offense and is guilty of a [insert infraction or misdemeanor]. For purposes of prosecution under this section involving an alleged illegal sale or transfer of ethyl alcohol to a person under the legal drinking age, a manufacturer-sealed container describing that there is ethyl alcohol therein need not be opened or the contents therein tested to verify that there is ethyl alcohol in such container. The alleged violator may allege that there was not ethyl alcohol in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is ethyl alcohol therein contains ethyl alcohol.

(B) Upon conviction of a first offense, illegal possession, consumption, or attempted purchase of ethyl alcohol by an underage person shall be punishable by a fine of [insert amount]. The court, upon sentencing a defendant pursuant to this subsection (B), may, in addition to a fine, order that the defendant perform up to [insert number] hours of useful public service, and may further order that the defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program at such defendant's own cost.

(C) Upon conviction of a second offense, illegal possession, consumption, or attempted purchase of ethyl alcohol by an underage person shall be punished by a fine of [insert graduated amount], a driver's license suspension of [insert number] days, and the court shall order the defendant to submit to and complete an alcohol evaluation or assessment, or an alcohol education program, at the defendant's own expense. The court may further order the defendant to perform up to [insert graduated number] hours of useful public service.

(D) Upon conviction of a third or subsequent offense, illegal possession, consumption, or attempted purchase of ethyl alcohol by an underage person shall be guilty of a [insert class of misdemeanor], and the court shall order that the defendant submit to and complete an

alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program at such defendant's own cost.

(E) After a period of not less than one year, or upon reaching the age of twenty-one, whichever occurs first, a person who has pleaded guilty to or has been found guilty of a violation in this section for the first time, and who since such conviction has not been convicted of any other alcohol-related offense, may apply to the court in which he or she was sentenced for an order to expunge all official records of his or her arrest, plea, trial and conviction. If the court determines, upon review, that such person has not been convicted of any other alcohol-related offense at the time of the application for expungement, and the person has had no other alcohol-related enforcement contacts, the court shall enter an order of expungement. The effect of such an order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, as if such event had never happened. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever. A person shall be entitled to only one expungement pursuant to this section. Nothing contained in this section shall prevent courts or other state officials from maintaining such records as are necessary to ensure that an individual receives only one expungement pursuant to this section.

(F) The provisions of this section do not apply to [insert exemptions already contained in state code or use following list] – (mostly from Cf. SC Code Ann. 61-6-4070(5)(A)(d))

(1) a spouse over the age of twenty-one giving alcohol beverages to his or her spouse under the age of twenty-one in the presence of the legally-aged spouse (optional place restrictions);

(2) a parent or guardian over the age twenty-one giving alcohol beverages to his or her children or wards under the age of twenty-one in the presence of the parent or guardian (optional place restrictions);

(3) to a person giving alcohol beverages to another person under the age of twenty-one in conjunction with a religious ceremony or other such purpose;

(4) exclusions for alcohol beverages to be served to a student under the age of twenty-one, as part of a culinary school (with acceptable practices delineated) or to a student in a curriculum licensed or registered by the state education department and is required to taste or imbibe alcoholic beverages in courses which are part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during classes conducted pursuant to such curriculum, or (N.Y. Alco. Bev. Cont. s. 65); or

(5) an employee legally serving alcohol beverages in a licensed establishment.

Section 9. {Guidelines for the use of persons under the legal drinking age in investigations and compliance checks}

(A) The [insert name of state alcohol beverage control agency] shall not use persons under the legal drinking age, to enforce the alcohol beverage laws in this state, unless the [insert name of state alcohol beverage control agency] promulgates rules and regulations that establish standards for the use of such persons. The standards shall include those in subsection (B) of this section.

(B) The [insert name of state alcohol beverage control agency] shall establish permissive standards for the use of persons under the legal drinking age in compliance checks and

investigations by any state, county, municipal, or other local law enforcement authority, and which shall, at a minimum, provide for the following:

(1) The person shall be under twenty-one years of age;

(2) The person shall carry his or her own identification document, which is any document issued by the Secretary of State or other state official, the United States Government, any other state or political subdivision thereof, or any governmental or quasi governmental organization that includes a computerized number or file, and any information concerning a person's name, sex, date of birth, or such person's photograph including without being limited to a passport, military identification card, permanent resident card, driver's license, or any similar document customarily accepted for the purpose of verifying the age of a person purchasing alcohol beverages. This document shall show the person's correct date of birth and person shall, upon request, produce such identification to the seller of the alcohol at the licensed establishment;

(3) The person shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age, nor misrepresent anything in order to induce a sale of alcohol; and

(4) The person has received parental or guardian consent, if under eighteen years of age.

(C) The [insert name of state alcohol beverage control agency] shall not participate with any state, county, municipal, or other local law enforcement agency, nor discipline any licensed establishment when any state, county, municipal, or other law enforcement agency chooses not to follow the state's alcohol beverage control agency's permissive standards.

(D) Any persons under the legal drinking age used in investigations under this section shall be exempt from any violations related to purchasing or obtaining alcohol, during the time they are under direct control of the state, county, municipal, or other law enforcement authorities.

(E) A licensee who is the subject of the enforcement action or compliance check under this section and is found to be in compliance with this act shall be notified within thirty days of the finding by the enforcement agency that no violation was found. (Cf. Missouri § 311.722 and I.L.C.S. 5/6-16.1)

Section 10. {Requiring Public Schools to Develop an Alcohol Policy}

(A) Every K-12 school district shall develop a policy by [insert date], detailing the consequences that will result for a student at school if the student is found to be under the influence, in possession or drinking alcohol either on school property, while representing the school at extracurricular activities, while in transit to and from school and school events, or while attending a school event. (Cf. Mo. Rev. Stat. § 160.069)

[States may also choose to extend this requirement to higher education institutions.]

