

2019 SENATE JUDICIARY

SB 2114

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2114
1/8/2019
#30575 (06:06)

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the penalty for individuals under twenty-one years of age using alcoholic beverages or entering licensed premises; and to provide a penalty.

Minutes:

1 Attachment

Chair Larson opened the hearing on SB 2114.

Pamela Sagness, Director of the Behavioral Health Division of the Department of Human Services, testifies in favor of bill (see attachment #1)

Sagness: This was a bill that was passed last session through the Human Services Policy committee. This is just to clarify an error, a number change. It was pointed out by previous Senator Armstrong that we had an error.

(3:40) Vice Chairman Dwyer: How was this mistake made?

Sagness: We were really surprised because this was not only introduced by the Department and drafted by our legal team, but it was also reviewed through two policy committees and voted. It was simply an error in the referencing of law.

Vice Chairman Dwyer: this law was passed 2 years ago?

Sagness: Correct.

Senator Myrdal: Congressman Armstrong just wants us to remember him.

Sagness: It was about a month after session was done that he brought it to our attention. I appreciate the feedback because it was very helpful.

Senator Myrdal: Moved a Do Pass

Senator Osland: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. Motion carries.

Senator Myrdal will carry the bill.

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2114**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Myrdal Seconded By Senator Osland

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Myrdal

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2114: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2114 was placed on the
Eleventh order on the calendar.

2019 HOUSE JUDICIARY

SB 2114

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2114
3/5/2019
33224

☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to the penalty for individuals under twenty-one years of age using alcoholic beverages or entering licensed premises; and to provide a penalty.

Minutes:

1

Chairman Koppelman: Opened the hearing on SB 2114.

Pam Sagness, Director of Behavioral Health Division of the Dept., of Human Services:
(Attachment #1) Read testimony.

Chairman K. Koppelman: Relating to last session. I understand and support the idea we shouldn't have just anyone out there saying I am going to hand out a shingle and be a trainer or conductor of these classes or sessions. What kind of credentialing did we set up and is it reasonable?

Pam Sagness: We have been working on reducing regulation. We do know those barriers have been a big problem for us getting work force and excess to behavior health services moving forward. One thing we did was had this be a certification; not licensure. We are providing free training and this will actually increase access. We just trained 27 individuals in December so we are hoping this will open up access in local communities. In some communities in the state now a child will get a minor and they will have to sign up for a class that doesn't happen for six months because there weren't enough people providing. Our ultimate goal was access. There has been a huge investment from local public health. They see this is something they can do as a local service so we have seen local public health become trained and also some of the people who have been previously providing also participated in the training.

Chairman K. Koppelman: Do people know about it in the general public?

Pam Sagness: We didn't over advertise the first one. Until we can see where the program is going; then we can advertise.

Rep. Jones: Line 9 # 4 it says the court may refer the individual to an outpatient addiction facility licensed by the DHS? You just said you were changing from licensing to certification. Do we need to change this?

Pam Sagness: That is referring to the license treatment programs. There is a thing called ASAM which is addiction medicine requirements. The minor in possession classes is considered education and not treatment. If someone gets their first minor it is not assumed they need treatment. It would be assumed they need education so that is the level of certification. Licensure comes into play if you actually need treatment. We still license those programs, but that is a different level of care that requires the care of a professional credential.

Chairman K. Koppelman: When we talk about rules adopted by the department under 50-06-44; is it administrative code that is being referred to?

Pam Sagness: Yes. On the bottom of the first page of my testimony you will see we actually created chapter 75-09.2-01. That is actually the administrative rules that were drafted and done last session. There are rules that guide that certification and there are separate rules that do licensing. We really want to separate what needs a professional license versus what an education that can be done in the community.

Rep. McWilliams: So it is a misdemeanor if you are 18 or 19 or 20 years old and you have a beer?

Pam Sagness: I don't know if I could want to give reference to anything with what legal charges would be or what the current practice is. I would not want to give an opinion on that.

Opposition: None

Neutral: None

Cathy Ferderer: Juvenile Court Coordinator for the State Court Administrator's Office: I just wanted to address the question about the misdemeanor. It would conflict with the juvenile court act which is 27-20.02.19. When you look at that section of the code it defines a child who commits one of these offenses as an unruly child; so the misdemeanor language is more adult terminology, which is really not used in the Juvenile Court Act.

Chairman K. Koppelman: This is current law so it is already a Class B misdemeanor.

