

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Senator Dorothy Eck, Chair, on January 13, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Dorothy Eck, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Chris Christiaens (D)
Sen. Tom Hager (R)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: none.

Members Absent: none.

Staff Present: Susan Fox, Legislative Council
Laura Turman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SJ 4, SB 80
Executive Action: SB 45

EXECUTIVE ACTION ON SB 45

Discussion:

Sen. Towe said he worked primarily with the Board of Morticians in working out the amendments to SB 45, but he reviewed the amendments offered by the Montana Trial Lawyers Association. He was impressed by the willingness of the parties involved to work out the amendments to SB 45. Sen. Towe then went over the amendments. (Exhibit #1)

Motion:

Sen. Towe moved that the Committee accept amendments 1-8.

Vote: Amendments 1-8 adopted unanimously.

Motion/Vote:

Sen. Towe moved that SB 45 DO PASS as amended. Motion carried unanimously.

HEARING ON SJ 4

Opening Statement by Sponsor:

Sen. John "Ed" Kennedy, Senate District 3, Kalispell, provided a written opening statement. (Exhibit #2)

Proponents' Testimony:

Beta Lovitt, Montana Medical Association, said physicians are too often witnesses to the negative effects of alcohol and the consequences of alcohol abuse. The Montana Medical Association supports anything the legislature might do to curb the consumption of alcohol, especially among Montana's youth.

Opponents' Testimony:

Tom Cortingly, Montana Magazine and member of Montana Advertising Association said SJ 4 effects Montana's private business, such as bars and restaurants, because SJ 4 prohibits them from doing their jobs as they are in business to do.

Charles Wolk, Executive Director of the Montana Newspaper Association, said SJ 4 promotes censorship, and the Montana Newspaper Association opposes censorship in any form. They believe that limitations on commercial freedom of speech must be used with great care, and SJ 4 censors the advertising of a legal product. This is a case of "killing the messenger," and controlling the consumption of alcohol should be aimed at prohibition of the product itself.

Riley Johnson, Montana Broadcasters Association, said this is a censorship issue and the root of the problem is not being addressed.

Aidan Myhre, Owner and Operator of Myhre Advertising, provided written testimony. (Exhibit #3)

Steve Browning, Attorney representing Anheuser Busch, provided written testimony. (Exhibit #4)

Mark Staples, Montana Tavern Association, said he respects Sen. Kennedy's idea to address the problems of youth drinking alcohol. Mr. Staples said the local taverns, bars and grocery stores that dispense alcoholic beverages are the advertisers. A 1990 Human Services report to Congress said "research had yet to document a strong relationship between alcohol advertising and alcohol consumption." He said that a large part of advertising coming

from the manufacturers of alcoholic beverages discourages drinking irresponsibly, drinking and driving, and drinking under age. Mr. Staples said it is important to note these positive aspects of advertising.

Roger Tippy, Montana Beer and Wine Wholesalers Association, said the Montana distributors of alcoholic beverages support the position of the manufacturers of alcoholic beverages. He said the Roper Poll, which surveyed 1300 people, found that advertising primarily influenced people to change brands rather than to encouraging people who don't drink alcohol to start.

Questions From Committee Members and Responses:

Sen. Rye asked Steve Browning why beer advertising never shows the product being consumed. Steve Browning said that the FCC has regulations restricting the consumption of alcoholic beverages on television.

Sen. Rye asked Charles Wolk if the Montana Newspaper Association would support putting cigarette advertising back on television seeing how as the Montana Newspaper Association views SJ 4 as censorship. Mr. Wolk said yes, they would support putting cigarette advertising back on television because the Association opposes the principle of censorship.

Sen. Towe asked about limitations on advertising of alcoholic beverages on television. Sen. Rye said that hard liquor could not be advertised on television.

Sen. Towe said it was his understanding that half of the Medicaid costs that Montana incurs, which is over 100 million dollars, is attributed to cigarettes and alcohol, cigarettes having a two to one margin over cigarettes. If it costs the taxpayers that much, Sen. Towe asked if the legislature should be involved in trying to limit those costs. Mark Staples said assessing the "cost to society", one must look at the contributions that those industries make to other areas of the economy. If the tax on liquor were doubled, for example, what is taken out of the profits must also be noted, the employees hired or the industries sponsored. Another example is the debate about smoking rooms in state buildings when the buildings were paid for with cigarette tax revenues.

Sen. Towe asked Mark Staples if he would not object to an increase on taxes the Montana Tavern Association pays to try and cover costs incurred by advertising of alcohol. Mr. Staples said no, he as an attorney, would object to a tax increase, but it at the same time, it would be difficult to oppose.

Sen. Towe asked Mark Staples if he denied the statement of physicians that half of Medicaid costs in Montana are attributed to alcohol and cigarettes. Mr. Staples said he had no expertise

in that area to say whether or not that statement is correct.

Chairman Eck asked Steve Browning if there were data about other countries with bans on alcohol advertising regarding what happened when the cost of alcoholic beverages increased. Mr. Browning said when the price of the product increased, consumption decreased.

Chairman Eck said if individuals really wanted to cut down on consumption, one way would be through control of wholesale prices or taxation. Mr. Browning said individuals whose consumption would be reduced would be those who couldn't afford the product.

Chairman Eck said there was a study showing a tax increase on cigarettes affects the new, young user. She asked Steve Browning if the same effect were expected with raising the tax on beer and alcohol. Mr. Browning said it is again related to income.

Sen. Towe asked Sen. Kennedy if his bill were a joint resolution because the legislature could not affect this alone. Sen. Kennedy said he wanted a bill that would outlaw advertising of alcoholic beverages in Montana, but Legislative Council advised him to switch to a Senate Resolution.

Sen. Towe asked Sen. Kennedy if Legislative Council advised him in this way because of interference with interstate commerce and existing federal laws. Sen. Kennedy said he didn't think so.

Sen. Towe asked why Sen. Kennedy had chosen a Senate Resolution. Sen. Kennedy said that a lot of advertising of alcohol comes to Montana through satellite dishes, and he said it would be difficult to monitor.

Chairman Eck said to take care of health costs due to alcohol and cigarettes, taxes on these products would have to be multiplied by five. But, much of the cost of family services are alcohol related, so alcohol tax would have to be increased ten or fifteen times to take care of all costs.

Sen. Klampe asked if Sen. Kennedy could change the wording of SJ 4 to address the issue of censorship. Sen. Towe said that Sen. Klampe had an interesting point, and that one option would be to set up a fund which would be funded by the advertising itself, and the fund would be used to campaign against smoking or alcohol abuse.

Sen. Kennedy said he had thought of that, but SJ 4 was totally his idea because he'd seen problems with the abuse of alcohol by teenagers and he'd seen the affect of advertising upon youth. He wants to send a message to Congress that Montanans are concerned that advertising is adversely affecting the young people in Montana.

