

REPORT CARD 2006



Youth Substance Abuse Issues: Research and Legislation

C O N T E N T S

DSHS SURVEY.....	PAGE 3
IOM REPORT	PAGE 5
RECOMMENDED STRATEGIES	PAGE 8
79th LEGISLATIVE SESSION	PAGE 10

About the Report Card

TEXANS THROUGHOUT THE STATE ARE CONCERNED ABOUT YOUTH ALCOHOL, TOBACCO AND OTHER DRUG USE AND THEIR RELATED CONSEQUENCES. In the spring of 2006, Texans Standing Tall hosted, through a federal Drug-Free Communities Support (DFC) grant, five Regional Forums focused on the prevention of youth substance abuse in partnership with community coalitions across Texas.

These Regional Forums educated and helped mobilize local communities to become more informed on the latest substance abuse trends, equipping the attendees with tools and skills for advocating to protect our youth. Because alcohol is the number one drug of choice for youth, the Regional Forums gave particular attention to preventing youth alcohol use.

The Report Card is a new resource, made possible by DFC grant funding, for Texans Standing Tall to offer in our statewide coalition efforts to prevent underage alcohol, tobacco, and other drug use. This tool provides an overview of statewide youth substance abuse trends, the Institute of Medicine underage drinking report recommendations, and proposed legislation from the 79th Legislative Session.

Please note that throughout this Report Card the words “youth” and “underage” are used interchangeably because junior high students, not just high school seniors and college freshman use alcohol – the average age for a youth to first use alcohol in Texas is 12.4.

An Overview of Substance Abuse in Texas

THIS REPORT CARD ON THE STATE OF YOUTH SUBSTANCE ABUSE IN TEXAS will focus on some key factors and discuss policy strategies that Texas and its surrounding states are using to prevent underage alcohol, tobacco and other drug use.

Underage drinking costs the state of Texas over **\$5.5 Billion** a year. This number includes, but is not limited to such expenses as uninsured medical costs, property damage, loss of life, fetal alcohol syndrome as well as the cost of treatment for alcohol-related medical problems (Pacific Institute for Research & Evaluation, 2003).

The latest *Texas School Survey on Substance Abuse Among Students Grades 7-12 (2004)* from the Department of State Health Services (DSHS) offers insight into the scope of the problem of youth substance abuse in Texas. According to the survey, the five substances most widely used by young people in Texas were – in order of use – alcohol, tobacco, marijuana, inhalants, and powder cocaine.

Alcohol and tobacco are considered “gateway” drugs because their early use is associated with and a predictor of other drug use.

Age of First Use in Texas

Alcohol	12.4 years of age
Cigarettes	12.5 years of age
Marijuana	13.5 years of age

In 2004, the Substance Abuse and Mental Health Services Administration reported that illicit drug use was 48.4 percent higher among youths aged 12 to 17 who smoked cigarettes than it was among youths who did not smoke cigarettes (6.1 percent). Among youth aged 12 to 17 who were heavy drinkers, they reported that 64.5 percent were also illicit drug users and for non-drinkers the rate was only 5.1 percent. It stands to reason that community and policy changes that reduce youth alcohol and tobacco use could affect other drugs as well.



An Overview of Substance Abuse in Texas

Alcohol continues to be the most widely used substance among students with 67.9 percent of Texas secondary students reporting alcohol use at some point in their lives and 26 percent reporting use in the last month. Those numbers are trending down over the long-term. However, alcohol is viewed as the easiest of the substances to get and its use continues to harm our youth.