Section 11. {Severability Clause}

Section 12. {Repealer Clause}

Section 13. {Effective Date}

*Adopted by ALEC's Civil Justice Task Force at the Annual Meeting, July 20, 2006.
Approved by the ALEC Board of Directors August, 2006.*

Stop Act Passes Congress To Prevent Underage Drinking In America

First Stand Alone Federal Legislation to Focus Solely on Underage Drinking

WASHINGTON (Dec. 7, 2006) – In a landmark decision, the U.S. Congress today passed the Sober Truth on Preventing (STOP) Underage Drinking Act, the first stand alone federal legislation authorizing funding for underage drinking prevention and intervention.

In a vote of 373-23, the STOP Act passed the House of Representatives on Nov. 14. The Senate agreed to an amended version by unanimous consent on Dec. 6 and on Dec. 7, the House followed suit and passed the Senate-amended version by voice vote. The Senate's amendments to the bill were technical revisions that clarified the intent and spirit of the legislation.

MADD applauds the STOP Underage Drinking Act's lead sponsors Representatives Roybal-Allard, Wolf, Osborne, Wamp, and DeLauro and Senators DeWine and Dodd and the more than 100 House and Senate cosponsors who not only speak about underage drinking prevention, but do something about it. Thanks to the hard work and widespread support of various members of the National Alliance to Prevent Underage Drinking, in addition to select groups in the alcohol beverage industry, a successful bill passed the Congress with bipartisan support.

The STOP Act, which was derived from the 2003 National Research Council and Institute of Medicine 's report on reducing underage drinking, authorizes \$18 million in federal funds to combat underage drinking.

The legislation would combat underage drinking by authorizing federal funds to:

- establish a coordinated leadership role for the federal government to combat underage drinking via an interagency coordinating committee that would report to Congress every year;
- authorize a national, adult-oriented media campaign to prevent underage drinking;
- create a community grant program aimed at combating youth alcohol use; and
- fund additional scientific research on underage drinking.

"Thanks to the courage of the congressional leaders who championed this critical bill, we now have the framework to build a comprehensive solution to the problem of underage drinking," said Glynn Birch, national president of MADD.

~ ~ ~ ~ ~

Federal and State Affairs
Attachment 16
Date 2-19-07

One Hundred Ninth Congress
of the
United States of America
AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and six

An Act

To provide for programs and activities with respect to the prevention of underage drinking.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Sober Truth on Preventing Underage Drinking Act' or the `STOP Act'.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 519B of the Public Health Service Act (42 U.S.C. 290bb-25b) is amended by striking subsections (a) through (f) and inserting the following:

- `(a) Definitions- For purposes of this section:
 - `(1) The term `alcohol beverage industry' means the brewers, vintners, distillers, importers, distributors, and retail or online outlets that sell or serve beer, wine, and distilled spirits.
 - `(2) The term `school-based prevention' means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in any grade of school, kindergarten through 12th grade.
 - `(3) The term `youth' means persons under the age of 21.
 - `(4) The term `IOM report' means the report released in September 2003 by the National Research Council, Institute of Medicine, and entitled `Reducing Underage Drinking: A Collective Responsibility'.
- `(b) Sense of Congress- It is the sense of the Congress that:
 - `(1) A multi-faceted effort is needed to more successfully address the problem of underage drinking in the United States. A coordinated approach to prevention, intervention, treatment, enforcement, and research is key to making progress. This Act recognizes the need for a focused national effort, and addresses particulars of the Federal portion of that effort, as well as Federal support for State activities.
 - `(2) The Secretary of Health and Human Services shall continue to conduct research and collect data on the short and long-range impact of alcohol use and abuse upon adolescent brain development and other organ systems.
 - `(3) States and communities, including colleges and universities, are encouraged to adopt comprehensive prevention approaches, including--
 - `(A) evidence-based screening, programs and curricula;
 - `(B) brief intervention strategies;

`(C) consistent policy enforcement; and

`(D) environmental changes that limit underage access to alcohol.

`(4) Public health groups, consumer groups, and the alcohol beverage industry should continue and expand evidence-based efforts to prevent and reduce underage drinking.

`(5) The entertainment industries have a powerful impact on youth, and they should use rating systems and marketing codes to reduce the likelihood that underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol content.

`(6) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans.

`(7) Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace, and furthering effective State tax collection.

`(c) Interagency Coordinating Committee; Annual Report on State Underage Drinking Prevention and Enforcement Activities-

`(1) INTERAGENCY COORDINATING COMMITTEE ON THE PREVENTION OF UNDERAGE DRINKING-

`(A) IN GENERAL- The Secretary, in collaboration with the Federal officials specified in subparagraph (B), shall formally establish and enhance the efforts of the interagency coordinating committee, that began operating in 2004, focusing on underage drinking (referred to in this subsection as the `Committee').

`(B) OTHER AGENCIES- The officials referred to in paragraph (1) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug Control Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

`(C) CHAIR- The Secretary of Health and Human Services shall serve as the chair of the Committee.

`(D) DUTIES- The Committee shall guide policy and program development across the Federal Government with respect to underage drinking, provided, however, that nothing in this section shall be construed as transferring regulatory or program authority from an Agency to the Coordinating Committee.

`(E) CONSULTATIONS- The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

`(F) ANNUAL REPORT-

`(i) IN GENERAL- The Secretary, on behalf of the Committee, shall annually submit to the Congress a report that summarizes--

`(I) all programs and policies of Federal agencies designed to prevent and reduce underage drinking;

`(II) the extent of progress in preventing and reducing underage drinking nationally;

`(III) data that the Secretary shall collect with respect to the information specified in clause (ii); and

`(IV) such other information regarding underage drinking as the Secretary determines to be appropriate.

