



POSITION PAPER No. 11/213th Legislature (2008-09)

ISSUE:

Provides that certain underage persons who summon medical assistance for intoxicated underage persons would not be prosecuted.

BILL NO.

S-2748 (Kean, Girgenti)

A-3160 (Angelini, Johnson)

NCADD-NJ POSITION:

NCADD-New Jersey strongly supports S-2748/A-3160. Youth use of alcohol in New Jersey is a pervasive and critical public health problem. The problem is epidemic by any public health standard. Alcohol continues to be New Jersey youth's number one drug of choice. Almost 39% of New Jersey's 7th and 8th graders and eight in ten high school students have used alcohol, and almost half of high school students report having had alcohol within the prior 30 days. Given their age and inexperience, many youth consume alcohol in ways that are very dangerous and result in serious medical issues or alcohol overdoses.

Youth engage in more binge drinking than adults. Of great concern is that 27% percent of New Jersey high school students engaged in binge drinking in the past 30 days on one or more occasion, and almost half of New Jersey's high school seniors have engaged in binge drinking on one or more occasions in the past 30 days. Drinking these large quantities often leads to alcohol poisoning.

Minors faced with a medical emergency stemming from excessive drinking often hesitate to call for help because of uncertainty or because of fear they or their friends will face legal charges related to

alcohol use and/or possession. This has resulted in the death of a number of New Jersey students. Instead of calling for help, many young people put their friend to bed or abandon them and assume that their friend will sleep it off. They run from the scene, leave the intoxicated youth outside their home, attempt to sneak the person home and to bed, not realizing that their friend's blood alcohol level has yet to reach its peak.

The fear of getting in trouble can lead to a fatality. More teens die from an alcohol overdoses or drunken driving crashes than from all other causes combined. It is not a question of "if" an underage person will be seriously injured or die due to drinking, but when.

This legislation encourages young people to call for help in the event of an alcohol medical emergency by providing that those who call for help or need such help will not be subject to charges otherwise triggered by violations of laws dealing with underage drinking.

911 Legislation is effective

A 2006 case study published in the International Journal of Drug Policy, the Medical Amnesty Protocol at Cornell University found that following the initiation of lifeline policies: (1) there were increases in alcohol-related calls for assistance to emergency medical services; (2) students were less likely to report fear of getting an intoxicated person in trouble as a barrier to calling for help.

The results of a 2007 Medical Amnesty Survey developed and implemented as an independent project for the Center for Alcohol and Substance Education (CASE) of the University of Virginia also found such policies were effective. Seventy five percent responded that the medical amnesty policy increased the likelihood that students will request outside assistance for those in alcohol emergency.



PUBLIC POLICY & INFORMATION

Promoting Addiction Prevention, Treatment and Recovery Through Advocacy and Education

Both the caller and the underage person in need of help should be protected.

In a random survey conducted by Arizona State University, 6,000 undergraduates and 1,500 graduates were asked what would lead them to decide whether to call for help for someone passed out or incoherent due to consuming too much alcohol. The survey found 47.6% responded that they did not know what to do, and 35.5% expressed fear of getting a friend in trouble.

Typically, the laws or policies enacted in other states or on college campuses protect both the person who receives emergency treatment and the person who assists them in obtaining it from charges of being a 'minor in possession.'

The caller and underage person in need of help should not be prosecuted for consumption or possession of alcohol on private or public property in addition to the offense under 2C:35-17.

The most common offenses under which the underage caller and person in need of medical attention are not prosecuted are consumption and minor in possession. The main concern of this legislation is summoning medical attention. If the caller is concerned that they will get in trouble or their friend will get in trouble because they are underage and have been drinking or because they provided the alcohol to the minor in need of medical attention, they may not call 911.

The Lifeline Legislation should in no way be taken as condoning youth use of alcohol. It responds to cases of excessive drinking by minors and creates the opportunity to save lives of youth who are imperiled as a result of severe intoxication.

A-3160 is consistent with prevention efforts designed to ensure the well-being of young people. Instead of enabling dangerous behavior by trying to hide it, it increases the likelihood that it will be confronted for what it is, a medical emergency.

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