

**MINUTES OF THE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
March 30, 2015**

The subcommittee of the Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:02 p.m. on Monday, March 30, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SUBCOMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Becky Harris, Vice Chair
Senator Michael Roberson
Senator Scott Hammond
Senator Ruben J. Kihuen
Senator Aaron D. Ford

SUBCOMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom (Excused)

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Julia Barker, Committee Secretary

OTHERS PRESENT:

Rose Asaf, Nevada Youth Legislature, Senatorial District No. 18
Kate Krolicki, Nevada Youth Legislature, Senatorial District No. 17
Kimberly Caipa, Nevada Youth Legislature
Quinn Jonas, Senator, College of Liberal Arts and Sciences; Public Affairs
Committee, Associated Students of the University of Nevada
Stacy Woodbury, Nevada State Medical Association
Caden Fabbi, Associated Students of the University of Nevada

Cameron Hughes, Associated Students of the University of Nevada
Aaron Letzeiser, Executive Director, Medical Amnesty Initiative
Brian O'Callaghan, Las Vegas Metropolitan Police Department
John T. Jones, Jr., Nevada District Attorneys Association
Bob Roshak, Nevada Sheriffs' and Chiefs' Association
Vanessa Spinazola, American Civil Liberties Union of Nevada
Sean B. Sullivan, Public Defender's Office, Washoe County

Chair Brower:

I open the subcommittee of the Senate Committee on Judiciary with the hearing of Senate Bill (S.B.) 464.

SENATE BILL 464: Revises criminal penalties for the consumption or possession of an alcoholic beverage by a person under 21 years of age. (BDR 15-651)

Rosa Asaf (Nevada Youth Legislature, Senatorial District No. 18):

The Nevada Youth Legislature is composed of 21 high school-aged students, each of whom are appointed by his or her Nevada State Senator to serve a 2-year term. During the 2 years, we attend monthly training sessions, learning skills such as constituent outreach, issue analysis, presentation skills and preparing testimony. Nevada is only one of two states granting statutory authority for youth groups to propose a bill each Legislative Session.

Kate Krolicki (Nevada Youth Legislature, Senatorial District No. 17):

Each Nevada Youth Legislator creates a bill draft request (BDR). We discuss the 21 BDR options, choose the top 7, then the top 2. The sponsors of those BDRs present their bills to the Youth Legislature, and the top bill is chosen from them. Youth Legislators also cosponsor bills. Everyone works together to make the BDR the best bill it can be.

Ms. Asaf:

Senate Bill 464 is a life-saving piece of legislation offering medical amnesty to underage drinkers in life-or-death situations. This bill provides a legal exemption for minor in possession or minor in consumption charges for underage drinkers seeking medical attention. Immunity is granted to the first caller and the person or persons for whom the call was made. The caller must remain on the scene until the underage drinker has received medical treatment and must comply with law enforcement.

Similar medical amnesty legislation has been passed in 23 states with bipartisan support. This bill addresses concerns about underage drinking by empowering young people to make the right and responsible decision to seek medical assistance without hesitation or fear of legal consequences. Our priority is the well-being and safety of minors.

Kimberly Caipa (Nevada Youth Legislature):

As an eighth-grade teacher and a mother of four, I have been a drug and alcohol safety advocate for teens for many years. I thought I had prepared all of my kids for the dangers they would face. “Be safe and take care of each other” were the last words I spoke to my 17-year-old son, Brady. I said those words to him 3 years ago when he and his friends went to a Halloween party.

Brady called us twice that night because checking in was one of our rules. It seemed like he was having a fun night, giving us no reason to believe he had been drinking. However, the boys were not just drinking, they were drinking a lot. There were 26 teenagers at a party with Brady that Saturday night at a teen’s home with no parental supervision. I have been told that these events are not that unusual, but for me, the events of that evening proved to be anything but usual because they led to the death of my son, Brady. Brady lived and loved so big that the hole he left on earth will never be filled. It is still difficult to understand why someone who was such a bright light was taken away too soon.

That night, Brady and his friends had gone from one house party to another. He had been not been drinking as heavily as the rest of the group, so he began playing catch-up, drinking alcohol quickly. At some point Brady fell, hitting his head. His friends helped him up, and a short time later he felt ill and was helped to the bathroom. Later that night, Brady’s friends checked on him one last time then left. They had no idea that was the last time they would see their friend. Brady was found the following morning. Clearly my words to take care of each other had not sunk in.

No one knows if this bill—allowing for medical attention to be sought without fear of facing criminal charges for those under the age of 21 drinking—would have saved Brady’s life. Unfortunately, we cannot relive that evening. I would like to think S.B. 464 would have made a difference. Kids would have been educated to look for signs of alcohol overdose and know to call for medical help, even though they were intoxicated. The 26 other kids at this party would

not have faced criminal charges because they made the decision to drink. Their only concern would have been to get their friend help because he was obviously in trouble and they were taking care of each other, having no fear of criminal repercussions. It would have only taken one of them to do the right thing.

This bill, composed with insight and forethought, is a necessity. I would like to report that because of my son's death, all underage drinking has stopped and no others have been hurt or killed, but we all know that is not the truth. Will this bill stop deaths due to underage drinking? We would be foolish to think that it would, but if there is the slightest possibility to make a difference in this battle and save the lives of teens when they find themselves in trouble, should we ignore that opportunity or grasp it firmly and fight for it? There should be no question in the matter. We fight for it. If this bill prevents even one more mother from answering the door to a police officer reporting that her child is dead, it is worthwhile.

