

Unintentional Death Committee
Minutes
March 26, 2012
Approved September 17, 2012

In attendance: Alan Dellapenna, Martha Sue Hall, Sen. Austin Allran, Sen. Stan Bingham, Dr. Craig Burkhart, Cliff Braam, Gene Causby, Lee Cox, Joshua DeFisher, Deanna Fleming, Derek Graham, Reginald Flythe, Rep. Rick Glazier, Paula Hildebrand, Rose Hoban, Rep. Craig Horn, Usha Koshy Cherian, Rob Lamme, Cheryl Leonard, Larry McDonald, Karen McLeod, Dr. Peter Morris, Laura Parkinson, Charlie Parrish, Sen. Bill Purcell, Krista Ragan, Kelly Ransdell, Sharon Rhyne, Dr. Joel Rosch, Amy Sawyer, Connie Sessoms, Meghan Shanahan, Tyrone Spellman, Rep. Paul Stam, Linnie Supall, Amy Whited, Rose Williams, Leanne Winner, Jennifer Woody, Berkeley Yorkery

By phone: Marianna Garretson, Susan Robinson, Linda Rouric, Sherry Troop

Martha Sue Hall welcomed members and participants and called for a moment of silence in remembrance of children who had passed away since our last meeting.

Rep. Horn moved and Karen McLeod seconded the January minutes which were unanimously affirmed.

Presentations are available on-line under Unintentional Death. Please look in the Teen Road Safety folder for related presentations.

<http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=116&sFolderName=\Unintentional Death>

Youth Brain Development as It Affects Teen Road Behavior

Berkeley Yorkery from the NC Institute of Medicine summarized that the teen years are a time of emotional intensity and increased risk-taking. At the same time, the ability to focus is being developed. The part of the brain influencing impulses (limbic) develops first while the part of the brain that brings together impulse, logic and other abilities (prefrontal cortex) develops last. This progression of development means that teens may make poor decisions in the short run.

“Cool cognition” is the ability to make good decisions in a controlled setting, such as a laboratory or classroom. Teens tend to do quite well at this. Driver education reinforces driving skills in a cool setting. It may also be part of the reason that supervised driving is so safe.

Teens may have more trouble with “hot cognition” decisions, such as those made in real world driving environments. Additionally, teens are more likely to take risks in the presence of peers. That is why limits on other teens in the car can be important.

Research shows that teens do indeed listen to their parents (despite occasional appearances to the contrary). Thus parental influence is important to driving. Related, parents are interested in helping teens build life skills, such as driving, so effective parent education could produce positive results.

Teens tend to overestimate bad outcomes from risky behaviors, including the chance of dying behind the wheel. At the same time, they also overestimate the reward of short-term benefits. (For example, speeding may produce short term benefits such as getting to the party sooner and being fun whereas the long term negative death is seen as fairly likely at a young age anyway.) Thus fear-based education campaigns are unlikely to be ineffective.

Rep. Horn asked what has changed in 20 years. Ms. Yorkery noted that the behavior has not changed much, but our understanding of *why* teens behave as they do has improved.

Sen. Allran remarked he was surprised that teens overestimated their chance of death. The common wisdom is that teens think they are immortal. Ms. Yorkery reiterated that teens are getting the message about various risks and that is leading them to overestimate their chance of suffering a variety of bad outcomes (dying, getting HIV, getting cancer, etc.)

Sen. Allran asked if there was a strong male/female differential. Ms. Yorkery was not aware of any physical differences in the sexes except for more testosterone in males which might lead to more risk taking.

Dr. Rosch stressed that in addition to avoiding the message of possible death, it was important to stress benefits that would happen sooner, like moving to the next level of the GDL.

Report Out from Work Group

Elizabeth Hudgins reported out from the work group. The work group took the guidance of the CFTF to develop possible recommendations for UDC to bring to the CFTF.