DSHS Survey: Trends of Use

Ever Used	1990	2004	% of Change
Alcohol	81.0%	67.9%	-16%
Tobacco	56.2%	39.4%	-30%
Marijuana	22.6%	29.8%	+23%

Past Month Use	1990	2004	% of change
Alcohol	43.6%	32.6%	-23%
Tobacco	22.9%	17.0%	-26%
Marijuana	7.8%	12.6%	+38%

Somewhat/Very Easy to Get	
Alcohol	67.8%
Tobacco	61.2%
Marijuana	44.3%

Among Texas secondary students, the Survey revealed for the first time in its history:

- Girls reported a higher rate of lifetime use of alcohol (**69.3%**) than boys (**66.5%**).
- About **10 percent** of secondary students said they attended class drunk at least once during the past school year.
- Binge drinking, defined as in one sitting having five or more drinks for boys and four or more drinks for girls, was reported by **23 percent** of the students.
- **24 percent** of seniors said they drove a car after having several drinks at least once during the past year, representing **80,000** impaired drivers on Texas roads annually.



Recommended Strategies

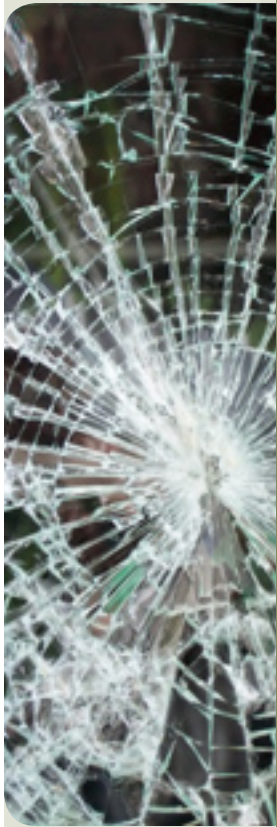
IN 2003, THE NATIONAL ACADEMY OF SCIENCES INSTITUTE OF MEDICINE (IOM) released a groundbreaking report – *Reducing Underage Drinking: A Collective Responsibility*. This report offered evidence-based solutions to the problem and is a major step towards creating a comprehensive plan to reduce underage drinking.

The report reached the conclusion that underage drinking cannot be successfully addressed by focusing on youth alone. They obtain alcohol – either directly or indirectly – from adults. Therefore, efforts to reduce underage drinking must focus on adults as well as youth, and must engage society as a whole.

The study recommended several components to a comprehensive strategy to reduce underage alcohol use. The recommendations included a national media campaign aimed at increasing adult awareness of the problem and reducing adult conduct that facilitates underage drinking. It also called for a partnership between government and private partners to bring about a coordinated, evidence-based approach to reduce and prevent underage drinking.

One of the major strategies recommended by the report is to limit access. The success seen in the reduction of alcohol-related traffic fatalities among young people across the nation since 21 became the nationwide drinking age helps to point out the effectiveness of enforcing underage drinking laws.

To view the *Reducing Underage Drinking: A Collective Responsibility* report visit www.iom.edu/CMS/12552/13838/15100.aspx.



Recommended Strategies

The IOM Report offered 40 recommended evidence-based strategies as solutions. Several of the recommendations help to limit alcohol access to underage youth. The following is a list of those strategies and a comparison of Texas with its four neighboring states in the implementation of these strategies.

Limiting Access

Yes – Y; No – N; Mandatory – M; Voluntary – V

	TEXAS	ARKANSAS	LOUISIANA	NEW MEXICO	OKLAHOMA
Underage Possession of Alcohol					
Exceptions – parent/guardian or legal spouse, specified religious, education or medical					
	Y	Y	Y	Y	Y
Underage Purchase of Alcohol					
Exceptions – law enforcement purposes, specified religious, education or medical					
	Y	Y	Y	Y	Y
Furnishing Alcohol to Minors					
Exceptions – parent/guardian or legal spouse, specified religious, education or medical					
	Y	Y	Y	Y	Y
Youth Blood Alcohol Concentration					
BAC Limits: 0.00– zero tolerance for anyone under 21 OR 0.02 BAC level violation					
	Y(0.00)	Y(0.02)	Y(0.02)	Y(0.02)	Y(0.00)
Using False ID to Obtain Alcohol					
Penalty includes license suspension, all 5 states have distinctive licenses for those under age 21					
	Y	Y	Y	Y	Y