Closing by Sponsor:

Sen. Kennedy provided a written statement. (Exhibit #5)

HEARING ON SB 80

Opening Statement by Sponsor:

Sen. Kennedy, Kalispell offered an amendment (Exhibit #6), and passed out a letter of support for SB 80. (Exhibit #7). Sen. Kennedy said he brought SB 80 to the Committee at the request of a hearing aid dispenser from Kalispell.

Proponents' Testimony:

Byron Randall, Miracle Ear Franchise and Chairman of the Board of Hearing Aid Dispensers, said if SB 80 passed, it will adjust the continuing education requirements for license holders from four hours per year to be set by the Board of Hearing Aid Dispensers to a level which would adequately insure continuing education in a vastly changing industry. It should be set at a level that is not a burden to the individual dispenser. Included in SB 80 is a clause that would allow the examinee two retakes of the practical test given by the Board of Hearing Aid Dispensers, rather than one retake. The intent of SB 200 which passed during the last legislative session was for two retakes, but the language was incorrect.

Mona Jamison, Montana Association of Speech Pathologists and Audiologists said they support SB 80 with the amendment offered by Sen. Kennedy. They had concerns that trainees who had failed the first examination could continue to dispense hearing aids. This did not serve the public health.

Ben Havdahl, member of the Board of Hearing Aid Dispensers, said he represents the consumer. He has suffered profound hearing loss himself, and wears hearing aids. The way SB 80 was originally drafted, he feared it would extend the training period of someone who had failed the examination to a period of two years. He said someone dispensing hearing aids who hasn't got a license can cause a lot of problems. He urges that SB 80 pass with Sen. Kennedy's amendment because technology changes and the Board should be able to set education standards. Montana's requirement for continuing education falls short of other state's requirements.

Jack Hutchinson, Miracle Ear in Great Falls, says he failed the retake with a 68%, and he continues to dispense hearing aids with no complaints against him. He has no violations against him and would like the opportunity to retake the test.

Steve Wilson, representing Miracle Ear in Helena, said SB 80 with Sen. Kennedy's amendment corrects and simplifies SB 200 of the

last legislative session. Regarding continuing education, the four hours which are currently required are not nearly enough, and he thinks more is needed if the industry is to continue growing.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Christiaens asked Jack Hutchinson if the same individual selling hearing aids also fits them. Mr. Hutchinson said as a trainee, he sells, fits, and dispenses hearing aids.

Sen. Christiaens asked Steve Wilson how much continuing education would be necessary. Mr. Wilson said it should be twelve to sixteen hours per year.

Sen. Towe asked Jack Hutchinson if the purpose of Sen. Kennedy's amendment was to eliminate someone who is in a training period for two years ready to take the next test. Would the amendment eliminate Mr. Hutchinson's opportunity to continue working in the hearing aid business while waiting for the next test? Mr. Hutchinson said he supports the amendment because it allows for two retakes, and he still is on schedule for taking the test, and he is still a trainee. He wants the opportunity to take the second retake.

Sen. Towe asked Mr. Hutchinson if he continued doing the same thing as a trainee in between tests. Mr. Hutchinson said he passed the part of the test which gives trainee status, he failed the practical part of the test.

Sen. Towe asked Mr. Hutchinson if he intended to continue dispensing hearing aids until he has taken that part of the test again as a trainee. Mr. Hutchinson said yes, and as the law is now, that would be the end of his opportunities to retake the test. He wants the opportunity for two retakes.

Sen. Towe asked Mona Jamison about the training situation and about trainees being able to continue to dispense hearing aids while waiting to retake the tests. Mona Jamison said the amendment states that the second retake must be taken within six months. Currently, it is two years.

Mary Lou Garrett said the Board of Hearing Aid Dispensers offers the exam at six month intervals.

Sen. Towe said SB 80 states that if an applicant fails two successive tests, then they are out. Mary Lou Garrett said this is to limit the time frame in which a trainee has to pass the exams.

Chairman Eck said that an applicant may have a very good reason not to take the exams successively, such as illness. Mary Lou Garrett said the Board grants medical waivers.

Chairman Eck asked if Ms. Garrett if she would agree to an amendment clarifying this. Ms. Garrett said that was the intent of the amendment.

Chairman Eck asked Mary Lou Garrett if someone who had failed twice and no longer had trainee status could apply again to be a trainee to go through the process again. Ms. Garrett said they are no longer eligible for reexamination.

Chairman Eck asked if they could never take the examination. Ms. Garrett said that was correct.

Sen. Towe asked if that was too harsh. Ms. Garrett said it was harsh, but this practice is found in other licensing boards. She said individuals could pass the tests in another state and come back to Montana and reciprocate.

Sen. Mesaros asked if it were a two-part examination, and if an individual passed the first part and failed the second half two successive times he or she was out. Mary Lou Garrett said to become a trainee, an individual must pass a written basic entry examination. The trainee license lasts for 12 months. During the first 90 days a trainee must work one on one with direct supervision of a licensed dispenser. The remaining 9 months the trainee can be on his or her own, but the fitting of hearing aids must be reviewed by the licensed dispenser. At the completion of the 12 month training period, trainees take a practical examination. This discussion applies only to the practical examination.

Sen. Christiaens asked if Mona Jamission could elaborate. Mona Jamission said the Board's rules establish that retakes would have to be taken within six months because that is when the exams are given. Ms. Jamission suggested that it be included in an amendment, so that if the rules change, the window of six months, including an opportunity for a waiver, for taking the second retake remains. Ms. Jamission said if the Committee finds it overly oppressive that once an individual fails two retakes they are forever foreclosed from seeking that sort of licensure again, the Board could have the authority to require additional training and education before the individual could start again with trainee status.

Chairman Eck asked Ms. Jamison if the training could be the continuing education, but the training of a trainee involves actually dispensing hearing aids. Ms. Jamison said she thought that were the case. She said that if there were an additional education requirement, it was reasonable. Mary Lou Garrett said the Board of Hearing Aid Dispensers handles the cases of additional training and education on an individual basis. Right

now, the trainee and his sponsor have to file a quarterly report to the Board. If the quarterly report shows that a trainee is not getting any background education, then the Board will make recommendations to the sponsor.

Chairman Eck asked about a trainee who has failed two successive reexaminations, under the current law, can no longer practice at all, what kinds of training would the Board recommend. Mary Lou Garrett said by giving trainees two reexamination, it makes it compatible with the trainee statutory clause already existing in the law. Regarding additional training, that would have to be left up to the Board.

Chairman Eck asked Byron Randall asked how he felt about leaving the language as it is, giving a trainee two retakes and no option to become a trainee again. Mr. Randall said he felt that was restrictive. There should be some provision for continuing education or additional training, and a reexam after six months, or something along these lines.

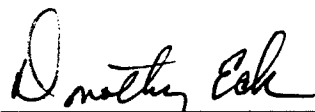
Chairman Eck asked Mr. Randall what he would recommend regarding the trainee and/or dispensing hearing aids between the reexaminations. Mr. Randall said the Board of Hearing Aid Dispensers should be flexible in this area because there are different circumstances regarding the failure of the exam.