Highlights include:

- Learning to drive is complex and takes time
- Crashes often involve inexperience and immaturity
- Fatalities often involve speed and failure to wear seatbelts
- Supervised driving is the safest driving
- NC is a national leader in initiating and implementing best practice
- Emerging science does not yet have all the answers for making roads safer for teens and other drivers

Options for consideration include the following:

Graduated Driver License (GDL): The basic structure is very sound. One improvement guaranteed to save lives would be to raise the age of the Level 2 intermediate license to 16 ½. This would protect 16 years olds and likely increase supervised driving time. However, it would require much background work with stakeholders.

Driver Education (DE): DE is designed to work hand-in-glove with GDL. It is important to preserve the infrastructure we have. During the last budget cycle, the DE budget was cut by \$5 million with local education entities having the option of charging up to \$45 to students who take the course. Many districts are seeing a steep decline in students taking the course and there are

administrative burdens as well. For example, Wake County has seen a 20% decline in students and spends about 30 hours of staff time on collecting the fee weekly. To improve the program, NC could seek a National Highway Transportation Safety Administration review of the DE program on how NC compares to national standards and/or evaluation the existing parent education component of our driver education program.

Speed: speed is not a problem unique to youth. Most approaches to address speed will need to involve adults as well. One targeted approach would be to install speed cameras in school zones which would protect students, affect learning drivers who are driving to school and promote good modeling by parents driving younger students to school.

Seatbelts: compliance with NC seatbelts law is high and known science does not tell us strategies to improve beyond this level. Primary enforcement is considered best practice but NC has only primary enforcement for the front seat while the enforcement for the back seat belt laws is secondary. However, when teens die, it is often because of speed and/or failure to wear a seatbelt. Strategies to promote seatbelt use could include promoting education about the cost of speeding (ticket plus court costs now total more than \$160); making failure to buckle up in the backseat a primary offense; assessing insurance points for seatbelt violations; assessing driver license points for seatbelt violations; and educating law enforcement about the importance of enforcing these laws.

Parent involvement: Parent involvement is a cross cutting issue. Parents could be involved in driver education to reinforce key messages or skills. Parents can model and teach safe behaviors, such as observing the speed limit and buckling up. Parents may need information on car safety or other topics. However, research on the best ways to promote parent involvement is limited. *Checkpoints* is one model being evaluated outside NC. Many NC DE programs have a parent education component. Safe Kids has a Count Down to Drive section on their website aimed at families of children aged 11 to 14. Strategies for consideration include keeping the parent education components of DE, evaluating those components to see what is most effective, exploring encouraging *Checkpoints* to come to NC, and working with partners to promote parent education through a website or other venue.

Distracted Driving: Teens are already banned from texting or talking on a cell phone while driving under the GDL. Experts are mixed on the effectiveness of broader strategies that address adult behavior. The CFTF could consider endorsing research based efforts of other groups and continuing to work with partners on this issue.

Sen. Allran noted that while speed was a major factor, an associated risk was speeding on curvy secondary roads where novice drivers may skid off and/or hit a tree. What was driver education doing to address this?

Reggie Flythe responded that Wake County tried to teach these skills, but that the insurance company opposed having children intentionally running off the road. The driver manual did address skid control. Paula Hildebrand noted that the new curriculum included all legislatively mandated elements.

Cliff Braam offered that new technology was allowing roads to have less steep drop-off grades which made recovery easier for all drivers if they went off the road a bit. New roads are using this technology and some existing roads are being retrofitted. Some roads are also being retrofitted with rumble strips.

Rep. Horn asked about the cost and effectiveness of simulators. Connie Sessoms explained that simulators have improved greatly in the past several years. They represented a safe way to be in “unsafe” situations, such as skid recovery. However, they were very expensive – about \$100,000 for a 16 console unit.

Sen. Bingham asked if accidents would be likely to go up if teens opted out of the GDL process and just waited until they were 18 to get their license due to the \$45 cost imposed on DE classes. Mr. Sessoms noted that it was too soon to see if there was a correlation, but in general that 18 year olds who get a license without going through the GDL have more crashes. Sen. Bingham reflected that it sounded like we needed to get rid of the \$45 fee or create a hardship exemption, noting that it was a successful program and we don’t want to throw it out the door.

