

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

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10/3/03
Date

2003 HOUSE JUDICIARY

HB 1354

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1354

House Judiciary Committee

Conference Committee

Hearing Date 2-12-03

Tape Number	Side A	Side B	Meter #
1	xx		00-end
2		xx	28-31.4
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: 13 members present.

Chairman DeKrey: We will open the hearing on HB 1354.

Wayne Stenehjem, AG: Introduced the bill (see attachments) I am here in support of HB 1354.

When the ND Commission of Drug and Alcohol Abuse, conducted its eight public meetings across the state of ND, we were presented with a tremendous amount of information at some of these hearings; not just about meth. problem but with an additional problem that we're seeing arising here in the state of ND in recent years. That has to do with abuse by very young people of a substance known as dex, which is a substance you will find in products like Robitussen and Coricidan. A huge number of ND young people are using this substance in an effort to get high. It produces effects, I'm told, similar to that of marijuana or LSD; including hallucinations and cartoon like hallucinations of different types. We found this is becoming a huge problem, and then I went up to Plaza Drug and got into a conversation with the pharmacist at Plaza Drug, who thanked me and you for the efforts you are putting forth with regard to the meth. problem, but she

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said there is another extremely problem here in ND, and that is with dex. These products are good products when used correctly, but are being abused. We need to work together to try and improve the lives of our citizens. (read from the article about the ABC Good Morning America show). There are web sites out there that tell these kids how to do this, how to get pills, how to take enough pills, etc. This is a serious problem.

Chairman DeKrey: Thank you. Further testimony in favor of HB 1354.

Jan Mayer, Pharmacist: Support. We have having problems with Robitussen and Coriciden packages being stolen, especially right before any middle school dances.

Chairman DeKrey: Thank you. Further testimony in support.

Pamela Sagness, LSW, Jamestown: Support. There may not be a physical addiction but there is a psychological addiction.

Chairman DeKrey: Thank you. Further testimony in support.

Deb Davis, Licensed Addiction Counselor, Grand Forks: Support. I have been worked with addiction counseling for over 20 years. We have also been working with the Drug Court Program. The problem with the cough syrup and pills is that when you test the juvenile for drugs, these products don't know up.

Chairman DeKrey: Thank you. Further testimony in support.

Vicki Angen: Support. Her daughter has had problems with abuse and suffered mental problems, as well.

Chairman DeKrey: Thank you. Further testimony in support.

Jennifer Angen: Support. She has abused these products for the past few years, and has tried rehab programs. She wants to keep these products away from the younger children.

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Chairman DeKrey: Thank you. Further testimony in support.

Craig Davis, Licensed Addiction Counselor, Grand Forks & Fargo: Support.

Chairman DeKrey: Thank you. Further testimony in support.

Harvey Hanel, R.Ph., President of ND State Board of Pharmacy: Support (see attached testimony).

Chairman DeKrey: Thank you. Further testimony in support.

Galen Jordre, R.Ph., Exec. President, ND Pharmaceutical Association: Support (see attached testimony and amendment), we need to look at penalties for these infractions.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition?

Nancy Bukar, Director of the State Coalition for the Consumer Health Care Association:

Opposed. Our products are not illegal, they are good products, highly effective cough suppressants. We are willing to provide education about the results of misusing these products.

Chairman DeKrey: Thank you. Any further testimony in opposition. Questions.

Rep. Eckre: These products can be purchased over the internet?

Ms. Bukar: Yes, you can buy in bulk.

Rep. Eckre: Can I buy just one package over the internet.

Ms. Bukar: Yes.

Rep. Delmore: I'm sure that one component of this is education. You talked about being on the internet when kids do searches. You mentioned that you would be the first thing that they could see when they went into a search. How can you guarantee that the website you are designing will be #1 on the search engines.

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Ms. Bukar: The public affairs people tell us that the more dollars you pay, the higher you are in the search engines. We oppose the illicit use of legitimate over-the-counters.

Chairman DeKrey: Thank you.

Rep. Klemin directed question to AG: One of the comments that we have heard a number of times this morning, and something that appears a number of these publications is the problem with shoplifting these drugs. This bill makes it illegal to sell to somebody under 18, but it seems like security is a bigger problem than selling it to someone under 18. What can we do about the shoplifting. Can we require this to be in a more secure area.

Mr. Stenehjem: That is an excellent point, excellent question. Shoplifting is a big problem. Kids are going into stores wearing sweatpants with elastic around the ankles, cut out the bottom of the pocket and slip the medicines into their pockets, load up, and walk out the door. I think this is the approach we should take for us here in North Dakota, that we can get enacted with a minimum of inconvenience to the customers and to the stores. The stores will have to make decisions based on the economics, what do they need to do to protect their inventory.

Rep. Klemin: In regard to the penalty, could we look at making this an infraction instead of Class B misdemeanor, would you have any comment on that.

Mr. Stenehjem: I mentioned in my testimony, that I was aware that they were going to make that proposal. I don't have an objection to that. We think education is going to help the most, and if somebody at a store inadvertently violates the statute, an infraction is fine knowing that a subsequent violation of the statute provides for an infraction penalty, becomes a class B misdemeanor, so that if there are repeat offenses, we can deal with it now, not later. I hope not to

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have to deal with it in the criminal courts, because I know that our stores in ND want to deal with this in a responsible way. They want to be part of the solution.

Rep. Grande: In this, can we put something in as we did with the meth. bill, for the young mother, the emancipated minor that can still at least be able to participate in purchasing their medicine from the counter.

Mr. Stenehjem: The problem is that with ephedrine, there are baby formulas that have lesser amounts of the substance in it. I think this is different, I don't know of any baby formula for DXM.

Rep. Grande: But you have kids 16 years old living on their own.

Mr. Stenehjem: We don't have a statute for emancipation of minors in ND.

Rep. Grande: But I know there are children who are living on their own, 16, 17 or 18 years old, because of their family situations, they live on their own.

Mr. Stenehjem: If you had some wording, I wouldn't have an objection to trying to work that through.

Chairman DeKrey: We are going to close the hearing on HB 1354.

(Reopened later in the afternoon session.)

Chairman DeKrey: What are the committee's wishes in regard to HB 1354.

Rep. Maragos: I move the amendment.

Rep. Klemin: Seconded.

Voice vote: Carried.

Rep. Maragos: I move a Do Pass as amended.

Rep. Delmore: Seconded.

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10 YES 0 NO 3 ARSENT DO PASS AS AMENDED CARRIER: Rep. Kingsbury

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Attorney General

Amendment to HB 1354

Page 1, line 14, delete "class B"

Page 1, line 16, delete "misdemeanor" and immediately thereafter insert "infraction"

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38294.0101
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Adopted by the Judiciary Committee
February 12, 2003

VR
2/13/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1354 JUD 2-13-03

Page 1, line 14, replace "a class B" with "an infraction."

Page 1, remove line 15

Renumber accordingly

Page No. 1

38294.0101

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