`(ii) CERTAIN INFORMATION- The report under clause (i) shall include information on the following:

`(I) Patterns and consequences of underage drinking as reported in research and surveys such as, but not limited to Monitoring the Future, Youth Risk Behavior Surveillance System, the National Survey on Drug Use and Health, and the Fatality Analysis Reporting System.

`(II) Measures of the availability of alcohol from commercial and non-commercial sources to underage populations.

`(III) Measures of the exposure of underage populations to messages regarding alcohol in advertising and the entertainment media as reported by the Federal Trade Commission.

`(IV) Surveillance data, including information on the onset and prevalence of underage drinking, consumption patterns and the means of underage access. The Secretary shall develop a plan to improve the collection, measurement and consistency of reporting Federal underage alcohol data.

`(V) Any additional findings resulting from research conducted or supported under subsection (f).

`(VI) Evidence-based best practices to prevent and reduce underage drinking and provide treatment services to those youth who need them.

`(2) ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES-

`(A) IN GENERAL- The Secretary shall, with input and collaboration from other appropriate Federal agencies, States, Indian tribes, territories, and public health, consumer, and alcohol beverage

industry groups, annually issue a report on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

`(B) STATE PERFORMANCE MEASURES-

`(i) IN GENERAL- The Secretary shall develop, in consultation with the Committee, a set of measures to be used in preparing the report on best practices.

`(ii) CATEGORIES- In developing these measures, the Secretary shall consider categories including, but not limited to:

`(I) Whether or not the State has comprehensive anti-underage drinking laws such as for the illegal sale, purchase, attempt to purchase, consumption, or possession of alcohol; illegal use of fraudulent ID; illegal furnishing or obtaining of alcohol for an individual under 21 years; the degree of strictness of the penalties for such offenses; and the prevalence of the enforcement of each of these infractions.

`(II) Whether or not the State has comprehensive liability statutes pertaining to underage access to alcohol such as dram shop, social host, and house party laws, and the prevalence of enforcement of each of these laws.

`(III) Whether or not the State encourages and conducts comprehensive enforcement efforts to prevent underage access to alcohol at retail outlets, such as random compliance checks and shoulder tap programs, and the number of compliance checks within alcohol retail outlets measured against the number of total alcohol retail outlets in each State, and the result of such checks.

`(IV) Whether or not the State encourages training on the proper selling and serving of alcohol for all sellers and servers of alcohol as a condition of employment.

`(V) Whether or not the State has policies and regulations with regard to direct sales to consumers and home delivery of alcoholic beverages.

`(VI) Whether or not the State has programs or laws to deter adults from purchasing alcohol for minors; and the number of adults targeted by these programs.

`(VII) Whether or not the State has programs targeted to youths, parents, and caregivers to deter underage drinking; and the number of individuals served by these programs.

`(VIII) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

`(IX) The amount that the State invests, per youth capita, on the prevention of underage drinking, further broken down by the amount spent on--

- ` (aa) compliance check programs in retail outlets, including providing technology to prevent and detect the use of false identification by minors to make alcohol purchases;
- ` (bb) checkpoints and saturation patrols that include the goal of reducing and deterring underage drinking;
- ` (cc) community-based, school-based, and higher-education-based programs to prevent underage drinking;
- ` (dd) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and
- ` (ee) other State efforts or programs as deemed appropriate.

` (3) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this subsection \$1,000,000 for fiscal year 2007, and \$1,000,000 for each of the fiscal years 2008 through 2010.

` (d) National Media Campaign To Prevent Underage Drinking-

` (1) SCOPE OF THE CAMPAIGN- The Secretary shall continue to fund and oversee the production, broadcasting, and evaluation of the national adult-oriented media public service campaign if the Secretary determines that such campaign is effective in achieving the media campaign's measurable objectives.

` (2) REPORT- The Secretary shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in paragraph (1), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.

` (3) CONSULTATION REQUIREMENT- In carrying out the media campaign, the Secretary shall direct the entity carrying out the national adult-oriented media public service campaign to consult with interested parties including both the alcohol beverage industry and public health and consumer groups. The progress of this consultative process is to be covered in the report under paragraph (2).

` (4) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this subsection, \$1,000,000 for fiscal year 2007 and \$1,000,000 for each of the fiscal years 2008 through 2010.

` (e) Interventions-

` (1) COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING-

` (A) AUTHORIZATION OF PROGRAM- The Administrator of the Substance Abuse and Mental Health Services Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award, if the Administrator determines that the Department of Health and Human Services is not currently conducting activities that duplicate activities of the type described in this subsection, 'enhancement grants' to eligible entities to design, test, evaluate and disseminate effective strategies to maximize the effectiveness of community-wide approaches to preventing and

reducing underage drinking. This subsection is subject to the availability of appropriations.

`(B) PURPOSES- The purposes of this paragraph are to--

- `(i) prevent and reduce alcohol use among youth in communities throughout the United States;
- `(ii) strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;
- `(iii) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;
- `(iv) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;
- `(v) disseminate to communities timely information regarding state-of-the-art practices and initiatives that have proven to be effective in preventing and reducing alcohol use among youth; and
- `(vi) enhance, not supplant, effective local community initiatives for preventing and reducing alcohol use among youth.

`(C) APPLICATION- An eligible entity desiring an enhancement grant under this paragraph shall submit an application to the Administrator at such time, and in such manner, and accompanied by such information as the Administrator may require. Each application shall include--

- `(i) a complete description of the entity's current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or
- `(ii) a complete description of the entity's current initiatives, and how it will use this grant to enhance those initiatives by adding a focus on underage drinking prevention.