Cathy Ferderer: If you look at the Juvenile Court Act it does bring in the section so under that subsection d it says has committed an offense in violation of Section 5-01.08.

Rep. Paur: Line 5, page 2 the court shall sentence? Do you think that is proper?

Cathy Ferderer: We often do sentence kid's education classes for these types of offenses. My concern would be; is this available statewide so that is something that they are able to complete.

Hearing closed.

Rep. Jones: I like the discussion Rep. Paur brought forward to change that word from that word shall to may. The testimony was a lot of places in the state they don't have these things available and until they get every place available; on line 5, page 2.

Chairman K. Koppelman: My only concern about that is what we have done here in the past sessions; we have set this up as a definitive step in this process. This is something we want the court to do in every case. I understand the concerns about shall versus may, but the court doesn't object to that. If you put may then any judge that has a different idea somewhere can decide in his or her court, we are going to follow a whole different course of action. We are the policy makers and we are here to make law. If this is what we want, then we should just leave it this way.

Do Pass Motion Made by Rep. Satrom; Seconded by Vice Chairman Karls

Discussion:

Rep. Paur: What about the concern about the contract with the Uniform Juvenile Court Act?

Chairman K. Koppelman: I understand that concern. I would defer to the law we have on the books and if there is a juvenile law that conflicts with that I would prefer what has been vented by our law makers. We can hold onto this bill if you want to investigate that further.

Rep. McWilliams: I have a problem with most of this bill. I will be opposing this bill. We are saying if a kid is manufacturing, purchasing, or attempting to purchase, consume alcohol under the age of 21 that a court shall sentence a violator to an evidence based alcohol or drug education program if they have a sip of beer.

Chairman K. Koppelman: I think that is a good idea. It is an early intervention. This bill just fixed an omission that was done.

Rep. McWilliams: I grew up with wine and beer with my father coming home after a deer hunt. I grew up drinking responsibly. I have never been high in my life. I think it is a fear mongering. I think that is expensive and harsh. An evidence based alcohol and drug education program; what evidence? There doesn't have to be a whole lot of evidence there to be an evidence based program.

Chairman K. Koppelman: I don't think we have authority breaking into homes and prosecuting minors who are drinking with their parents. That is not the thing that is contemplated here.

Representative Simons: The question came to mind; how many people had a drink of alcohol before we were 18 or 21? How many people would be going to this class? When I was young I drank alcohol and I don't think classes would have helped. If my dad would have found out that would have been bad. That helped me drink somewhat responsibly because I didn't want my dad to find out. We should let the judges decide what they want to do. I will be voting no on this bill.

Chairman K. Koppelman: I don't think the home circumstances that are being described are being charged and this is where someone is out doing something.

Rep. Paur: I don't like the law and I certainly am not going to vote to expand it.

Rep. Vetter: It adds subsection 1; if you are 16 years old and your dad calls the cops; I don't like the law. It just adds the school thing to it.

Rep. Satrom: Our brains, particularly men are not functioned until 25 or more. The reality is if you start drinking at an early age before 21; you chance of rewiring your brain in a negative way is very great. Practically everyone that is genetically tied to me; it is a bad plan. This bill really does make a different. If think it is a great thing to do.

Chairman K. Koppelman: The whole idea is early intervention. The idea is to educate them on the evidence that may lay before them if they continue down that path.

Rep. Rick Becker: What Rep. Jones brought up is kind of clincher. I am trying to be consistent. I think I am going to oppose the motion. I we changed it to a may then I would be in favor of it. We want consistency. I question the science that our brains are wired. I am looking at what makes sense from the legal standpoint.

Rep. McWilliams: I understand there is an underage drinking problem. When we say in the law we shall sentence it takes away that judges discursion.

Rep. Bob Paulson: I have a concern for our underage drinking situation. I have a concern with trying the hands of the judge. I would like to change the shall to a may so for that reason I will oppose this motion.

Rep. Hanson: The whole idea is early intervention. It is a good idea to prevent things. It is better to focus on education instead of treatment later on.

Rep. McWilliams: I agree early intervention is important. When we fund early education and then we also expanded services on the other end; we are just building a giant bridge. We may not see the benefits unless way down the road.

Chairman K. Koppelman: Fiscal responsibility has been discussed. I don't know where it takes us if we take the teeth out of the bill and say the judge may but the judge may now. If we kill the bill the status is what it is. Nothing is preventing the judge from doing this now.

Vice Chairman Karls: Why weren't these concerns brought up when we had the hearing open?