Recommended Strategies

Yes – Y; No – N; Mandatory – M; Voluntary – V

	TEXAS	ARKANSAS	LOUISIANA	NEW MEXICO	OKLAHOMA
Keg Registration	N	Y	Y	Y	Y
Seller/Server Training	V	M	M	M	N/A
Sobriety Checkpoints	N	Y	N	Y	Y
Compliance Checks/Minor Stings	Y	Y	Y	Y	Y
Social Hosting Laws					
Criminal liability relating to hosting underage drinking parties	N	N	N	N	N
"Use/Lose" laws					
Mandatory suspension of driving privileges for underage purchase, possession, or consumption of alcohol					
*discretionary	Y	Y	Y	*Y	Y
Minimum age to serve alcohol	18	19	18	19	18
Minimum age to bartend	18	21	18	21	21

Information on alcohol state laws gathered from the Alcohol Policy Information System – A project of the National Institute on Alcohol Abuse and Alcoholism (www.alcoholpolicy.niaaa.nih.gov).

Focus on a Recommended Strategy to Limit Access

Raising Excise Taxes

After adjusting for inflation, alcoholic beverages are far cheaper today than they were 30 or 40 years ago, but the same does not hold true for tobacco. The strategy of raising excise taxes, and therefore prices, has been documented to have a stronger effect on youth consumption patterns than adults. The Federation of Tax Administrators provides the following information regarding alcohol and tobacco excise taxes (www.taxadmin.org).

ALCOHOL

Currently the excise tax on beer in Texas is **\$6.00** a barrel, or approximately **19 cents** per gallon. The excise tax rate in Texas has not been raised in over two decades (1984). Because beer is taxed by volume and not by the drink that tax has essentially been inflation proof.

The **19 cents** tax rate puts Texas well behind the average tax rate of all states, which stands at **26 cents** per gallon. The current rate adds **less than 2 cents per 12oz serving** or to the cost of a 12 oz beer.

The following chart compares Texas with the surrounding states on alcohol excise taxes.

	Tax Rate Per Gallon	Per 12oz Serving
TEXAS	\$0.19	1.8 cents
ARKANSAS	\$0.23	2.1 cents
LOUISIANA	\$0.32	3.0 cents
NEW MEXICO	\$0.41	3.9 cents
OKLAHOMA	\$0.40	3.8 cents

Focus on a Recommended Strategy to Limit Access

TOBACCO

In May of 2006, the Texas Legislature during its third Special Session, passed House Bill 5 (HB5) as part of the School Finance Package. HB5 raises the excise tax \$1.00 per pack of 20 cigarettes. This bill brought the total excise tax to **\$1.41** per pack. With this advance, Texas now has the 12th highest cigarette excise tax rate in the nation. The overall average for all states is 95.3 cents per pack. **Based on the new tax rate, Texas will have to sell 780 12oz servings of beer to equal the State excise tax collected from just one carton of cigarettes.**

The following chart compares Texas with the surrounding states on cigarette excise taxes.

	Tax Rate Per Pack	Per Cigarette
TEXAS (Effective 1-1-07)	\$1.41	7.0 cents
ARKANSAS	\$0.59	2.9 cents
LOUISIANA	\$0.36	1.8 cents
NEW MEXICO	\$0.91	4.6 cents
OKLAHOMA	\$1.03	5.2 cents