Charlie Parrish shared information about some of their efforts in Johnston County to improve teen road safety. They have worked with a coalition of community leaders, promoted peer-to-peer safety programs, and encouraged people to report unsafe road areas to DOT to be fixed.

Speed Cameras in School Zones

Leanne Winner from the School Boards Association provided some history of legislation proposed last year to help slow down vehicles in school zones. The SBA had asked the CFTF to look at increasing the fine for speeding in school zones to be comparable to speeding in work zones (raise from \$25 to \$250). A father (and assistant principal) whose daughter, Phoebe, was hit and seriously injured in a school cross walk presented to the CFTF. Sen. Allran sponsored legislation that passed strongly and went into effect August 2011.

Also last year Rep. Glazier sponsored legislation to allow for speed cameras in school zones and work zones (H145). The measure passed one committee but then did not move further. While the issue is complex and involves several constitutional issues, the overall concept is to slow drivers down in potentially dangerous areas.

There is also confusion over whether or not fines collected can be used to offset the cost of operating the cameras or if all fines collected must go directly to the schools. It is also important to note that speed cameras are different than red light cameras.

Rep. Glazier presented on the specifics of last year’s measure. Phoebe’s Law, H145, would address a legal debt issue and larger safety issue. NC’s Constitution requires that fines are turned over to school districts. Currently, about \$745 million is owed to school districts. At the same time, there is a problem with drivers speeding in dangerous zones – namely school zones and work zones. H145 would allow DOT to set up a pilot program to use speed cameras in these two zones. The specific sites would rotate but signage would always be conspicuous. The primary goal is to slow drivers down. If people do speed, they can avoid court costs and insurance points by going through an administrative process to pay the civil penalty of \$250.

There will also be a chance to contest the fee administratively. DOT would receive a portion of the funds to defray the cost of operating the cameras (to be cost neutral to DOT) and the remaining portion would go to the schools to begin to pay down the \$745 million debt. There would be a periodic review to consider expansion of the number of pilot sites beyond the original 20. The program promotes safety without creating an additional taxpayer burden.

Sen. Bingham had questions about the program costs such as the cameras, tickets, signs, etc. and then net benefits. Rep. Glazier noted that costs were easier to estimate than the number of speeders who would pay fines. A fiscal note estimated roughly 6,000 tickets would be issued and that would produce several million dollars for the schools. Leanne Winner noted that exact costs vary by the scope of work done by the vendor, and that there were several vendors who provided this type of service.

Sen. Bingham was concerned that there would be an incentive to give tickets. Rep. Glazier noted that the camera was neutral and the vendor contract would not be set to provide a financial incentive to issue more tickets.

Rep. Horn asked about statistics in school zones. Rep. Glazier noted that in Scottsdale AZ, Montgomery County MD, and Charlotte NC, crashes and speeding declined by 35% or more. In Montgomery County, cameras were almost twice as effective as just signage for reducing crashes in school and residential zones. A number of other countries have also had success with speed cameras.

Alan Dellapenna, a former resident of Montgomery County, added that the number of tickets was updated regularly on a well-publicized website. This helped to increase the perception about the certainty of being caught.

Sen. Allran clarified that H145 would reflect the current \$250 fine that started in August. The draft handed out did not, but a later PCS included that change. Sen. Allran also reflected it didn't seem drivers slowed down much in work zones.

Ms. Winner noted that work zones could be a dangerous place to drive, even when workers were not present, given changing road patterns, etc.

Cliff Braam said that enforcement programs could have a huge impact on decreasing crashes. Speeding is involved in two-thirds of crashes. He also noted support for administrative courts.

Sen. Allran requested an update for what had happened as a result of the designated driver education position at DPI. Ms. Hildebrand said she would be happy to provide that information but also wanted to clarify the position was funded with a grant from the Governor's Safety Highway Program, not state general funds.