`(D) USES OF FUNDS- Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subparagraph (C). Grants under this paragraph shall not exceed \$50,000 per year and may not exceed four years.

`(E) SUPPLEMENT NOT SUPPLANT- Grant funds provided under this paragraph shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

`(F) EVALUATION- Grants under this paragraph shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on recipients of drug free community grants.

`(G) DEFINITIONS- For purposes of this paragraph, the term 'eligible entity' means an organization that is currently receiving or has received grant funds under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

`(H) ADMINISTRATIVE EXPENSES- Not more than 6 percent of a grant under this paragraph may be expended for administrative expenses.

`(I) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this paragraph \$5,000,000 for fiscal year 2007, and \$5,000,000 for each of the fiscal years 2008 through 2010.

`(2) GRANTS DIRECTED AT PREVENTING AND REDUCING ALCOHOL ABUSE AT INSTITUTIONS OF HIGHER EDUCATION-

`(A) AUTHORIZATION OF PROGRAM- The Secretary shall award grants to eligible entities to enable the entities to prevent and reduce the rate of underage alcohol consumption including binge drinking among students at institutions of higher education.

`(B) APPLICATIONS- An eligible entity that desires to receive a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include--

`(i) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

`(ii) a description of how the eligible entity will target underage students in the State;

`(iii) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this section and moving toward indicators described in subparagraph (D);

`(iv) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

`(v) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

`(vi) the anticipated impact of funds provided under this paragraph in preventing and reducing the rates of underage alcohol use;

`(vii) outreach strategies, including ways in which the eligible entity proposes to--

`(I) reach out to students and community stakeholders;

`(II) promote the purpose of this paragraph;

`(III) address the range of needs of the students and the surrounding communities; and

`(IV) address community norms for underage students regarding alcohol use; and

`(viii) such additional information as required by the Secretary.

`(C) USES OF FUNDS- Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subparagraph (B).

`(D) ACCOUNTABILITY- On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this paragraph, the Secretary shall include in the notice achievement indicators for the program authorized under this paragraph. The achievement indicators shall be designed--

` (i) to measure the impact that the statewide coalitions assisted under this paragraph are having on the institutions of higher education and the surrounding communities, including changes in the number of incidents of any kind in which students have abused alcohol or consumed alcohol while under the age of 21 (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

` (ii) to measure the quality and accessibility of the programs or information offered by the eligible entity; and

` (iii) to provide such other measures of program impact as the Secretary determines appropriate.

` (E) SUPPLEMENT NOT SUPPLANT- Grant funds provided under this paragraph shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

` (F) DEFINITIONS- For purposes of this paragraph:

` (i) ELIGIBLE ENTITY- The term `eligible entity' means a State, institution of higher education, or nonprofit entity.

` (ii) INSTITUTION OF HIGHER EDUCATION- The term `institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

` (iii) SECRETARY- The term `Secretary' means the Secretary of Education.

` (iv) STATE- The term `State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

` (v) STATEWIDE COALITION- The term `statewide coalition' means a coalition that--

` (I) includes, but is not limited to--

` (aa) institutions of higher education within a State; and

` (bb) a nonprofit group, a community underage drinking prevention coalition, or another substance abuse prevention group within a State; and

` (II) works toward lowering the alcohol abuse rate by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

` (vi) SURROUNDING COMMUNITY- The term `surrounding community' means the community--

` (I) that surrounds an institution of higher education participating in a statewide coalition;

` (II) where the students from the institution of higher education take part in the community; and

` (III) where students from the institution of higher education live in off-campus housing.

` (G) ADMINISTRATIVE EXPENSES- Not more than 5 percent of a grant under this paragraph may be expended for administrative expenses.

` (H) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this paragraph \$5,000,000 for fiscal year 2007, and \$5,000,000 for each of the fiscal years 2008 through 2010.

` (f) Additional Research-

` (1) ADDITIONAL RESEARCH ON UNDERAGE DRINKING-

` (A) IN GENERAL- The Secretary shall, subject to the availability of appropriations, collect data, and conduct or support research that is not duplicative of research currently being conducted or supported by the Department of Health and Human Services, on underage drinking, with respect to the following:

` (i) Comprehensive community-based programs or strategies and statewide systems to prevent and reduce underage drinking, across the underage years from early childhood to age 21, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

` (ii) Annually obtain and report more precise information than is currently collected on the scope of the underage drinking problem and patterns of underage alcohol consumption, including improved knowledge about the problem and progress in preventing, reducing and treating underage drinking; as well as information on the rate of exposure of youth to advertising and other media messages encouraging and discouraging alcohol consumption.

` (iii) Compiling information on the involvement of alcohol in unnatural deaths of persons ages 12 to 20 in the United States, including suicides, homicides, and unintentional injuries such as falls, drownings, burns, poisonings, and motor vehicle crash deaths.

` (B) CERTAIN MATTERS- The Secretary shall carry out activities toward the following objectives with respect to underage drinking:

` (i) Obtaining new epidemiological data within the national or targeted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, including harm caused to self or others as a result of adolescent alcohol use such as violence, date rape, risky sexual behavior, and prenatal alcohol exposure.

` (ii) Developing or identifying successful clinical treatments for youth with alcohol problems.

` (C) PEER REVIEW- Research under subparagraph (A) shall meet current Federal standards for scientific peer review.

` (2) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this subsection \$6,000,000 for fiscal year 2007, and \$6,000,000 for each of the fiscal years 2008 through 2010.'

Speaker of the House of Representatives. Vice President of the United States and President of the Senate.