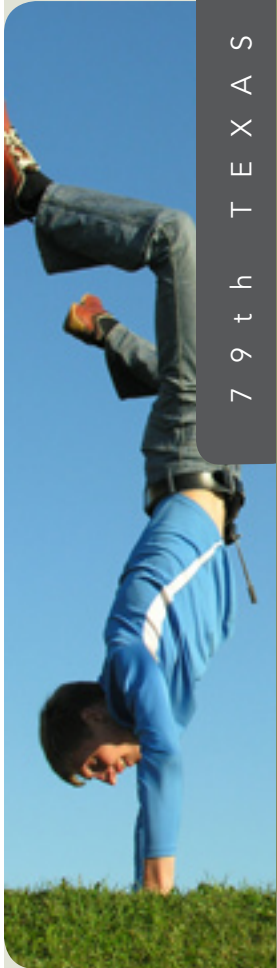
Overview

THE 79TH SESSION OF THE TEXAS LEGISLATURE BEGAN JANUARY 11, 2005, AND ENDED ON MAY 30TH, 2005. Following the regular session, three special sessions were called by the Governor with the third special session ending May 15, 2006. The following is an overview of a number of bills that were introduced that dealt with underage/youth alcohol, tobacco, and marijuana use. The majority of bills that were alcohol-related were sent to the House Committee on Licensing and Administrative Procedures.

Prior to the 2005 Legislative Session, adults who provided liquor to minors could not be held liable for the cost if a child harmed, killed another, or was killed as a result of being under the influence of alcohol. House Bill 2868 added civil accountability to adults who provide alcohol to those 18 years of age or lower.

The 80th session of the Texas Legislature will begin on January 9, 2007. The final gavel for the session is set to fall on May 28, 2007. In between thousands of bills will be introduced in both the House and the Senate. If history is any indication, approximately 20–25% of those bills will be passed into law.

All information regarding legislation was taken from the Texas Legislature Online (www.capitol.state.tx.us).



House Committee on Licensing & Administrative Procedures – Alcohol Related Legislation

Chair: Rep. Kino Flores, D-Mission

Vice-Chair: Rep. Charlie Geren, R-Ft. Worth

B&O Chair: Rep. Warren Chisum, R-Pampa

Members: Rep. Tony Goolsby, R-Dallas

Rep. Mike Hamilton, R-Mauriceville

Rep. Mark Homer, D-Paris

Rep. Delwin Jones, R-Lubbock

Rep. Geanie Morrison, R-Victoria

Rep. Chente Quintanilla, D-Tornillo

HB 13 – Author, Rep. Frank Corte, R-San Antonio

This bill would make the sale of alcohol to a minor a state jail felony if the person has been previously convicted of a sale to a minor or of a sale to an intoxicated or insane person. The offense of selling an alcoholic beverage to a minor is currently punishable as a Class A misdemeanor.

Actions: This bill was left pending in sub-committee.

HB 36 – Author, Rep. Rob Eissler, R-The Woodlands

Also known as the “Cinderella Bill”, this bill would make it a Class A misdemeanor if an alcoholic beverage is sold, served, dispensed, or delivered to a person before 7:00AM on their 21st birthday. The bill is designed to stop the binge drinking that occurs between the hours of midnight and closing time (usually 2:00AM) when a person turns 21.

Actions: This bill failed to receive an affirmative vote in committee.

HB 38 – Author, Rep. Rob Eissler, R-The Woodlands

This bill would limit the amount of alcohol to be served for on-premise consumption to not more than one-half ounce of absolute alcohol or the equivalent.

Actions: This bill was referred to subcommittee.

Alcohol and Other Substance Abuse Related Legislation

HB 168 – Author, Rep. Joseph Deshotel, D-Beaumont

This bill allows vendors associated with fairs, festivals, and concert events to sell beer and wine starting at 10:00AM on Sundays rather than noon.

Actions: This bill was passed and signed by the Governor. It became effective 09/01/05.

HB 193 – Author, Rep. Rob Eissler, R-The Woodlands

This bill would require the Alcoholic Beverage Commission (TABC) to prescribe and furnish keg registration labels and keg registration declaration and receipt forms. The bill would make it a Class C Misdemeanor for anyone other than a license or permit holder to possess a keg containing an alcoholic beverage that does not have a keg registration label affixed to the keg. It would also be a Class C Misdemeanor for anyone other than the wholesaler of the keg or another authorized person to remove, alter, deface, or obliterate the keg registration label affixed to a keg.