Rep. Rick Becker: What I brought up doesn't pose any questions. It is an opinion and is the basis on how I am going to vote.

Representative Simons: That is why I didn't say anything either. My core principals are let judges be judges.

Chairman K. Koppelman: So should judges be above the law? So when the legislature passes a law we expect judges to sentence based on that law.

Rep. Bob Paulson: We have been pulling back on the mandatory minimum if we change the shall to may; it doesn't say you have to do that.

Chairman K. Koppelman: Discussed justice reinvestment. We need to judge each issue as it comes before us. I think there is a huge difference between mandatory minimum and a kid who gets caught drinking under age. I think it helps to go to the class and find out that this is really about.

Roll Call Vote: 6 Yes 7 No 1 Absent Failed

Motion Made to amend the bill on page 2, line 5 overstrike shall and replace with may by Rep. McWilliams; Seconded by Rep. Satrom

Discussion:

Representative Simons: Is there a reason we are leaving a Class B misdemeanor in there?

Chairman K. Koppelman: I think it is unwise to start changing criminal penalties based on testimony. It doesn't deal with this program.

Rep. Paur: Can a 14 or 15-year-old be charged with a Class B misdemeanor?

Chairman K. Koppelman: If they are tried as an adult they can.

Rep. Satrom: Withdrew his second.

Vice Chairman Karls: Seconded the motion.

Voice vote carried.

Do Pass as Amended Motion Made by Vice Chairman Karls; Seconded by Rep. Jones

Discussion:

Representative Simons: Discussion on judges.

Chairman K. Koppelman: Discussion on judge and situation and how we have awful situation and the policies that we do.

Rep. McWilliams: If we change the shall to a may I think if you have a 14,15,16-year-old. They don't always have a license to drive so the judge mandates they have to go to a class they are putting more of a burden on the parents than you are the individual having to attend the class.

Rep. Vetter: Having to take a class; I was one of those troubled kids and I drank for a summer and they told me I was an alcoholic and I had to set in a class, but it did straighten me out.

Rep. Paur: I still feel uncomfortable with this bill.

Roll Call Vote: 9 Yes 4 No 1 Absent **Carrier:** Rep. McWilliams

Closed.

DP 3/5/19

19.8098.01001
Title.02000

Adopted by the House Judiciary Committee

March 5, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2114

Page 2, line 5, overstrike "shall" and insert immediately thereafter "may"

Renumber accordingly

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
SB 2114**

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Satrom Seconded By Rep. Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	X		Rep. Buffalo	X	
Vice Chairman Karls	X		Rep. Karla Rose Hanson	X	
Rep. Becker		X			
Rep. Terry Jones		X			
Rep. Magrum		X			
Rep. McWilliams		X			
Rep. B. Paulson		X			
Rep. Paur		X			
Rep. Roers Jones	-----				
Rep. Satrom	X				
Rep. Simons		X			
Rep. Vetter	X				

Total (Yes) 6 No 7

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Failed.

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
SB 2114**

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: on page 2, line 5 overstrike shall and replace with may

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. McWilliams Seconded By Rep. Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Rep. Buffalo		
Vice Chairman Karls			Rep. Karla Rose Hanson		
Rep. Becker					
Rep. Terry Jones					
Rep. Magrum					
Rep. McWilliams					
Rep. B. Paulson					
Rep. Paur					
Rep. Roers Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carried

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
SB 2114**

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Karls Seconded By Rep. Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	X		Rep. Buffalo		X
Vice Chairman Karls	X		Rep. Karla Rose Hanson	X	
Rep. Becker	X				
Rep. Terry Jones	X				
Rep. Magrum		X			
Rep. McWilliams	X				
Rep. B. Paulson	X				
Rep. Paur		X			
Rep. Roers Jones	-----				
Rep. Satrom		X			
Rep. Simons	X				
Rep. Vetter	X				

Total (Yes) 9 No 4

Absent 1

Floor Assignment Rep. McWilliams

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2114: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2114 was placed on the Sixth order on the calendar.

Page 2, line 5, overstrike "shall" and insert immediately thereafter "may"

Renumber accordingly

2019 CONFERENCE COMMITTEE

SB 2114

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2114
4/16/2019
#34770 (11:02)

☐ Subcommittee
☒ Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the penalty for individuals under twenty-one years of age using alcoholic beverages or entering licensed premises; and to provide a penalty.

Minutes:

No Attachments

Senator Dwyer, Chairman, begins the conference committee hearing on SB 2114. All members were present: Senator D. Larson, Senator Bakke, Representative Vetter, Representative Hanson and Representative Paur.