**Kansas
Licensed
Beverage
Association**

President
James "Jim" Fager

Vice Presidents
Tammy Davis
Tom Intfen
Robert Farha
Jim Hendricks
Curt Melzer
Richard Markle
Paul Boone
Billy Long
Leigh Watkins
Drew Mullen
Sean Haydock
Kevin Timmons

Treasurer
Mark Barrett

National Director
Tammy Davis

Executive Director
Philip Bradley

745 New Hampshire
P.O. Box 442066
Lawrence, KS 66044

Voice: 785.766.7492
Fax: 785.331.4282
www.klba.org
info@klba.org



*Testimony on HB 2412, Monday February 19, 2007
House Federal & State Affairs Committee*

Chairman Siegfried and Members of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Assn., a group of men and women, in the hospitality industry, who own and manage the bars, clubs, caterers, restaurants and hotels where beverage alcohol are served. Thank you for the opportunity to speak today.

I worked extensively in 2004 with the House Corrections and Juvenile Justice Committee and appointed sub-committee to craft the original Unlawfully Hosting Minors act, SB 197. I believe the committee did excellent work. This act creating the crime of unlawfully hosting minors or allowing the use of property by minors consuming alcohol and CMB. It also increased penalties for minors who violate the law on possession or consumption. It provides that for a second conviction of possession or consumption, the minor's drivers license would be suspended for 90 days and for a third or subsequent conviction, the minor's driver's license would be suspended for one year.

Although we applaud efforts to stop underage drinking we have not been shown any evidence that this act is not working as planned. *How many charges have been brought since enactment? How many convictions have there been? How many licenses have been suspended? And have there been any repeat offenders? Has any law enforcement or judicial group asked for more penalties on minors? Or asked for more penalties on servers?* We in the retail industry know that the penalties for service to, allowing possession and/or consumption of alcohol by under-age persons are strict and are working as deterrents. The largest challenge we face is one of *education not lack of penalties.* We spend many resources to make sure servers know what the law is and that conviction of violating these laws mean fines, possible confinement and the loss of your job for 2 full years!

With this increase in penalties it appears that the server could lose their drivers license for 180 days. With the loss of their job it would seem logical that there will be and even greater need for transportation to stay working productive members of society. These are not youth that will have parents to take them to and from. **We do not see the need for this bill and ask you not to pass it out of your committee.**

Thank you for your time and consideration.

Philip Bradley

**Drink Responsibly
Drive Responsibly** Federal and State Affairs
Attachment 17
Date 2-19-07



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

Kansas Highway Patrol Summary of Testimony

2007 House Bill 2412

House Federal & State Affairs Committee

February 19, 2007

The Kansas Highway Patrol appreciates the opportunity to provide the following written comment on changes set forth in 2007 House Bill 2412.

House Bill 2412 would suspend the driving privileges of an individual who:

- Allows a minor to use their driver's license for use in the purchase of any alcoholic liquor or any cereal malt beverage.
- Is under 21 years of age and displays or has in their possession any fictitious form of ID for use in the purchase of any alcoholic liquor or any cereal malt beverage.
- Furnishes alcoholic liquor or cereal malt beverage to a minor.
- Unlawfully hosts minors consuming alcoholic liquor or cereal malt beverage.

While enforcement of underage drinking laws in Kansas is the responsibility of all law enforcement agencies in Kansas, the Bureau of Alcohol and Beverage Control, also known as ABC is a leading authority on the subject matter. Everyday, the ABC works with its federal, state and local partners to curb underage drinking. As a state law enforcement partner, the Patrol is supportive of any measure that would deter minors from possessing and/or consuming alcohol. HB 2412 would be an enhancement to current law that would assist officers in achieving that goal.

Many tragedies may occur as a result of underage drinking. As a law enforcement agency, we see the most deadly consequence, which involves minors who drink and drive. Alcohol and drinking are a deadly combination, regardless of age, and it certainly a tragedy that can be avoided. In 2005, 93 people were killed and 1,932 were injured in alcohol-related crashes on Kansas roadways. Of those individuals, 10 of the deceased and seven of the injured were under the age of 20. Impaired drivers pose a dangerous and deadly risk to themselves and their passengers, but also to other drivers and families who share the road with them.

Minors who possess and consume alcohol are at risk of developing health problems and alcoholic behaviors as an adult, and they are at a greater risk to drink and drive. People who provide avenues to minors to purchase alcohol are enabling these risks. The safety and protection of all Kansans are important to the Patrol, and for those reasons, we support HB 2412. Again, the Patrol appreciates the opportunity to share its position on this important subject.

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Voice 785-296-6800

122 SW 7th Street, Topeka, Kansas 66603

Fax 785-296-5956

www.KansasHigh

Federal and State Affairs

Attachment 18

Date 2-19-07



Mothers Against Drunk Driving
KANSAS STATE OFFICE
Victim Services Office
3601 SW 29th Street, Suite 211
Topeka, KS 66614
Phone (785)271-6199
Phone (785)271-6324
Hotline 1-800-443-6233
Fax (785)271-0797
maddkansas@parod.com

February 16, 2007

Arlen Siegfroid, Chairman
House Federal & State Affairs Committee
136-N State Capitol
300 SW 10th St.
Topeka, Kansas 66612

Dear Representative Siegfroid and Committee Members:

Kansas MADD will be unable have a spokesperson at the committee hearing to be held February 19, 2007 regarding HB 2412. On behalf of Kansas MADD, I would like to submit written testimony for your consideration.

During 2005, Kansas recorded approximately 1,409 individuals under the age of 21 were involved in an alcohol-related crash. Approximately 49% (526) of those involved, were drinking drivers. These young drinking drivers were involved in 258 injury crashes and 10 fatality crashes.

