

# HOUSE BILL REPORT

## HB 1166

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**As Passed House:**  
March 7, 2011

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

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

**Sponsors:** Representatives Liias, Goodman, Roberts, Appleton and Fitzgibbon.

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 1/26/11, 2/4/11 [DP].

**Floor Activity:**

Passed House: 3/7/11, 57-39.

**Brief Summary of Bill**

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

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### HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** Do pass. Signed by 8 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member.

**Staff:** Morgan Powell (786-7119) and Yvonne Walker (786-7841).

**Background:**

Alcohol Poisoning.

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

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

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

Signs of alcohol poisoning include:

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

### Alcohol Poisoning Statistics.

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

### Minor in Possession of Alcohol Offense.

State law makes it unlawful for any person under the age of 21 years to possess, consume, or otherwise acquire any liquor.

A person under the age of 21 years does not have to be in actual possession of alcohol to be charged for a Minor in Possession of Alcohol offense. If a person under the age of 21 years old is exhibiting the effects of having consumed alcohol (alcohol on the breath, results of a breathalyzer test, statements by others, etc.), that person may be charged with a Minor in Possession of Alcohol offense.

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

### **Summary of Bill:**

A person under the age of 21 years who is in need of medical assistance as a result of alcohol poisoning or is acting in good faith when seeking medical assistance for someone else

experiencing alcohol poisoning is exempt from being charged with a Minor in Possession of Alcohol offense if the evidence obtained for the offense was a result of needing or seeking medical assistance.

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

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) There are certain situations where young people are abusing alcohol and need to call the authorities. This bill would expand a similar law that protects young people from drug overdoses. Young people need to understand that seeking medical attention is a top priority in situations relating to alcohol poisoning.

(Opposed) None.

**Persons Testifying:** Representative Lias, prime sponsor.

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