Closing by Sponsor:

Sen. Kennedy urged the Committee to pass SB 80 with the amendment.

ADJOURNMENT

Adjournment: Chairman Eck adjourned the hearing.



SEN. DOROTHY ECK, Chair



LAURA TURMAN, Secretary

DE/LT

ROLL CALL

SENATE COMMITTEE *Public Health* DATE *1-13-93*

[illegible]

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
January 14, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 45 (first reading copy -- white), respectfully report that Senate Bill No. 45 be amended as follows and as so amended do pass.

Signed: 
Senator Dorothy Eck, Chair

That such amendments read:

1. Page 3, line 21.

Following: "(b)"

Strike: "an adult child"

Insert: "a majority of adult children"

2. Page 3, line 24.

Following: "a person"

Insert: "or persons"

3. Page 10, line 20.

Strike: "taking all necessary steps to ensure that"

Insert: "disclosing the existence of"

4. Page 10, line 21.

Strike: "are removed prior to cremation"

5. Page 11, line 18.

Following: "process"

Insert: "provided the authorization is complied with"

6. Page 13, line 2.

Following: "for"

Insert: "specifying the"

7. Page 13, line 7.

Following: "remains"

Insert: "is responsible for disposition of the cremated remains
and"

8. Page 13, lines 22 through 25.

Strike: "This" on line 22 through "person." on line 25

9. Page 14, line 17 through page 16, line 1.

Strike: the remainder of section 9

Insert: "(2) A crematory, crematory operator, or crematory technician who properly cremates human remains, refuses to accept a body or perform a cremation, or refuses to release cremated remains due to an unresolved dispute is presumed to have acted properly and without negligence if the actions were performed in accordance with Title 37, chapter 19."

10. Page 16, lines 12 and 13.

Following: "death"

Strike: "unless" on line 12 through "agent" on line 13

-END-

Amendments to Senate Bill No. 45 DATE 1-13-93
First Reading CopyBILL NO. SB 45Requested by Sen. Tom Towe
For the Committee on Public Health, Welfare, and SafetyPrepared by Susan B. Fox
January 12, 1993

1. Page 10, line 20.

Strike: "taking all necessary steps to ensure that"

Insert: "disclosing the existence of"

2. Page 10, line 21.

Strike: "are removed prior to cremation"

3. Page 11, line 18.

Following: "process"

Insert: "provided the authorization is complied with"

4. Page 13, line 2.

Following: "for"

Insert: "specifying the"

5. Page 13, line 7.

Following: "remains"

Insert: "is responsible for disposition of the cremated remains
and"

6. Page 13, lines 22 through 25.

Strike: "This" on line 22 through line 25

7. Page 14, line 17 through page 16, line 1.

Strike: the remainder of section 9

Insert: "(2) A crematory, crematory operator, or crematory
technician who properly cremates human remains, refuses to
accept a body or perform a cremation, or refuses to release
cremated remains due to an unresolved dispute is presumed to
have acted properly and without negligence if the actions
were performed in accordance with Title 37, chapter 19."

8. Page 16, lines 12 and 13.

Following: "death"

Strike: "unless" on line 12 through "agent" on line 13

*Senate Joint Resolution
Committee
1-13-93
S J 4
Exhibit #2*

Senate Joint Resolution 4
Senator John "Ed" Kennedy, sponsor
Senate Public Health Committee
Wednesday, 13 January 1993; 1:00 p.m.

Alcohol advertising never communicates the true consequences of drinking, or its health risks. Ironically and irresponsibly, advertising images and slogans reinforce the use of alcohol in potentially risky situations.

-Surgeon General Antonia Novello
November 4, 1991

Beer, wine and liquor producers are running up a huge tab advertising and promoting America's drug of choice, alcohol. The ads sell one particular image of alcohol-drinking is fun, essential for a good time, the key to social, sexual and athletic success. What the slick, glossy ads don't tell us about are the tragedies associated with drinking-lost jobs, violence, addiction and much more.

In communities across the country, citizens are working together to challenge alcohol advertising practices. They are demanding a revolution in the way we think about alcohol.

Beer, wine and liquor are responsible for over 105,000 deaths and \$100 billion in economic costs each year. Drinking promotes hypertension, liver cirrhosis, certain cancers and other diseases. Nearly half of all suicides, homicides and accidental deaths are alcohol related. In 1989, more than 20,000 people were killed in alcohol related crashes-that's almost half of all

jurisdiction between the federal and state government when it comes to monitoring alcohol advertising. Some states have more authority than others in enforcing state advertising laws.

Across the country, campaigns are under way in communities and before state and federal legislators and regulators to dramatically reform alcohol advertising and promotions. You can help stop insidious marketing practices, reduce alcohol related problems in your community and challenge the power and influence of beer, wine and liquor producers. Our combined efforts can lead to an era of fewer alcohol problems and a healthier society.

SENATE HEALTH & WELFARE

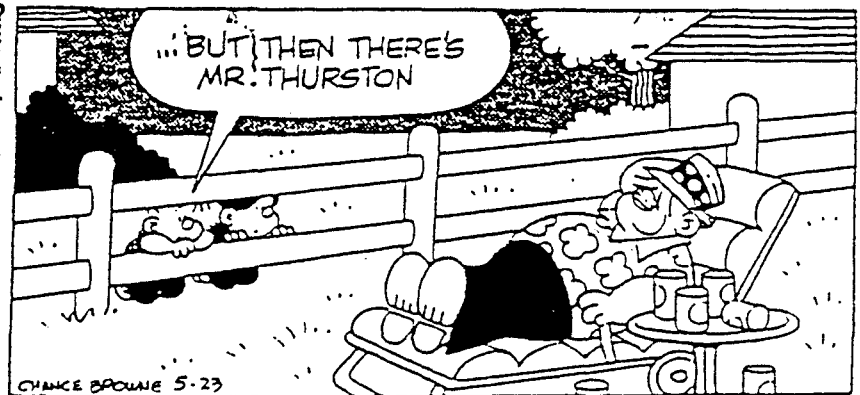
EXHIBIT NO. 2

DATE 1-13-93

BILL NO. SJ 4

HI AND LOIS

By Mort Walker and Dik Browne



Reprinted with special permission of King Features Syndicate.



More kids drinking alcohol?

Youths arrested on alcohol charges; some multiple offenders at early age

By MICHAEL W. BABCOCK
Tribune Staff Writer

Officials in Great Falls who work with juvenile drinkers say more children are being picked up for possession of alcohol — and more are repeat offenders.

No hard numbers are available yet, but three-years worth of surveys of public school children about their relationship with alcohol are expected to provide a clearer picture of the problem early next year.

Last weekend 22 juveniles, one of them a 15-year-old girl facing her fifth offense, were cited for being minors in possession of alcohol. The children are students at the Great Falls, C.M. Russell and Cascade high schools, Largent School and Paris Gibson and East middle schools.