Kansas MADD recognizes that a majority of underage drinkers obtain alcohol from adults and that adults must be held responsible for their irresponsible actions. Kansas MADD supports HB 2412 as an additional deterrent to combating underage drinking.

Sincerely,

Sandi Raines, State Chairperson
Kansas MADD

Federal and State Affairs

Attachment 19

Date 2-19-07

**DISTILLED
SPIRITS
COUNCIL
OF THE
UNITED
STATES**

Whitney B. Damron,
919 SOUTH KANSAS AVENUE
TOPEKA, KANSAS 66612-1210
(785) 354-1354 • (785) 354-8092 (Fax)
E-Mail: wbdamron@aol.com

February 19, 2007

The Honorable Arlen H. Siegfried
Chairman
Federal and State Affairs Committee
300 SW 10th Street, Room 136-N
Topeka, Kansas 66612

Re: HB 2412 – Driver's License Penalties Related to Minors' Access to Alcohol.

Dear Chairman Siegfried:

On behalf of the Distilled Spirits Council of the United States, a national trade association representing producers and marketers of distilled spirits sold in the United States, we thank you for the opportunity to provide our support for HB 2412. This legislation would provide driver's license suspension penalties for those who illegally furnish alcoholic liquor or cereal malt beverages to underage persons either directly or indirectly, as well as increase the driver's license suspension penalties for underage persons who illegally possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverages and for those who unlawfully host minors consuming alcoholic liquors or cereal malt beverages at a location proscribed in existing law.

America's leading distillers are longstanding in their commitment to fight drunk driving and underage drinking. Over the past seventy years, distillers have supported numerous responsibility initiatives to combat alcohol abuse, including illegal underage drinking, and encourage responsibility by those adults who choose to drink. Examples of such efforts include funding the development of the breathalyzer in the 1940s, co-sponsoring the Department of Transportation's "Friends Don't Let Friends Drive Drunk" public service campaign in the 1980s, and the founding of The Century Council, a not-for-profit organization funded by America's leading distillers and dedicated to fighting drunk driving and underage drinking.

Despite significant progress over the past 20 years, underage drinking is a complex, social problem that persists in communities across the nation. A combination of effective penalties, such as license suspension penalties, and consistent, comprehensive enforcement of those penalties will enhance each community's efforts to reduce illegal underage drinking.

In keeping with the dedication the Distilled Spirits Council has to responsibility, I urge you to support these heightened penalties.

Sincerely,

Courtney J. Armour
State Government Relations Manager
Distilled Spirits Council of the U.S.



everychild.onevoice.

Written Testimony Re: 2412
An Act concerning children and minors, relating to minors'
access to alcohol or cereal malt beverages
February 19, 2007 1:30 p.m.

Honorable Chairman, Members of the Committee:

For more than 90 years, Kansas PTA has been advocating on behalf of all children. We have nearly 33,000 members from across Kansas – all volunteers.

Alcohol and other drug abuse remains widespread in the United States and on military bases overseas. The National PTA's commitment to the health and welfare of all children and youth is the basis for its long-time support of alcohol and other drug abuse prevention efforts.

PTA supports the designation of 21 as the minimum legal drinking age and we ask that all legislation be consistent in that regard. We ask that this be reflected in the language used in HB 2412, page 6 line 21. We further ask that the flaw in the current social hosting law be corrected to ensure that no child under the age of 21 is served alcohol (as reflected in HB 2463).

Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Kaiser".

Laura Kaiser
Kansas PTA President

KANSAS Congress of Parents and Teachers
715 SW Tenth Street
Topeka, KS 66612
Phone: 785-234-5782 - Fax: 785-234-4170
E-Mail: ks_office@pta.org
Website: www.ptasonline.org/kspta

Federal and State Affairs
Attachment 21
Date 2-19-07



PREVENTION
AND
RECOVERY
SERVICES

Contact: Max Wilson, Executive Director
2209 SW 29th Street, Topeka, KS 66611
785-266-8666
mwilson@parstopeka.com

Testimony in Support of HB 2412 Driver's License Penalties; Minor's Access to Alcohol

Chairman Siegfried and members of the Federal and State Affairs Committee, I am Max Wilson, Executive Director of Prevention and Recovery Services and its Regional Prevention Center of Shawnee County. I am here today to support HB 2412 which will help reduce availability of alcohol to Kansas youth.

According to the 2006 Kansas Communities that Care Youth Survey, 42.6% of Kansas 10th graders and 55.5% of 12th graders reported using alcohol within the past 30 days. 23.8% of Kansas 10th graders and 35.5% of 12th graders reported binge drinking which is having had at least five or more alcoholic drinks in a row. 25% had their first drink (more than just a sip) before the age of 13. And, 26.3% reported it would be very easy to get some beer, wine or hard liquor.

I would now like to call your attention to the next page which is based on recent brain research by Dr. Ken Winters and others. The first illustration shows how the adolescent brain develops up to around age 24, starting with physical coordination and sensory processing in the cerebellum and ending with judgment based in the area of the prefrontal cortex, which also is the last to develop. The 2nd illustration depicts how the brain reacts to use of alcohol, with judgment asleep at the wheel, risky behavior revved up, memory of reward or excitement (euphoric recall) is in overdrive, and emotions are into hyper-drive. Obviously, alcohol and driving do not mix and particularly so during the years when the brains of adolescents and young adults are in development.

I think we all can recall how very excited we were as we reached the age when we would have the privilege of driving a vehicle. And, now into adulthood, we all continue to value our driving privileges as well. Consequently, the possibility of losing this privilege for 6 months to a year or more for driving infractions, including mixing alcohol and driving, and supplying alcohol to minors should weigh heavily on our judgment.