Representative Vetter: Some of the members of the committee didn't like how it was currently written even though it was already the statute. There were some committee votes back and forth, and ultimately there were more members that wanted the "may" than the "shall". Since then, we've talked to Ms. Sagness, and it appears that they already have a law for minors. Really the only people this would be affecting would be the 18-20 year olds I believe. Personally, I voted to keep it "shall", but there were some mixed feelings with our committee.

Representative Hanson: I would be comfortable acceding to the Senate's view of a "shall". I think it would be consistent with what we have for minors under 18 and provide continuity. It's the lowest level of intervention with a short duration of education, so it's not viewed as punishment. This is the minimum we could do to help these kids in preventing them go down a further negative path. I would support efforts to revert it back to "shall".

Representative Paur: This will pass, but the majority in our committee wanted "may", so I will resist going to "shall".

Senator Larson: I would typically agree with changing "shall" to "may" on most things to give the judge discretion, but in this particular situation, when we know that alcohol binge drinking addictions are so prevalent, it seems that for us to make sure that if someone under 21 is caught, they would get the same type of education to understand the process of addiction as

well as what all of the laws are regarding juveniles with alcohol. When we had this before our committee, I asked specifically if there are any education classes around the state for everybody that would be charged with this to be able to attend. The answer was yes; they have those provided so that that can happen. I appreciate the House's willingness to back to a "shall" in this particular situation.

(5:15) Representative Hanson: This bill was originally brought forward as a technical fix. This policy as a whole was passed two years ago by both of our assemblies, and this is correcting an oversight of kids who get a minor in possession in a bar versus outside of a bar. I get uncomfortable changing the policy when the original intention was a correction.

Senator Bakke: I still consider them children at this point, and there's nothing that makes more of an impact than when you ask them to give up 2-3 hours of their life to sit in a class. They blow off penalties and fines, but if they sit in a class and forced to do something, they may think twice before they do it. We need to reach these kids when it first starts. In some ways it is a punishment, a good punishment because it's a punishment where they're going to learn something if they get their act together. I believe you need to make an impression, and having them sit in a class will make an impression. Is there a reason your committee wanted "may" rather than "shall"?

Representative Paur: Judicial discretion. If an 18-year-old is coming home from basketball in January and steps into a bar to warm up, they cannot be in the establishment. There's no judicial discretion, and the majority of the committee agreed.

**Senator Larson motions for the House to recede from House amendments.
Representative Hanson seconds.**

Senator Dwyer: The motion is to go back to the "shall".

A Roll Call Vote Was Taken: 5 yeas, 1 nay, 0 absent. Motion carries.

Bill carriers are Senator Dwyer and Representative Vetter.

Senator Dwyer: I had a nephew. A lot of times, kids start drinking when they're around 17, and come out of that stage as they age and mature. This kid was just getting there, but he had a car accident and got killed just at the end of his drinking days. I think this is a good thing to have kids that get picked up that are that age to have some education on what could happen.

Senator Dwyer ends the Conference Committee hearing on SB 2114.

Date: 4/16/2019
Roll Call Vote #: 1

**2019 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2114

Senate Judiciary Committee

- Action Taken**
- ☐ **SENATE accede to House Amendments**
 - ☐ **SENATE accede to House Amendments and further amend**
 - ☒ **HOUSE recede from House amendments**
 - ☐ **HOUSE recede from House amendments and amend as follows**

 - ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Larson Seconded by: Representative Hanson

Senators	4/16			Yes	No		Representatives	4/16			Yes	No
Chairman Dwyer	X			X			Representative Vetter	X			X	
Senator Larson	X			X			Representative Paur	X				X
Senator Bakke	X			X			Representative Hanson	X			X	
Total Senate Vote				3	0		Total Rep. Vote				2	1

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Senator Dwyer House Carrier Representative Vetter

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2114: Your conference committee (Sens. Dwyer, D. Larson, Bakke and Reps. Vetter, Hanson, Paur) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 945 and place SB 2114 on the Seventh order.

SB 2114 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

SB 2114

Testimony
Senate Bill 2114 - Department of Human Services
Senate Judiciary Committee
Senator Diane Larson, Chairman

January 9, 2019

Chairman Larson and members of the Senate Judiciary Committee, I am Pamela Sagness, Director of the Behavioral Health Division of the Department of Human Services (Department). I appear today to provide testimony in support of Senate Bill 2114.