The youngest arrested was a 14-year-old girl from Paris Gibson Middle School and it was her second offense.

A 15-year-old girl from East Middle School was facing her third

offense.

"We're beginning to see larger numbers of kids being picked up who are multiple offenders," said Jim Gamell, the coordinator of the Great Falls school district Chemical Awareness through Responsive Education (CARE) program.

"Yes, we do have kids as young as 15 or 16 years old who are chemically dependent," he added.

"Most of the kids were picked up at a house party and the others were picked up in vehicles," Dick Boutillier, chief juvenile probation officer for Cascade County, said of the weekend arrests. "So they are driving when they are drinking and so it compounds the problem for everybody on the road."

The house party occurred Sunday on Great Falls' South Side. All but two of the youths pleaded guilty in justice of the peace court Wednesday. Some were fined \$65 and ordered to attend classes in alcohol abuse. Others will be sentenced later.

"I think we have a good way of

Child alcohol abuse

- **Danger signals:** Secretiveness, withdrawal, major change in grades or friends, disinterest in family affairs, staying out very late.
- **Who to call:** Great Falls public schools CARE office at 791-2299, or a school counselor.

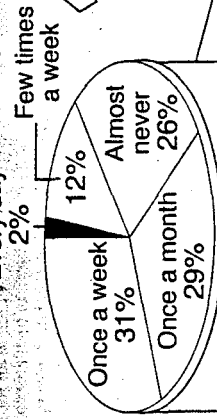
dealing with the first-time offender with our insight program and with coordination with schools," Boutillier said. "The real problem comes when you get multiple offenders. That's where there's some lack of services."

Boutillier said agencies in the community are trying to address the problem, but parental supervision and payment for treatment are twin hurdles.

Gamell said the insight program helps children think about their relationship with alcohol use and

Teens' taste for alcohol

Seventy percent of high school students surveyed say they drink alcohol. Of those, how often they drink:



Source: Chrysler Motors nationwide survey of 2,000 high school students

Rod Little, USA TODAY

helps them decide whether or not they're going to use alcohol. He said counselors can also assess how serious the alcohol relationship is.

After a second offense children attend a more intense course.

"We hope, by the time they hit third, fourth and fifth offenses, the parents are going to take some kind of action to get the youngster some help," Gamell said.

Gamell said the CARE program

would refer such a child to a certified chemical dependency counselor for full chemical assessment and then follow the recommendations.

"People need to understand our problem in Great Falls is a serious one but no more serious than any other city our size," Gamell said.

"We are fortunate other drugs are not as great a threat to our kids as in other parts of country," he pointed out.

**Facts about Alcohol Advertising
from the
Center for Science in the Public Interest**

Fact: Alcohol advertising glamorizes alcohol use and provides a one-sided view of drinking that fails to give information about its risks.

Fact: Alcohol ads do not necessarily create alcoholism. Alcohol advertising expert Jean Kilbourne believes because alcohol is marketed as glamorous, sexy and pleasurable, many people don't think of alcohol as a drug or equate it with addiction. Alcohol ads are a main source of socialization for youth about alcohol.

Fact: The public overwhelmingly supports health messages in ads. For example, **Advertising Age** magazine conducted a survey on alcohol warnings in April 1990 and found that almost 80% of women and 67% of men support health warnings in alcohol advertising. A **Wall Street Journal** poll in November 1989 concluded 67% of those polled favored warning labels on alcohol and 60% favored equal time for public health messages.

Fact: In order to protect young people, the National Commission on Drug-Free Schools recommended a ban on advertising and promotions of alcohol and tobacco if, by 1992, the ads and promotions don't cease to target underage youth and glamorize alcohol and tobacco use.

Fact: Other countries have enacted restrictions on alcohol advertising. For example, in France, effective January 1993, producers of beer, wine and distilled spirits will no longer be allowed to advertise on television and in movies. Billboard advertising will also be curtailed and sponsorship of sporting events and teams will also be outlawed.

- Fact:** Alcohol is responsible for over 100,000 deaths each year.
- Fact:** It is illegal for individuals under the age of 21 to purchase alcoholic beverages, yet drinking and driving crashes are the leading cause of death for young people.
- Fact:** The Surgeon General of the U.S. has found alcohol ads appeal to young people by making lifestyle and sexual appeals using sports figures and showing risky activities.
- Fact:** Alcohol is a drug whether it is in beer, wine, distilled spirits or alcohol coolers.
- Fact:** 18 million Americans suffer from the disease of alcoholism and are addicted to alcohol.
- Fact:** There are 4.4 million alcoholics, ages 13-17, and at least 8 million American teenagers use alcohol every week.
- Fact:** Alcohol is the number one addictive drug in the United States.
- Fact:** Alcohol is the number three killer after cancer and heart disease.
- Fact:** Alcohol related problems cost this nation over \$100 billion annually which represents monies which could be better spent on education, balancing the federal budget deficit and other deserving causes.

What Other States Are Doing About Alcohol Advertising

NEW YORK

A bill introduced in the New York legislature this year (SB 679) seeks to prohibit billboard advertising of tobacco or alcohol beverage products within 1,000 feet of schools.

IDAHO

Governor Cecil Andrus recently signed into law a bill (HB 564) that establishes a Youth Education Account in the State treasury that will be used exclusively for producing and buying radio and TV advertising designed to advise children of the risks and problems associated with alcohol, drugs and tobacco.

CALIFORNIA

State Senator Bill Greene has introduced a resolution urging the Governor to fully fund an anti-smoking and alcohol abuse advertising campaign.

WASHINGTON

A bill (HB 4428) introduced this year sought to impose a tax on alcohol to fund counter commercials and to encourage brewers to adopt more "responsible" advertising standards. Another measure (HJM 4028) asked Congress and the President to establish a "fairness doctrine" that would give equal time to public service announcements to educate the public about programs associated with alcohol and drugs. Finally, HB 2384 sought to ban liquor advertising in college campus publications to eliminate the pervasive [message] that links alcohol consumption with "the good life" in the minds of many young people.

MASSACHUSETTS

State Representative Suzanne Bump has introduced a bill (HB 5035) mandating that all print and TV ads include written warnings and all radio and TV ads include oral warnings; that the warnings be conspicuous and legible; and that four specific warnings be used on a rotating basis. Those warnings relate to 1) the risks of drinking while pregnant; 2) impairment while driving or operating machinery; 3) the addictiveness of alcohol; and 4) the increased risks of developing hypertension, liver disease and cancer from consuming alcohol.

Another bill (HB 5034) seeks to "prohibit unscrupulous alcohol advertising". The bill prohibits advertising: 1) any promotion of alcohol to anyone under age 21; 2) promotions that imply alcohol consumption promotes social or athletic success; 3) any false or misleading statement; 4) any depiction of over-consumption or drunkenness as amusing.