Quinn Jonas (Senator, College of Liberal Arts and Sciences; Public Affairs Committee, Associated Students of the University of Nevada):

The University of Nevada, Reno, supports S.B. 464. The resolution in support of this bill ([Exhibit C](#)) passed unanimously by the Associated Students of the University of Nevada Senate. Students are all too familiar with this situation. While we continue to make every effort to reduce the rate of underage drinking in Nevada, we believe S.B. 464 prioritizes student safety by addressing the problem as it exists. Student safety is our top concern, and we believe this is a commonsense bill giving students the confidence to make a potentially life-saving phone call when a moment's hesitation could have a devastating impact.

The limited legal immunity has proven to increase calls to emergency medical services and enrollment in psychoeducational intervention programs. These programs address the underlying causes of underage drinking, including mental and social factors. Consider the mentality of a minor in a situation in which this bill will be applied.

Stacy Woodbury (Nevada State Medical Association):

I have submitted testimony supporting S.B. 464 ([Exhibit D](#)).

Caden Fabbi (Associated Students of the University of Nevada):

The University of Nevada, Reno, recently conducted a survey establishing the climate on campus in terms of binge drinking. Nearly 81 percent of University students reported consuming alcohol in the last 30 days, which is above the national average of 65 percent. We can have all the alcohol awareness programs we want, but students will continue to choose to drink on our campus and we need to make sure they are safe when doing so. Many students use drugs and alcohol for the first time when they come to a college campus, not knowing their limits. We need to make sure students know to seek help.

Ten percent of students under the age of 21 reported drinking alcohol in the week prior to taking the survey, a statistic likely underreported from the students who actually did so. Typically, 6 percent of men and 5 percent of women report binge drinking. Students under the age of 21 tend to drink in off-campus residences, parties and pregame activities both on- and off-campus. The idea that alcohol is not on our campus is ludicrous. Only 16 percent of students under the age of 21 who drink believe it is very important to change their drinking behaviors while 51 percent believe it is not important to change their behavior. Between 3 percent and 9 percent of Nevada students under the age of 21 report experiencing negative outcomes due to alcohol. We have talked about safety at the Legislature, and the best way to keep students safe should not be a controversial topic. This is about education, common sense and potentially saving student lives.

Cameron Hughes (Associated Students of the University of Nevada):

I have submitted my written testimony supporting S.B. 464 ([Exhibit E](#)). I have also submitted the link to a Cornell University study ([Exhibit F](#)).

I have had first-hand experience with situations this bill would address. At a party, I was made aware of a young man who was highly intoxicated and had passed out. Checking on him, I found him lying on his back vomiting. As he began to asphyxiate on his own vomit, I rolled him on his side so that he would not choke. I would hate to see any more instances in which a partygoer could not help.

Aaron Letzeiser (Executive Director, Medical Amnesty Initiative):

I have submitted my testimony supporting S.B. 464 ([Exhibit G](#)). I have also submitted the Medical Amnesty Initiative ([Exhibit H](#)).

Brian O'Callaghan (Las Vegas Metropolitan Police Department):

Ms. Asaf was able to satisfactorily answer every question we had about the bill, and the Las Vegas Metropolitan Police Department supports S.B. 464.

John T. Jones, Jr. (Nevada District Attorneys Association):

The Nevada District Attorneys Association supports S.B. 464.

Bob Roshak (Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association supports S.B. 464.

Vanessa Spinazola (American Civil Liberties Union of Nevada):

The American Civil Liberties Union of Nevada supports S.B. 464. Our courts are overburdened. This is a step back from the enforcement mentality and a step toward public safety.

Sean B. Sullivan (Public Defender's Office, Washoe County):

The Public Defender's Offices of Washoe and Clark Counties support S.B. 464.

Ms. Asaf:

Students and young people who drink alcohol are reluctant to seek medical help for themselves or their friends because of their apprehensions of being penalized by the law. Cornell University adopted a policy in 2006 granting medical amnesty to students seeking medical assistance for alcohol-related problems. University officials based this decision on on-campus research indicating a need for this policy. Prior to the policy, 19 percent of students reported considering calling to seek medical help for themselves or a friend, but only 5.4 percent called. According to a 2013 report to Congress on the prevention of underage drinking, 40 young people in Nevada lost their lives between 2001 and 2005 due to alcohol-related incidents. This meant that 2,379 years of potential lives were lost because no one called for medical help.

Anytime a young person drinks, a fatality or serious injury is possible. According to a 2012 Nevada study, 74,000 people between the ages of 12 and 20, nearly 1 in 4 young people, were reported having consumed alcohol in the past month. Underage drinking is a real problem in Nevada. Together, we must ensure that our young people remain safe and alive.

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Chair Brower:

I close the hearing on S.B. 464 and adjourn the subcommittee of the Senate Committee on Judiciary at 1:33 p.m.

RESPECTFULLY SUBMITTED:

Julia Barker,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 464	C	2	The Senate of the Associated Students	A Resolution in Support of Medical Amnesty in the State of Nevada
S.B. 464	D	2	Nevada State Medical Association	Letter of Support
S.B. 464	E	1	Cameron Hughes	Written Testimony
S.B. 464	F	1	Cameron Hughes	Link to Cornell Study
S.B. 464	G	2	Aaron Leitzeiser	Written Testimony
S.B. 464	H	14	Aaron Leitzeiser	The Medical Amnesty Initiative