During the 65th Legislative Session, the Department of Human Services' Behavioral Health Division was authorized to certify Minor in Possession (MIP) providers in an effort to increase access to evidence-based early intervention services (N.D.C.C. § 50-06-44).

As is, subsection 3 of section 5-01-08 of the North Dakota Century Code requires the court to sentence a violator of subsection 2 to an evidence-based alcohol and drug education program operated under the rules adopted by the Department under section 50-06-44 of the North Dakota Century Code. Subsection 2 of section 5-01-08 only relates to an individual under twenty-one years of age who may not enter a licensed premise where alcoholic beverages are being sold or displayed. However, subsection 3 of section 5-01-08 does not reference subsection 1 of section 5-01-08, which states that an individual under twenty-one years of age may not manufacture, purchase, consume or be in possession of an alcoholic beverage.

Senate Bill 2114 adds a reference to subsection 1 in subsection 3 of section 5-01-08, in order to align with the original intent.

The Department developed administrative rules, chapter 75-09.2-01 in 2018, which detail the requirements and the process for individuals to become certified to provide

1
SB 2114
1/9

this effective service in the state. In December 2018, the Department hosted a training in one of the evidence-based alcohol and drug education programs which 27 individuals attended. Another training is planned for summer of 2019.

Senate Bill 2114 has potential to address Human Services Research Institute (HSRI) recommendations #2, 4, 5, 9, 10, 11, and 13.

This concludes my testimony, and I am happy to answer any questions.

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3-5-19
P.1

Testimony
Senate Bill 2114 - Department of Human Services
House Judiciary Committee
Representative Kim Koppelman, Chairman

March 5, 2019

Chairman Koppelman and members of the House Judiciary Committee, I am Pamela Sagness, Director of the Behavioral Health Division of the Department of Human Services (Department). I appear today to provide testimony in support of Senate Bill 2114.

During the 65th Legislative Session, the Department of Human Services' Behavioral Health Division was authorized to certify Minor in Possession (MIP) providers in an effort to increase access to evidence-based early intervention services (N.D.C.C. § 50-06-44).

As is, subsection 3 of section 5-01-08 of the North Dakota Century Code requires the court to sentence a violator of subsection 2 to an evidence-based alcohol and drug education program operated under the rules adopted by the Department under section 50-06-44 of the North Dakota Century Code. Subsection 2 of section 5-01-08 only relates to an individual under twenty-one years of age who may not enter a licensed premise where alcoholic beverages are being sold or displayed. However, subsection 3 of section 5-01-08 does not reference subsection 1 of section 5-01-08, which states that an individual under twenty-one years of age may not manufacture, purchase, consume or be in possession of an alcoholic beverage.

Senate Bill 2114 adds a reference to subsection 1 in subsection 3 of section 5-01-08, in order to align with the original intent.

The Department developed administrative rules, chapter 75-09.2-01 in 2018, which detail the requirements and the process for individuals to become certified to provide

#1
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3-5-19
P. 2

this effective service in the state. In December 2018, the Department hosted a training of the evidence-based alcohol and drug education programs which 27 individuals attended. Another training is planned for summer of 2019.

This concludes my testimony, and I am happy to answer any questions.

#1
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3-5-19
p.3

During the 65th Legislative Session, the Department of Human Services' Behavioral Health Division was authorized to certify Minor in Possession (MIP) providers in an effort to increase capacity of the workforce and access to evidence-based early intervention services (NDCC 50-06-44).

Research suggests that investing in early intervention services can contribute to a reduction in health care costs and help ensure the improved health and well-being of individuals. Early initiation of problem behavior and involvement in the criminal justice system is a risk factor for substance abuse and related consequences. Therefore, ensuring that this population is receiving evidence-based early intervention services is important in preventing further problems.

MINOR IN POSSESSION CERTIFICATION



Goal of Minor in Possession Provider Certification:

Increase capacity of workforce to provide evidence-based alcohol and drug education services



Increase access to evidence-based early intervention services for youth sentenced to alcohol and drug education



Prevent the onset of substance use disorders (SUD) among youth who do not yet meet criteria for a SUD, but are exhibiting early warning signs

Twenty-five individuals attended a training hosted by the division in December 2018 with the goal of becoming a Certified Minor in Possession Provider for North Dakota valid for three years.

Another training is planned for the summer of 2019.

Administrative Rules 75-09.2-01 detail the requirements and the process for providers to become certified to provide this service in the state.