Finally, HB 2754 seeks to prohibit advertising of alcohol or tobacco products on the Massachusetts Bay Transportation Authority, while HB 2032 seeks to ban billboard advertising of such products.

ARIZONA

HB 1417 sought to ban the use of any person under age 21 in liquor advertisements.

SOUTH DAKOTA

HCR 1003 urged Congress and the Federal Communications Commission to monitor the glamorization of beer advertisements during nationally televised sporting events.

TENNESSEE

Under HJR 523, alcohol and tobacco billboards and other outdoor advertisements must not be displayed within or in close proximity to areas that are primarily residential or are commercial but have a substantial residential population close by or near schools, public parks, recreational areas, libraries, churches or other areas where children regularly congregate.

HAWAII

HB 3471 sought to prohibit alcohol and tobacco advertising outdoors in a public forum at family events. SB 2425 sought to prohibit alcohol beverage advertisements on television.

INDIANA

SB 207 would guarantee alcohol beverage advertising in specific areas. The bill provides that the State Alcohol Beverage Commission may not prohibit such ads inside or on the exterior of certain county or municipal stadiums, exhibition halls, auditoriums, theaters or civic centers. The bill was approved in committee with a unanimous vote, but was referred to the House where it died.



SENATE HEALTH & WELFARE

EXHIBIT NO. #3

DATE 1-13-93

BILL NO. SB 4

January 13, 1993

SUBMITTED TO THE SENATE HEALTH COMMITTEE:

My name is Aidan Myhre, owner and operator of Myhre Advertising. For the record, I would like to state my opposition to Senate Joint Resolution #4.

The prohibition of advertising of alcoholic beverages in interstate advertising would have a profound impact on our business, resulting in \$300,000 of lost gross revenues. This kind of loss to a small business owner is substantial, not to mention the elimination of revenue to other local media companies.

This resolution also hinders interstate commerce, an exchange of revenue from one state to another and a benefit to the Montana economy. Finally, this resolution restricts the right to advertise a legitimate product and build market share.

MYHRE ADVERTISING

70 S PARK • P.O. BOX 151, HELENA MT 59624 • 406/442-0387

4225 2ND AVE N • P.O. BOX 1067 • GREAT FALLS, MT 59403 • 406/453-6591

315 E MAIN • BILLINGS, MT 59105 • 406/252-7181

DATE _____

BILL NO. _____

Fact Sheet:

Beer Advertising

Censorship Is Not an Effective Solution to Alcohol Abuse

Concern about alcohol abuse has led some people to call for restricting, or even banning, advertising for alcohol beverages. They claim that beer advertising, in particular, encourages excessive consumption and recruits new drinkers, especially those below the legal minimum drinking age. The facts, however, don't support these claims. Brewers advertise for one simple reason — to encourage consumers to choose their brand over others. The scientific evidence is very clear: *beer advertising does not increase alcohol abuse rates, nor does it encourage drinking by underage individuals.* Restricting or banning beer advertising, therefore, would raise serious questions about censorship and the freedom of speech guaranteed by the First Amendment, while accomplishing nothing.

SENATE HEALTH & WELFARE

EXHIBIT NO. #4

DATE 1-13-93

BILL NO. SJ 4

Brewers Advertise to Capture Market Share

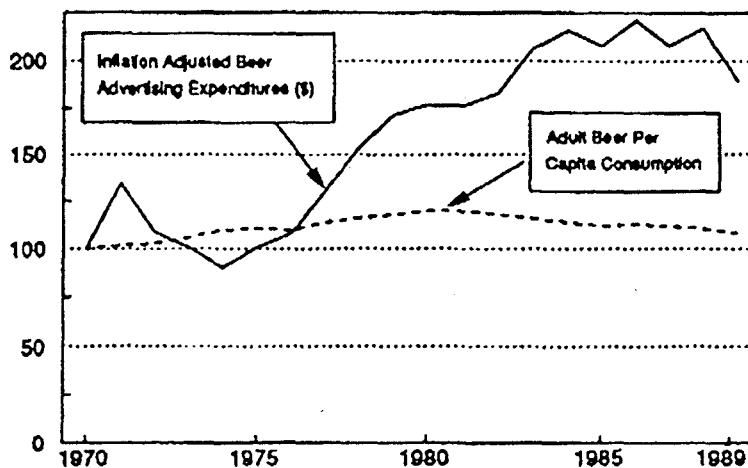
During the 1980s, beer advertising budgets increased by more than 20 percent, to an all-time high. But during that same decade, per capita consumption of beer actually declined — falling by 7 percent. Importantly, all major alcohol abuse indicators showed dramatic improvement as well.

It is very clear from this that brewers are not advertising in order to increase the overall level of beer consumption. If that were their goal, they failed miserably indeed!

Rather, *brewers advertise to promote brand loyalty — to encourage beer drinkers to choose their particular brand of beer over that of their competitors.*

Since the gain or loss of only one market share point is equivalent to \$500 million in sales, it is no wonder that brewers rely heavily on advertising to capture market share.

**INFLATION ADJUSTED BEER ADVERTISING EXPENDITURES
AND ADULT PER CAPITA CONSUMPTION, 1970-1989**
(Both indexed to 1970 = 100)



Source: Leading National Advertisers and Broadcast Advertisers Reports, Radio Expenditure Reports, and R. B. Weinberg and Associates, Advertising Cost Index

Beer Advertising Does Not Promote Abuse

The possible link between advertising and abuse of alcohol has been widely researched in both the United States and other countries. The evidence is overwhelming that beer advertising does not cause abusive drinking. The Federal Trade Commission, for example, conducted an exhaustive review of the possible effects of advertising on alcohol abuse, and concluded that there is no reliable basis to conclude that alcohol advertising significantly effects abuse. And one of the most recent reviews of the scientific literature found that *alcohol cues in television programming and commercials are unlikely to increase alcohol consumption in either normal or problem drinkers.*

Advertising and Young People

One of the most often-repeated charges by critics of the beverage industry, used to justify the banning or restricting of beer advertising, is that "young people see more than 100,000 beer commercials by the time they are 18 years old." This claim is typical of the highly dramatic rhetoric used by such groups. As a statement of fact, however, it's just not true. To even approach this type of exposure to beer commercials, a child would need to watch television for an average of 14 hours per day, every day of the week, for 16 years straight (the A.C. Nielsen Co. estimates that the average 2- to 17-year old watches less than 3.5 hours per day).

The reality, backed by scientific studies, is that the real causes of underage drinking are parental example and peer pressure — not advertising. Concerned about the possible effects of beer advertising on youth drinking, Senator Paula Hawkins held hearings of the U.S. Senate Subcommittee on Alcoholism and Drug Abuse. After extensive testimony by expert witnesses, Senator Hawkins summed up the group's findings in the *Congressional Record*:

"The subcommittee could not find evidence to conclude that advertising influences nondrinkers to begin drinking or to increase consumption. Scientific evidence as reported in respected scientific journals shows broadcast advertising has a minimal effect on drinking behavior. According to these journals, drinking behavior is influenced by parental example and peer pressure."