Operation Medicine Drop

Martha Sue Hall asked Kelly Ransdell with Safe Kids to report on the results of Operation Medicine Drop which just ended.

Ms. Ransdell noted that it was the 50th anniversary of National Poison Prevention Week. Operation Medicine Drop is an opportunity for individuals to safely dispose of prescription and other drugs, including controlled substances to keep dangerous substances away from teens and out of our waterways. The SBI Director had challenged OMD to take in 9 million doses of medicine and Ms. Ransdell estimates that challenge has been met. She also noted this success has renewed interest in permanent drop boxes, such as the one in Pitt County. (For more info, see <http://www.ncleg.net/DocumentSites/Committees/NCCFTF/Unintentional%20Death/Pitt%20Co%20OMD%20and%20Perm%20Lockbox%208-29-11.pdf>) The national DEA take-back day is April 28th in case people missed OMD in March.

Ms. Hall noted that these efforts started several years ago with the issue of the growing problem of teen overdoses of prescription drugs first coming to widespread attention during a CFTF meeting.

Tanning Salons

Elizabeth Hudgins provided a brief overview of key technical concerns around the issue of banning teens under age 18 from using a tanning bed unless they had a doctor's prescription. Currently, NC law bans youth younger than 13 from using the beds without a prescription. The full presentation is available on-line. Highlights include the following:

- NC rate of skin cancer and death from skin cancer is higher than the national average
- Compliance with existing regulation is not 100% in NC or nationally. NC has the purview to impose more restrictions. However, there are currently only 3 inspectors and more than 1,400 facilities. Fees to vendors cover the cost of the inspectors.
- Some studies suggest but do not prove that bans are more effective than parental consent or other restrictions on tanning beds
- About 10 states have more stringent controls on youth using tanning beds than NC and about a dozen states are considering more stringent bans this year
- The number of tanning bed facilities in NC has declined by about one-third over the past decade
- HIPPA requirements relating to confidentiality of health information apply to all prescriptions

Lee Cox from the Radiation Protection Section clarified that there was a cap on what owners can be charged at \$200 for the first bed and \$30 for each bed thereafter. This level reflects the current rate of charges to operators. Hiring additional inspectors would require lifting the cap. Their mission is to protect the citizens of NC. Their motto is to educate to life and not regulate to death.

Sen. Allran noted this legislation faced opposition last year and specific concerns included more regulation. He suggested that more information on the expense to the state of people with cancer could be helpful. Rob Lamme noted that the overall national cost of skin cancer is \$1.7 billion and that experts are working on calculating a NC estimate. Sen. Allran encouraged them to look specifically at the impact on the State Health Plan. Rob Lamme replied that earlier analysis of the cost of the diagnosis and treatment of skin cancer in NC since 2008 for the State Health Plan, Medicaid, and Blue Cross/Blue Shield was \$115 million.

Rep. Horn said that after the last meeting on this topic, he stopped in at various tanning salons in his district and asked the owners how they felt about such a ban. He said they all supported it and felt that it would not cut unduly into their bottom line, since they offered an array of services (such as spray-on tans, manicures, massages, etc.). One owner already has a policy that they do not serve clients under age 18. The doctors with whom he has spoken say that it makes all the sense in the world.

Sen. Bingham asked if tanning beds were stronger than “regular” sunlight. Dr. Burkhardt noted that the rays were 15x stronger than the noon sun in Washington DC.

Sen. Purcell lamented that with many diseases, we are not sure how to prevent them. We know that reducing exposure to tanning beds will reduce skin cancer risk. Prevention saves money and lives.

Senator Allran suggested a ban up to age 21, like for alcohol. Sen. Purcell, the sponsor of last year’s legislation, said that he’d be happy to put it at 21 if Sen. Allran would help to get it passed. Dr. Morris moved that the UDC recommend to the CFTF a ban on people under 21 using tanning beds in salons. This was seconded by Rep. Horn and thirded by Sen. Bingham. However, upon further discussion, it seemed that age 18 was more in keeping with the purview of the CFTF.

