

HOUSE BILL REPORT

SHB 1082

As Passed Legislature

Title: An act relating to alcohol abuse and underage drinking among college and university students.

Brief Description: Combating student alcohol abuse in colleges and universities.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Veloria, G. Cole, Springer, Padden, Valle, Scott, Brough, Jacobsen, Wineberry, Lemmon, Karahalios, Pruitt and Roland.)

Brief History:

Reported by House Committee on:
Commerce & Labor, January 26, 1993, DPS;
Passed House, February 5, 1993, 96-0;
Amended by Senate;
Passed Legislature, April 19, 1993, 96-0.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Franklin; Horn; King; Springer; and Veloria.

Staff: Jim Kelley (786-7166).

Background: The statutory purpose of the Higher Education Coordinating Board is to provide planning, coordination, monitoring, and policy analysis for higher education in the state of Washington in cooperation and consultation with the institutions' autonomous governing boards and with all other segments of postsecondary education. The board is to represent the broad public interest above the interests of the individual colleges and universities.

The Washington liquor code prohibits possession of liquor by persons under 21 years of age. The liquor code also makes it unlawful for any person to supply liquor to a minor or permit a minor to consume liquor on his or her premises or on any premises under his or her control. It is difficult to enforce this law in certain student housing facilities

because courts have treated dormitory rooms and fraternity and sorority houses as private residences.

It is unlawful to consume liquor in a public place. Therefore, a person may not consume liquor on a college or university campus except in the privacy of his or her own residence. Washington law does provide for organizations to acquire a banquet permit authorizing them to host an activity on campus at which alcohol may be served. No alcohol may be served to minors at such events. Additionally, the faculty center at the University of Washington has been authorized by law to obtain a liquor license.

The Legislature has declared that any place where liquor is manufactured, kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of Washington's liquor laws is a common nuisance. The prosecuting attorney of the county in which the nuisance is located is authorized to institute and maintain an action in Superior Court to abate and perpetually enjoin such nuisance.

In 1992, after an incident in which a young woman lost sight in one eye from an injury caused by a beer bottle thrown from a fraternity, University of Washington President William Gerberding convened a task force to review the relationship between the University and the Greek system. The task force recommendations were made public on January 19, 1993.

Summary of Bill: No later than January 1, 1994, each of the state four-year colleges and universities shall submit to the board and designated committees of the Legislature a comprehensive plan to combat student alcohol abuse. The comprehensive plan shall include means for assuring to the highest degree possible that there is no underage drinking on campus. The comprehensive plan shall also provide details of services that will be offered to students who are problem drinkers. Additionally, the plan shall include strategies for combating underage drinking in off-campus student residences, such as fraternities and sororities.

The strategies for combating underage drinking shall include, but not be limited to, a program in which the college or university enters into individual recognition agreements with all of the fraternities and sororities at the college or university, setting forth its expectations with respect to the conduct of those groups and their members and the sanctions that will be imposed should the groups fail to satisfy the expectations. The agreements shall contain at least the following provisions:

- (1) Chapters and their individual members will be expected to comply with applicable laws and government officials;
- (2) Chapters will be held accountable for the conduct of members, residents, and guests, and will be expected to take disciplinary actions against members who violate the rules and expectations of their chapters, the college or university, or the community, and to report the actions taken to the appropriate college or university official;
- (3) Each organization shall identify persons who can be contacted by the police and other enforcement agencies 24 hours a day to handle emergency concerns;
- (4) Chapters must conduct uniform education programs covering substance abuse and acquaintance rape;
- (5) All parties involving a minimum of 25 people where alcohol is consumed shall be registered with the college or university. Banquet permits shall be obtained from the Liquor Control Board for every such party. A chapter meeting or gathering with only chapter members in attendance is not a party that must be registered;
- (6) The agreements shall be reviewed by the college or university for renewal on an annual basis; and
- (7) Sanctions for violations of the agreements shall include, but not be limited to, warnings, reprimands, monetary fines, restitution for property damage, probation, suspension, or withdrawal of recognition. Upon withdrawal of recognition of a fraternity or sorority chapter, the college or university shall immediately notify the national fraternity or sorority that the chapter is no longer in good standing at the college or university.

Fiscal Note: Requested January 18, 1993.

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

Testimony For: The Liquor Control Board is firmly supportive of this bill. The University of Washington task force recommendations are outstanding. Washington State University appreciates the heightened awareness about these issues, and we believe that we are currently in compliance with the provisions of this bill.

Testimony Against: The liability of landlords in the original bill is much too onerous. The best solution to these problems is education.

Witnesses: Carter Mitchell, Liquor Control Board (in favor); Larry Ganders, Washington State University (neutral); and Dick Ducharme, Washington Beer and Wine Wholesalers Association (in favor, with concerns).