Bans In Other Countries Haven't Worked

Given these findings, it is not surprising to learn that those few countries that have tried to ban or restrict alcohol advertising have not reduced alcohol abuse. In Canada, British Columbia banned advertising for a 14-month period during 1971-72, but no reduction in alcohol consumption ensued. Similarly, beer consumption did not fall in Manitoba following that Province's ban on beer advertising. Norway and Finland prohibited all alcohol advertising in 1975 and 1977, respectively, yet they have seen no change in per capita alcohol consumption. Likewise, no differences in consumption rates are seen comparing nations with bans or severe restrictions (Hungary, Finland, Norway and Denmark) with similar countries which have no advertising restrictions (the Netherlands, Australia, and Japan). And the Soviet Union — which allows no advertising — has one of the world's highest levels of alcohol abuse problems. *The real-world experience of other industrialized nations provides no evidence that an advertising ban will reduce alcohol consumption or abuse.*

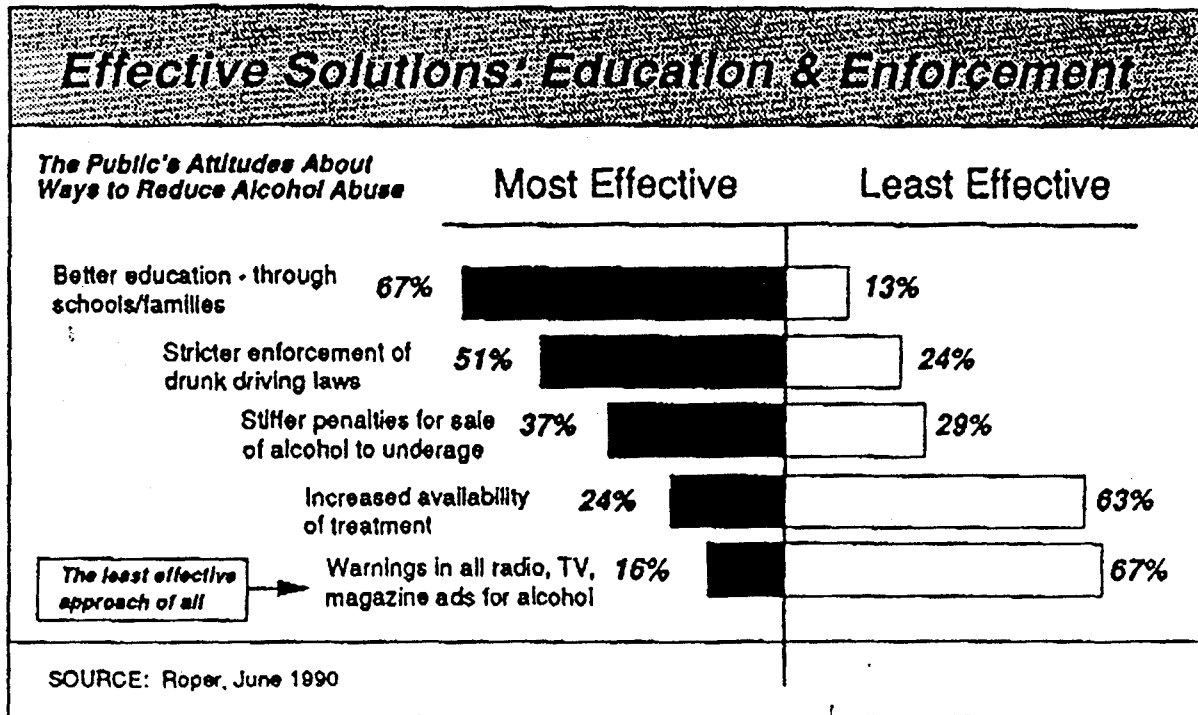
Advertising Restrictions — Won't Reduce Alcohol Abuse

In addition to outright bans on alcohol advertising, such proposals as restricting the hours for such advertising, or eliminating its deductibility have been offered as alternative ways to reduce alcohol abuse. Such proposals, however, would have no impact on alcohol abuse, while unfairly punishing the brewing industry and its consumers:

- **Eliminating the Deductibility of Advertising Expense for Brewers** — advertising is recognized as a legitimate expense for all businesses. Advertising is especially important for brewers because they are competing in a marketplace that is not expanding. A proposal to eliminate the deductibility of beer advertising would in reality be a move to reduce the amount of advertising a brewer could afford (and force higher prices on consumers) as brewers incur higher marketing costs. *Singling out beer advertising for this type of tax treatment would unfairly stigmatize both the industry and its consumers, while accomplishing nothing to reduce alcohol abuse.*
- **Restricting Hours or Programming for Beer Commercials** — beer commercials are purposely broadcast during programming viewed by adults. Since the sole aim of the ads is to influence brand choice by adult beer drinkers, choosing programming that has a predominantly adult audience is just good business judgement. If reducing exposure by underage individuals to beer commercials is the goal, then proposals to restrict the times and programming on which beer commercials can run are simply not needed. *Brewers do not choose programming or time slots which target underage audiences — indeed, they already avoid doing so without the need for additional government intervention.*
- **Warnings in Beer Advertisements** — proposals to require warnings in print and broadcast advertisements for beer are unneeded and redundant. Since November, 1989, under Congress' Alcohol Beverage Labeling Act, warning labels have been placed on all beer cans and bottles. *These warnings, already on billions of beverage containers, make additional warnings unnecessary and redundant.* Some have argued that alcohol advertising should carry warnings because it is required of tobacco products. However, there is no compelling reason for alcohol to take the road followed by tobacco. These products are fundamentally different, and it is time for the American public and policy-makers to recognize the distinction. In short, proposals to require warnings in advertising are nothing more than a political distraction from education and awareness, which are the keys to prevention of alcohol abuse. This is clearly reflected in polling by the Roper organization, which found that *the public overwhelmingly sees education and enforcement as the best solutions, not warning labels in advertising.*

Censorship Is Not the Answer

Alcoholic beverages are legal products. Scientific studies have repeatedly demonstrated that advertising does not result in alcohol abuse by youths or adults. Federal agencies and oversight committees have rejected the need for further restrictions or bans on alcohol beverage advertising. Given these facts, *preventing the public from having access to alcohol beverage advertising raises extremely serious questions about government censorship and free speech.* It is extremely likely that any such proposals would be held unconstitutional by the nation's courts.



Bottom Line — Beer Advertising Bans Won't Help Anyone

Proposals to ban or severely restrict alcohol advertising — whether in the electronic, print, or outdoor media — are dangerously misguided.