Finalize Recommendations to the CFTF

The Committee then transitioned into finalizing recommendations to take to the full CFTF. The following slate was approved:

2012 Short Session

1. Require phased-in replacement of traditional smoke alarm units with tamper resistant lithium battery smoke alarms in rental unites, keeping in statute the requirement for CO detectors (as in S354; approved previously by CFTF)
2. Decrease barriers and increase incentives for driver education (moved by Dr. Morris and seconded by Rep. Horn)
3. Promote speed cameras in school zones with a pilot as proposed in H145 (moved by Dr. Morris, seconded by Rep. Bingham)
4. Ban youth under age 18 from using a commercial tanning bed (moved by Dr. Morris, seconded by Rep. Horn)
5. Make failure to wear a backseat seatbelt a primary offense (moved by Kelly Ransdell, seconded by Sen. Purcell)

Administrative Recommendations and Monitoring for 2012

6. Work with partners towards encouraging NHTSA assessment of driver education in NC
7. Explore encouraging *Checkpoints* to include NC as a study site
8. Work with partners to educate public about \$162 cost of a seatbelt violation
9. Work with partners to promote driving safety, including around speeding and distracted driving
10. Assure web or other available resources for parents of new drivers

11. Promote with localities evidence-informed strategies to promote teen road safety, including avoiding fear-based strategies
12. Work with partners towards establishment of permanent drop-off locations for unneeded medications and other strategies to reduce youth access to dangerous medications
13. Work with partners to promote enhancements of CSRS to help reduce unintentional poisonings
14. Work with partners to promote development of training for prosecutors on synthetic drug cases

Much of the discussion focused on driver education costs. The original motions were to preserve driver education and related infrastructure and to eliminate the \$45 fee with a designated alternative revenue source. There was concern that the \$45 fee – about the cost of a tank of gas, Rep. Stam noted - was not a deterrent. Others countered that the only change was the fee and that there was a substantial decline in the number of students now taking DE. There was consensus about the merits of exploring financial incentives through reduction in insurance cost for taking DE. Concerns remained about teens opting out of GDL and waiting until age 18 to get a license so they could avoid the DE fee and the GDL process. There were also concerns about assessment of the current DE program to assure consistency and quality.

On seatbelts, it was noted that NC was already close to 90% for compliance so there were limits as to what more enforcement or education could do. However, as noted by Joshua DeFischer, while about 90% of drivers and passengers are belted, about 44% of those who die are not wearing a seatbelt. Primary enforcement is considered best practice and would make NC eligible for additional federal NHTSA funds.

There was also discussion on raising the age for the intermediate license to 16 ½ since it was a way to guarantee reduced crashes among 16 year olds. However, there was concern that a great deal of background work would be needed and that this was not an appropriate issue for 2012.

Rep. Horn remains concerned about the issue of synthetic drugs. He thinks are laws are strong but some people aren't taking them seriously. Ms. Hudgins reminded members about the proposal of CFTF member Wallace Bradsher to change the sentencing guidelines to up the penalties for selling any drugs to a minor under age 18 but there was widespread consensus this issue was not appropriate for short session. Rep. Horn moved that UDC recommend that the CFTF work with partners to promote the development of training for prosecutors on synthetic drug cases. This was seconded by Peter Morris.

Dr. Morris clarified the benefits of including administrative and monitoring items as direction for prioritization to staff and members on focusing non-legislative efforts going forward. He moved approval of the remaining administrative items which were seconded by Rep. Horn.

Kelly Ransdell announced that the Safe Kids recently hosted the 30th annual Child Passenger Safety Conference. Sen. Purcell received the advocacy award along and Tom Vitaglione received the Bill Hall Lifetime Award.

The next meeting of UDC is not scheduled and will likely occur after short session adjourns.