This issue has personal significance to me. On Thanksgiving Day, 1980, around 3:00 pm, a 16 year old girl, named Lisa, veered into our lane and hit us head-on on Highway 60 in southwest Missouri. This beautiful teenage girl was killed instantly, my wife was critically injured with multiple fractures, and I was left with broken foot and a concussion resulting in permanent double-vision. We later learned that this young girl was drinking beer supplied by her passenger, a 21 year old friend who fortunately was uninjured in the crash.

Federal and State Affairs

Attachment 22

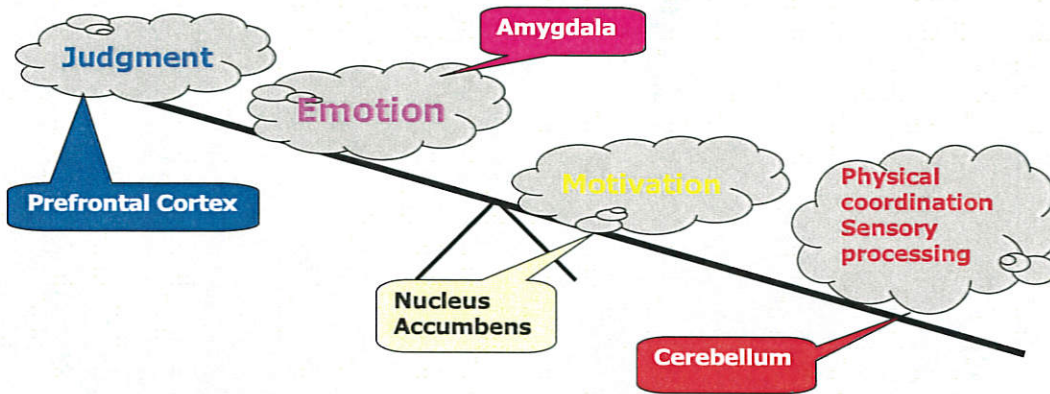
Date 2-19-07

One common misconception is that teens use alcohol and/or other drugs in combination with driving because they haven't considered the risks or because they underestimate them and feel invulnerable. But, according to a recent study published in the journal of Psychological Sciences, teens actually weigh the pros and cons of high-risk behaviors a little longer (170 milliseconds) than adults do. Teens simply decide that benefits—including peer acceptance and immediate gratification—outweigh the risks. The results of this study suggest instead of teaching teens to weigh pros and cons, we should teach them what most adults do—what psychologists call “gist-based” thinking: to intuitively grasp the potential consequences of dangerous situations, and avoid them. One of the greatest potential consequences for youth and adults is to lose the privilege of driving.

Years from now, when we ourselves may no longer be remembered, many people will live healthy and happy lives because of the healthier environments we helped create. HB 2412 is one of these environmental tools which can help reduce availability or access to alcohol to youth and will help create a healthier environment for our young people, as well as adults.

Thank you for your support of HB 2412. I would like to add that I'd really appreciate your supporting HB 2463, the Social Host Act, which would also help reduce the risk factors of availability of alcohol and community laws and norms favorable to use of alcohol.

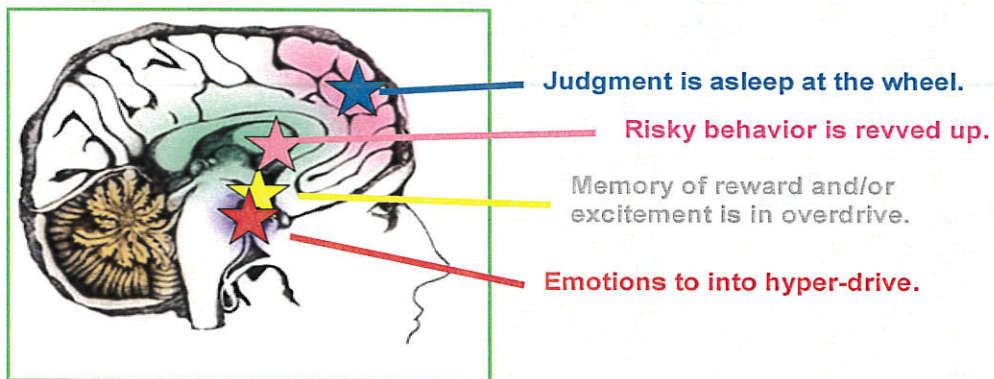
Pruning starts at the back of the brain and moves to the front...



Notice: **Judgment** is last to develop!

Source: Dr. Ken Winters

How Does this Brain React?



Source Dr. Ken Winters

A program of the Mental Health Center of East Central Kansas

The Honorable Chair and Members of the Federal and State Affairs Committee:

I am writing to express my support of HB 2412 and to encourage that you work the bill as it would help impact an issue that has been identified as a national epidemic by the Surgeon General – that of underage drinking. Our state is certainly not immune to the ramifications of a minor, defined as those younger than the legal minimum drinking age of 21, beginning to consume alcoholic beverages. Incidents in Topeka and other communities across Kansas have highlighted serious injuries following the use of alcohol by youth.

Unfortunately, the source of the alcohol is often a parent or other adult who provides the alcohol and/or the opportunity and place to consume it. This behavior not only places the youth at risk for both immediate and long term consequences, but teaches youth that it's permissible to disregard certain laws.

Kansas legislators have responded appropriately to these concerns in the past by passing a social hosting law (SB 37) in 2004, and even increased the penalties contained in that law a year later. HB 2412 would add further consequences for those adults who knowingly place other parents' kids at risk. Taking an adult's driving privileges may seem severe to some, but no more severe than being told that your child has been injured or killed because another parent thought it was their right to allow those less than 21 years of age to consume alcohol.

