

# SENATE BILL REPORT

## HB 1166

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As Reported by Senate Committee On:  
Judiciary, March 23, 2011

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

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

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

**Brief History:** Passed House: 3/07/11, 57-39.

**Committee Activity:** Judiciary: 3/22/11, 3/23/11 [DP, w/oRec].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Kohl-Welles and Regala.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Baxter, Carrell and Roach.

**Staff:** Juliana Roe (786-7438)

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

A person under the age of 21 does not have to be in actual possession of alcohol to be charged for a Minor in Possession of Alcohol offense (MIP). 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 an MIP.

An MIP is a gross misdemeanor offense that is punishable by a maximum \$1,000 fine, by imprisonment in a county jail for not more than 90 days, or by both a 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

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someone else experiencing alcohol poisoning is exempt from being charged with an MIP if the evidence obtained for the offense was a result of needing or seeking medical assistance.

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

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The overdose prevention bill that passed out of the Legislature last year did not include simple immunity for situations related to alcohol. This bill expands the drug overdose bill to include immunity for instances in which persons seek assistance for themselves or another when they are under the age of 21 and fear that they or another person is experiencing alcohol poisoning.

**Persons Testifying:** PRO: Representative Liias, prime sponsor.