Actions: This bill was sent to subcommittee, where it was left pending on 3/22/05. It was recalled to full committee on 05/05/05 and reported favorably, and was then sent to Calendars on 05/11/05. No further action was taken.

HB 1357 – Author, Rep. Kino Flores, D-Mission

This bill increases the drivers' license suspension for minors on a conviction from 30 days to 180 days on a first conviction and from 60 days to one year on second or subsequent convictions. The bill also requires the suspension of an adult's driver's license for a specified term upon a conviction of furnishing alcohol to a minor.

Actions: This bill was passed and signed by the Governor and became effective on 09/01/05.

HB 3344 – Author, Rep. Carlos Uresti, D-San Antonio

This bill would lower the age that a person may apply for an expunction of an alcohol violation that occurred while they were a minor, limits the amount of expunctions a person can apply for, and stipulates that only a person who has just one convicted violation of the Alcoholic Beverage Code can apply for an expunction.

Actions: This bill was reported out of committee to Calendars on 04/28/05. No further action was taken.



Alcohol and Other Substance Abuse Related Legislation

HB 3426 – Author, Rep. Norma Chavez, D-El Paso

This bill requires the Department of State Health Services to establish a bi-national substance abuse task force to study various issues related to the abuse of substances and alcohol along the border with Mexico and submit a report to the Governor and the legislature.

Actions: This bill was passed and signed into law by the Governor. It became effective 09/01/05.

House Committee on Law Enforcement – Sobriety Checkpoints

Chair: Rep. Joe Driver, R-Garland

HB 50 – Author, Rep. Todd Smith, R-Eules

This bill would allow the Department of Public Safety and certain local law enforcement agencies to establish a sobriety checkpoint on a highway or street to determine whether persons are driving while intoxicated.

Actions: This bill was referred to the Committee on Law Enforcement. No further was action taken.

HB 309 – Author, Rep. Ruth McClendon, D-San Antonio

This bill would allow certain law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.

Actions: This bill was referred to the Committee on Law Enforcement. No further action was taken.

Senate Committee on Criminal Justice – Sobriety Checkpoints

Chair: Sen. John Whitmire, D-Houston

SB 25 – Companion Bill to HB 309 – Author, Sen. Judith Zaffirini, D-Laredo

This bill would allow certain law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.

Actions: This bill was referred to the Senate Committee on Criminal Justice. No further action was taken.

House Committee on Public Education – Alcohol and Other Substance Abuse

Chair: Rep. Kent Grusendorf, R-Arlington

HB 1805 – Author, Rep. Scott Campbell, R-San Angelo

This bill allows school districts to provide an alcohol and substance abuse program developed in consultation with the district's local school health advisory council as established. The program may not provide detoxification or residential services.

A school district may provide program services to a student only if the district obtains written parental or guardian consent: privacy rights must be protected.

Actions: The bill was referred to the Committee on Public Education. The bill was reported out of committee and sent to Calendars on 05/05/05, where no further action was taken.

HB 2460 – Author, Rep. Jesse W. Jones, D-Dallas

This bill called for Texas school districts to establish a campus drug awareness program. The program would monitor drug use on campus, provide a process for tracking reported drug use, and provide education services relating to drug use. It would also establish group counseling for middle school, junior high school and high school students.

Actions: The bill was referred to the House Committee on Public Education. No further action took place.

House Committee on Civil Practices – Civil Liability

Chair: Joe Nixon, R-Houston

HB 2868 – Author, Rep. Stephen Frost, D-New Boston

Co-Authors, Rep. Trey Martinez-Fischer, D-San Antonio, Rep. Patrick Rose, D-Dripping Springs, Rep. Corbin Van Arsdale, R-Cypress

This bill holds adults who are over 21 accountable for facilitating the intoxication of minors who are under 18. Under this bill, if a child who is 18 or younger causes damages while intoxicated due to the consumption of alcohol supplied by an adult who is 21 or older, the adult will be held liable for the damages caused by the child.