The purpose of laws is that they send a strong message to change community norms and impact attitudes that might support inappropriate behavior. I appreciate your thoughtful consideration of the bill, and am hopeful that it can be moved forward for further legislative action.

Sincerely,

Teresa Walters, Director, North Sub Region
Regional Prevention Center of the Flint Hills
1000 Lincoln
Emporia KS 66801
620-340-6252
twalters@mhceck.org

Strengthening Individuals, Families and Communities

Federal and State Affairs
Attachment 23
Date 2-19-07



**TESTIMONY OF
Ralph S. Blackman
President and CEO
The Century Council**

Kansas House Committee on State and Federal Affairs

February 19, 2007

Chairman Siegfried and distinguished members of the Committee, as President and CEO of The Century Council, I am pleased to submit testimony in support of House Bill 2412 which we believe would reduce underage drinking.

The Century Council was founded in 1991 and is an independent, national not-for-profit organization headquartered in Washington, D.C. Funded by America's leading distillers (Bacardi U.S.A., Inc., Brown-Forman, Constellation Brands, Inc., DIAGEO, Future Brands, LLC, Hood River Distillers, Inc., and Sidney Frank Importing Co. Inc), the Council is dedicated to developing and implementing programs that fight drunk driving and underage drinking. To date, we have hosted nearly 2,200 community events to launch our programs across the nation bringing them to millions of parents, youth, educators, law enforcement officials and traffic safety professionals.

An independent Advisory Board comprised of distinguished leaders in business, government, education, medicine and other relevant disciplines assists the Council in its development of programs and policies. Additionally, the Council maintains advisory panels in the areas of education and traffic safety that provide related guidance.

Through the years, The Century Council has worked extensively throughout the nation on anti-drunk driving and underage drinking efforts. The Council's education efforts start in middle school and continue through college. The Council's programs include *Ask, Listen, Learn: Kids and Alcohol Don't Mix*, a creative multimedia program developed with Nickelodeon to help middle school aged children and their parents engage in on-going conversations about the dangers of underage drinking; *Not In Our House: A Nationwide Initiative on Underage Drinking and*

Federal and State Affairs

Attachment 24

Date 2-19-07

Social Hosting developed with Scholastic Inc., and sponsored by the International Institute of Alcohol Awareness (IIAA) a community-wide initiative to raise awareness about the dangers of illegal underage drinking; *Brandon Silveria's, Make the Right Choice*, a speaking tour by a young man who was involved in an alcohol-related crash in high school; *Girl Talk: Choices and Consequences of Underage Drinking*, a new initiative, in partnership with the US Women's National Soccer Team Players Association, which works to improve dialogue among mothers and daughters on the issue on underage drinking; *Parents You're Not Done Yet*, a brochure that encourages parents to talk with their teens before they leave for college about the dangers of underage drinking; *We Don't Serve Teens*, a new public awareness campaign developed in cooperation with the Federal Trade Commission that concentrates on underage drinking prevention with a special emphasis on the severe legal consequences of providing alcohol to minors; *Cops in Shops*, a cooperative effort involving local retailers and law enforcement designed to deter minors from attempting to purchase alcohol illegally and adults who purchase alcohol for minors; and *Alcohol 101 Plus*, an innovative, interactive CD-ROM program aimed at helping students make safe and responsible decisions about alcohol on college campuses. The program is widely used across the country and is in use on 30 campuses in Kansas.

Our educational programs have been developed with the assistance of public and private organizations, such as the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the U.S. Department of Education, the National Middle School Association and the American School Counselor Association.

Despite the nation's significant progress over the past 20 years, underage drinking is an on-going concern for communities across the nation. While individuals under the legal purchase age obtain alcohol from a variety of sources, the National Academy of Sciences states that parties, friends and adult purchasers are the most frequent sources of alcohol among college students and older adolescents, and younger adolescents often obtain alcohol from family members.

In fact, research conducted for The Century Council by Teenage Research Unlimited revealed that 65 percent of individuals between the ages of 10-18 who have consumed alcohol in the last year report obtaining their alcohol from family and friends. The Century Council created a public awareness campaign built around this research to educate the public on how youth gain access to alcohol and to provide parents with tips on how to talk to young people about the dangers of underage drinking.

In Kansas, there were 18 alcohol-related traffic fatalities among people under the age of 21 in 2005 according to the most recent statistics from the National Highway Traffic Safety Administration. Additionally, the 2004 National Survey on Drug Use and Health shows that 32% of 12-20 year olds in Kansas report alcohol consumption in the past month – which is higher than the US average of 28.8%. Among youth under the age of 18 in Kansas, there were 184 arrests for driving under

the influence and 1,041 arrests for liquor law violations according to the Federal Bureau of Investigation's 2004 Uniform Crime Report Data.

The Council supports effective and enforceable penalties for underage drinking. Additionally, these penalties should be publicized to maximize deterrence. HB 2412 will improve the state's underage drinking laws by adding a driver's license suspension penalty for adults who furnish alcohol to underage persons, for adults who unlawfully host underage persons who consume alcohol, for people under 21 who use false identification to purchase alcohol, and for those who lend or knowingly permit the use of a driver's license by any person under 21 to purchase alcohol. It also increases the driver's license suspension for underage persons who violate the state's minimum drinking age law. We also support the bill's graduated license suspension penalties for repeat offenses. On behalf of The Century Council, I urge your swift passage of this important legislation.

The Century Council believes that a combination of comprehensive and well-balanced enforcement along with effective and enforceable penalties and education efforts will enhance each community's work to reduce underage drinking. Working to restrict access and use to alcohol by those under the legal purchase age is everyone's goal. Thank you.