- ✓ Beer advertising is designed to encourage current drinkers to choose one brand over another and to promote brand loyalty, not to increase total consumption.
- ✓ Beer advertising does not cause non-drinkers to start — and it does not cause existing drinkers to abuse alcohol.
- ✓ In those few other countries where advertising restrictions have been tried, there has been no reduction in alcohol abuse.
- ✓ Banning the advertising of alcoholic beverages would also raise serious questions about government censorship and Constitutional protections for free speech.
- ✓ In recent years four federal agencies and two Congressional committees have strongly rejected proposals for alcohol advertising bans, mandatory counter-ads, or additional restrictions on alcohol advertising.

The thousands of alcohol educational programs which have been enacted around the nation are producing dramatic and consistent results. At a time when these programs are making strong inroads against alcohol abuse, proposals to ban or restrict beer advertising represent an especially unwise, ineffective and potentially dangerous step for alcohol policy in the United States. Alcohol policy should promote open communication and increased information. Our lawmakers should reject the "ban" mentality as unworkable, ineffective, and counter-productive.

Close: Senate Joint Resolution 4
Senate Public Health Committee
Senator John "Ed" Kennedy, sponsor
13 January 1993

You have heard today that alcohol advertising does not encourage drinking, yet:

*For American teens, alcohol is by far the most widely used drug.

Despite the fact it is illegal in all 50 states to sell alcoholic beverages to anyone under the age of 21, over 4 million young Americans experience serious problems with alcohol before leaving high school. According to Secretary of Health and Human Services Dr. Louis Sullivan, "We can no longer allow impressionable young people to see the use of alcohol promoted as the essential ingredient in every social gathering."

*According to U.S. Senator Strom Thurmond (R-SC), "Advertisements glamorize the use of alcohol. Recent campaigns target youthful drinkers, many of them under the legal age."

*Former Surgeon General C. Everett Koop's December 1989 Workshop on Drunk Driving reported that, "Advertising is one major source of learning about alcohol use, particularly for youth. Alcohol advertising tends to glamorize alcohol use and provides a one-sided view without providing information as to consequences of such use."

*American children see tens of thousands of alcohol ads and an estimated 90,000 incidents of drinking on TV programs by the time they reach the age of 21.

By passing this resolution, we have an opportunity to send a message to Congress and the people of Montana that we are interested and concerned about the welfare and well-being of our citizens. I urge you to support this resolution.

Thank you.
Senator John "Ed" Kennedy

January 13, 1993

SENATE HEALTH & WELFARE

EXHIBIT NO. 6

DATE 1-13-93

BILL NO. SB 80

AMENDMENT TO SB 80

Proposed by the Board of Hearing Aid Dispensers

Section 1, Section 37-16-403 (2)

Page 2, line 1-4.

"successive practical ~~examinations~~ reexaminations is NO LONGER eligible for reexamination. ~~after a period of 2 years and or~~
~~the completion of additional training or education recognized~~
~~by the board, or both.~~"

SENATE HEALTH & WELFARE
EXHIBIT NO. #7
DATE 1-13-93
BILL NO. SB 80

Mr. David E. Evans
725 First Avenue North
Great Falls, MT 59401

Senator Dorothy Eck
Senate Public Health Committee

SENATE HEALTH & WELFARE
EXHIBIT NO. _____
DATE _____
BILL NO. _____

Dear Senator Eck and Committee Members:

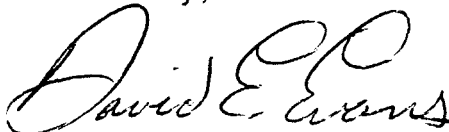
I would like to express my support for SB 80 under consideration by your committee.

I feel that this is a good bill because it clarifies an extremely problematic and confusing portion of the present law on the practical examination of trainee hearing aid dispensers.

The bill is also good because it will allow the Board of Hearing Aid Dispensers to determine the number of hours of continuing education required of dispensers for license renewal. This will allow the board to better regulate the standards of training within a rapidly changing, technical industry. I have attached a chart showing the required continuing education in the hearing aid industry throughout the United States. Of all states that require any level of continuing education whatever Montana presently ranks last in the amount required.

I hope you will recommend passage of SB 80.

Sincerely,



David E. Evans M.S., BC-HIS
Board Certified in Hearing Instrument Sciences

State	License required?	How long Valid?	HISs need license to dispense?	Audiologists need license to dispense?	Audiology degree allows dispensing?	Cost?
ALABAMA	Y	1 yr	Y	N	Y	---
ALASKA	Y	2 yrs	Y	Y	N	\$90
ARIZONA	Y	1 yr	Y	Y	N	\$50
ARKANSAS	Y	1 yr	Y	N, aud. have own bd.	N	\$235, \$100 renewal
CALIFORNIA	Y	1 yr	Y	n/a	n/a	\$150, \$205 renewal
CONNECTICUT	Y	1 yr	Y	Y	N	\$100
DELAWARE	Y	2 yr	Y	Y	N	\$113
DISTRICT OF COLUMBIA	registration	1 yr	Y	Y	N	\$115
FLORIDA	Y	2 yrs	Y	Y, aud. have own bd.	N	\$375
GEORGIA	Y	2 yrs	Y	Y	N	\$100
HAWAII	Y	2 yrs	Y	Y	N	\$50
IDAHO	Y	1 yr	Y	Y	N	\$250
ILLINOIS	Y	2 yrs	Y	Y	N	\$40
INDIANA	registration	2 yrs	N	N	Y	---
IOWA	Y	2 yrs	Y	Y	N	---
KANSAS	Y	1 yr	Y	Y	N	\$50
KENTUCKY	Y	1 yr	Y	Y	N	\$50, (\$75 aud.)
LOUISIANA	Y	1 yr	Y	Y	N	\$100
MAINE	Y	1 yr	Y	Y	N	\$185, \$140 ren. (\$90 aud.)
MARYLAND	Y	2 yrs	Y	Y	N	\$200
MICHIGAN	Y	2 yrs	Y	Y	N	---
MINNESOTA	reg/perm.	reg.- 1 yr	permit to sell	reg. to use title of audiol.	permit	permit: \$140/\$36 surchar **
MISSISSIPPI	Y	1 yr	Y	Y	N	\$100
MISSOURI	registration	1 yr	Y	Y	N	\$50
MONTANA	Y	1 yr	Y	Y	N	---
NEBRASKA	Y	2 yrs	Y	Y	N	\$200
NEVADA	Y	1 yr	Y	Y	N	\$40
NEW HAMPSHIRE	registration	1 yr	Y	Y	Y	\$50
NEW JERSEY	Y	2 yrs	Y	Y	N	\$110
NEW MEXICO	Y	1 yr	Y	Y	---	\$150
NEW YORK	Y for each office	1 yr	Y	Y	N	\$100
NORTH CAROLINA	Y	1 yr	Y	Y	N	\$150
NORTH DAKOTA	Y	1 yr	Y	Y	N	\$200
OHIO	Y	1 yr	Y	N, aud. have own bd.	N	\$150, \$75 renewal
OKLAHOMA	Y	1 yr	Y	N	Y	\$50
OREGON	Y	1 yr	Y	Y	N	\$125
PENNSYLVANIA	registration	1 yr	Y	Y, if selling /N, if testing	N	\$100
RHODE ISLAND	Y	3 yrs	Y	N	Y	\$150
SOUTH CAROLINA	Y	1 yr	Y	Y, exam exempt	N	\$50
SOUTH DAKOTA	Y	1 yr	Y	Y	N	\$100
TENNESSEE	Y	2 yrs	Y	Y	N	\$505
TEXAS	Y	1yr	Y	Y	N	\$75, \$220 renewal
UTAH	Y	2 yrs	Y	Y	N	\$90 (\$60 aud)
VERMONT	Y	2 yrs	Y	Y, aud. have own bd.	N	\$190, \$225 renew
VIRGINIA	Y	2 yrs	Y	Y	N	\$160, \$110 renew.
WASHINGTON	Y	1 yr	Y	N	N	\$300, \$500 renew
WEST VIRGINIA	Y	1 yr	Y	N, aud. have own bd.	N	---
WISCONSIN	Y	2 yrs	Y	reg. now, ****	N	\$130
WYOMING	Y	1 yr	Y	Y	N	\$200 exam, \$100 renew

