



SPONSOR STATEMENT FOR HOUSE BILL 290

"An Act relating to voluntary chemical tests to determine the alcoholic content of a person's breath; and relating to certain alcoholic beverage licenses and permits."

House Bill 290 (HB290) is about availing awareness regarding the consumption of alcohol before leaving a business establishment and driving a car. It will give Alaskans an option to be informed, prevent DUIs, and avoid unnecessary suffering.

Laws are primarily designed to inform the public about the collective norms of the community. For those who do not comply with societal norms then laws are designed to enforce those norms. In the case of alcohol consumption at restaurants, bars, clubs, or any publicly authorized establishment which serves alcoholic beverages, we do not have a way to encourage informed, low-risk drinking. "Drink Responsibly" is a well-known adage; however, the consumption of alcohol has many variables that affect the point when responsible drinking turns irresponsible. Factors such as weight, age, food-in-stomach, altitude, fatigue, health, type of drinks, and gender are all variables to consider. The State of Alaska has a Blood Alcohol Concentration (BAC) standard for what determines high-risk drinking and driving, which is .08 or higher.

HB 290 allows businesses who hold an alcohol license or permit the option to install on their premises an alcohol testing device, or breathalyzer, for the voluntary use by their patrons who wish to know their alcohol consumption (BAC) before intending to drive. The availability of a breathalyzer device in the establishment does not hold the owner(s), or their employees, civilly liable for the results of the tests obtained by the patron nor their ensuing decisions based on it. The alcohol test device is solely for the purpose of a patron to determine if they are good to drive. HB 290 is not intended to establish a discretionary determination standard of drunkenness or additional sale and consumption of alcohol within the establishment. The State of Alaska already has statutes that define the discretionary standard of servers of alcoholic beverages regarding drunken patrons.

HB 290 does not mandate establishments to have alcohol testing devices but does encourage their installment. By doing so, it shall promote the informed decision-making of the establishment's patrons to avoid high-risk drinking and driving. Calibration of testing devices shall be conducted annually. A disclaimer on such devices will inform the patron of the allowable standard deviation of the breathalyzer device. In conclusion, making breathalyzers available at drinking establishments gives onus to patrons toward low-risk drinking if intending to drive.