Actions: This bill was passed and signed into law by the Governor. It became effective 09/01/05.

House Committee on State Affairs – Tobacco-Related Legislation

Chair: Rep. David Swinford, R-Amarillo

HB 1080 – Author, Rep. Joe Driver, R-Garland

Prior to this bill, the State Health & Safety Code called for a justice or municipal court to suspend execution of sentence for a first conviction for the offense of possession or consumption of tobacco products by an individual less than 18 years of age. This bill would require the payment of court costs by the individual in order to have a sentence suspended for conviction of tobacco-related offenses by persons under the age of 18.

Actions: The bill was reported favorably out of the House State Affairs Committee and moved to Calendars. No further action was taken.

Alcohol and Other Substance Abuse Related Legislation

Senate Committee on Criminal Justice – Tobacco-Related Legislation

Chair: Sen. John Whitmire, D-Houston

SB 437, Companion Bill to HB 1080 – Author, Sen. Mario Gallegos Jr., D-Galena Park

This bill would require the payment of court cost and the attendance by the defendant to a tobacco awareness program in order to have a sentence suspended for the conviction of a tobacco-related offense by persons under the age of 18.

Actions: The bill was referred to the Senate Criminal Justice Committee. No further action was taken.

House Committee on Criminal Jurisprudence – Marijuana and Other Drugs Related Legislation

Chair: Rep. Kent Grusendorf, R-Arlington

HB 501 – Author, Rep. Betty Brown, R-Athens

This bill would raise the punishment from a state jail felony to a felony of the third degree for the offense of delivery or the offer of delivery of a dangerous drug on a school bus or within: 1,000 feet of premises owned or used by a school, private or public center or playground; or within 300 feet of a public swimming pool or video arcade facility.

Actions: This bill was referred directly to subcommittee, scheduled for public hearing and then left pending in subcommittee.

HB 658 – Author, Rep. Elliott Naishtat, D-Austin

Joint-Authors, Rep. Terry Keel, R-Austin, Rep. Suzanna Gratia Hupp, R-Lampasas

This bill would have allowed for the creation of an affirmative defense to prosecution for possession of marijuana if the person possessed the marijuana as a patient of a doctor who recommended it for medical purposes.

Actions: This bill was scheduled for a hearing and left pending in committee.

Alcohol and Other Substance Abuse Related Legislation

Special Sessions

During the second Special Session called to address property tax relief and school finance, alcohol and tobacco excise tax increases were included in a proposed bill.

SB 42 – Author Sen. Stephen Ogden, R-College Station, Senate Finance Committee

This bill addressed financing public schools in the state while also reducing property taxes. Among the sections, it called for an increase of the alcohol excise tax on beer from \$6.00 a barrel to \$7.20 a barrel. That would have effectively raised the tax level on a 12oz serving of beer from 1.8 cents per serving to 2.3 cents per serving.

Actions: This bill was sent to the Senate Finance Committee where it was scheduled for a public hearing. The hearing was cancelled and never rescheduled.

During the third Special Session called to address property tax relief and school finance, tobacco excise tax increases were included in a proposed bill that passed.

HB 5 – Author Rep. Peggy Hamric, R-Houston, House Ways and Means

This bill addressed financing public schools in the state while also reducing property taxes. It called for increases on the taxes on cigarettes and other tobacco products. For more details see the “Focus on A Recommended Strategy to Limit Access” section in this Report Card.

Actions: This bill was passed out of House Ways and Means and sent to the Senate Finance Committee. The bill passed out of the Senate Finance Committee. The final version was signed into law by the Governor on 05/31/06. It becomes effective 01/01/07.