Note: COLORADO and MASSACHUSETTS have no regulatory commissions.

Min. educ.	Additional requirements	Written exam	Practicum	Trainee license	How long valid?	CEUs needed/time	Reciprocity
hs/ged	good char. / no contag. diseases	Y	Y	Y	9 mos.	8/yr	N
hs		N	N	N	...	none	N
hs	good char. / no contag. diseases	Y	Y	Y	6 mos/1 renew	CEUs not yet set	Y, case by case
hs	...	Y	Y	permit	6 mos	12/yr	N
none	...	Y	Y	Y	6 mos/twice	6/yr	N
hs/ged	approved education	Y	Y	Y	1 yr/renewable	none	N
none	none	Y	N	Y	1 yr	20/2 yrs	Y
none	...	N	N	N	...	none	N
hs	...	Y	Y	Y	6 mos	20/2 yrs	N
none	...	Y	Y	Y	6 mos	12/2 yrs	w/TN & SC
hs	...	Y	Y	*Y	...	none	Y
hs/ged	good character	Y	Y	Y	1 yr	8/yr	N
hs/ged	...	Y	Y	Y	6 mos	20/2 yrs	N
hs/ged	...	Y	Y	Y	1 yr	20/2 yrs	N
none	...	Y	Y	Y	1 yr	32/2 yrs	Y
hs	residency	Y	Y	Y	16 mos	10/yr	w/NE & MO
hs/ged	1 yr. internship	Y	Y	Y	1 yr	10/yr	N
hs	...	Y	Y	N	...	10/yr	Y, if recip w/LA & req equal to LA
hs/ged	...	Y	Y	Y	...	8/yr	Y
hs	6 mos. training	Y	Y	Y	6 mos	20/2 yrs	Y
hs	...	Y	Y	Y	1 yr renewable	none	N
none	aud. calibr. w/in 12 mos.	reg.: Y	reg.: Y	N	...	20/2 yrs.	Y, if stds. equiv. or higher
hs/ged	90-day training period	Y	Y	Y	1 yr	10/yr	Y, if equiv.
hs/ged	...	Y	Y	Y	1 yr /one 6 mo ext.	10/yr	Y, if equiv or higher
1 year appren. if not audiologist		Y	Y	Y	1 yr	4/yr	Y
hs	good morals/no cont. diseases	Y	Y	Y	1 yr, can renew 1 yr.	24/2 yrs	Y, if equiv.
IHS home study or 10 yrs. exp.		Y	Y	Y	2 yrs	18/3 yrs	N
none	...	Y	Y	N	none	none	Y
none	good morals	Y	Y	Y	6 mos to 2 yrs	20/2 yrs	Y, if equiv. or higher
hs	6 mos. training	Y	Y	Y	1 yr	10/yr	Y, if equiv.
n/a	...	N	N	N	...	none	N
hs	aud. calibr.	Y	Y	Y	1 yr appr.	10/yr	N
hs (2 yr. degree being discussed)		Y	Y	Y	1 yr	10/yr	N
hs/ged	...	Y	Y	Y	1 yr	none	Y
hs/ged	good morals	Y	Y	Y	6 mos, 1 renew	8/yr	Y, if equiv.
hs/ged	90 hrs. superv. training	Y	Y	Y	9 mos	1-10 yr: 9/yr: 11yr+: 6/yr	N
none	none	Y	N	Y	to 1 mo after test	none, some proposed	N
hs	6 mos exp.	Y	Y	N	...	none	Y
hs/ged	...	Y	Y	Y	1 yr	8/yr	Y, w/ NC
hs	...	Y	Y	Y	6 mos	12/yr	Y
hs	apprenticeship if not aud.	Y	Y	Y	1 yr	16/2 yrs	Y
hs/ged	150 hr. practicum	Y	Y	Y	1 yr	10/yrs	N
hs/ged	aud. calibr. w/in yr; ***	Y	Y	Y	1 yr	10/2 yrs	Y, if pass exam
none	...	Y	N	temp.	'til exam	none, discussing	N
hs	good character	Y	Y	Y	1 yr	none	Y
none	AIDS educ.	Y	Y	Y	1 yr	under enactment	N
hs	none	Y	Y	Y	1 yr	20/2 yrs	Y
hs	...	Y	Y	Y	1 yr	none	Y
hs/ged	...	Y	Y	Y	1 yr	10/yr	N

* permit to sell hearing aids, register to use title of dispenser or audiologist. **regis.; \$93, \$35. ***160 hrs. before take exam. **** lic. proposed by July '93.

Exhibit #8
1-13-93
SB-80

TO: SENATE PUBLIC HEALTH COMMITTEE

REFERENCE: SENATE BILL # 80

* * * * *

AS LICENSED HEARING AID DISPENSERS, WE ARE IN FULL FAVOR
OF SENATE BILL 80

James Lopez - Lic # 220
Dandi Miller - Lic # 208
Leslie Miller - Lic. 207

DATE 1-13-93

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: SB 80, SJ. 4

Name	Representing	Bill No.	Check One		other
			Support	Oppose	
RILEY JOHNSON	Montana Broadcasters	SJ 4		X	
Christ Hult	MT Newspaper Assn	"		X	
Ben Hovdahl	Brd Hearing Aid Dispens	SB 80	X		
Heidi Hertel					
Tom CRDINGLEY	MT MAGAZINE	SJ 4			X
Gyron Randall	Miracle Ear	SB 80	X		
Jack Hutchinson	Miracle Ear	SB 80	X		
Mike Soudy	OTMA	SJ 4	X		
Steve Wilson	M.E	SB 80	X		
Bonham E. Bochen	Mt. Nurses Assoc	SJ 4	X		
Roger T. Long	MT Ben + Jim Wilkins	SR 4			X
Nichelle Hewitt	MT Market Dev Co	SR 4			X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY