

ASSEMBLY BILL NO. 478—ASSEMBLYMEN CEGAVSKE, HETTRICK, HUMKE, CHOWNING, DE BRAGA, MORTENSON, CLABORN, GUSTAVSON, ANGLE, MCCLAIN, KOIVISTO, TIFFANY, PARKS, MANENDO, VON TOBEL, OHRENSCHALL, LESLIE, GOLDWATER, BROWER, NOLAN, BEERS, BACHE, ANDERSON, GIBBONS, BERMAN, NEIGHBORS, LEE, BUCKLEY, MARVEL AND CARPENTER

MARCH 11, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing distribution of alcoholic beverages.
(BDR 15-798)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to alcoholic beverages; increasing the penalty for providing an alcoholic beverage to underage persons; imposing duties on licensed retailers, purchasers and lessees of kegs and other containers of beer; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 202.055 is hereby amended to read as follows:
2 202.055 1. Every person who knowingly:
3 (a) Sells, gives or otherwise furnishes an alcoholic beverage to any
4 person under 21 years of age;
5 (b) Leaves or deposits any alcoholic beverage in any place with the
6 intent that it will be procured by any person under 21 years of age; or
7 (c) Furnishes, gives, or causes to be given any money or thing of value
8 to any person under 21 years of age with the knowledge that the money or
9 thing of value is to be used by the person under 21 years of age to purchase
10 or procure any alcoholic beverage,
11 is guilty of a ***gross*** misdemeanor.
12 2. Paragraph (a) of subsection 1 does not apply to a parent, guardian or
13 physician of the person under 21 years of age.

1 **Sec. 2.** Chapter 369 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 3 to 7, inclusive, of this act.

3 **Sec. 3.** *As used in this chapter, "keg" means a container designed*
4 *for and capable of holding liquid that can be dispensed from a tap.*

5 **Sec. 4.** *As used in this chapter, "licensed retailer" means a person*
6 *who is licensed to sell beer to consumers.*

7 **Sec. 5. 1.** *If a licensed retailer sells or offers to sell beer in a keg or*
8 *other container capable of holding 4 or more gallons of liquid, or leases*
9 *a keg or other container capable of holding 4 or more gallons of liquid,*
10 *the licensed retailer shall:*

11 **(a)** *Require the purchaser or lessee to sign a receipt for the keg or*
12 *other container and a sworn declaration, under penalty of perjury, that*
13 *the purchaser or lessee:*

14 **(1)** *Is 21 years of age or older;*

15 **(2)** *Will not allow a person who is less than 21 years of age to*
16 *consume the beverage in the keg or other container; and*

17 **(3)** *Will not remove or mutilate, or allow to be removed or*
18 *mutilated, the identification tag that is required to be affixed to the keg or*
19 *other container;*

20 **(b)** *Require the purchaser or lessee to provide identification in the*
21 *form of a driver's license or other identification containing a picture of*
22 *the purchaser or lessee;*

23 **(c)** *Require the purchaser or lessee to state in writing the address of*
24 *where the keg or other container will be located;*

25 **(d)** *Inform the purchaser or lessee that the purchaser or lessee has a*
26 *duty when the keg or other container is being used to place and maintain*
27 *a copy of the declaration signed pursuant to paragraph (a) in a clearly*
28 *visible location not more than 5 feet away from the keg or other*
29 *container;*

30 **(e)** *Affix an identification tag to the keg or other container;*

31 **(f)** *Retain copies of the receipt and declaration at the place of business*
32 *for 6 months after the transaction and make the copies available for*
33 *inspection by a law enforcement agency; and*

34 **(g)** *Collect from the purchaser or lessee a deposit of \$75. The licensed*
35 *retailer shall refund the deposit to the purchaser or lessee only if the*
36 *purchaser or lessee returns the keg or other container within 6 months*
37 *after the date of the purchase or lease, and the identification tag has not*
38 *been removed or mutilated.*

39 **2.** *The receipt, declaration and identification tag required pursuant*
40 *to this section must be in the form required by the board of county*
41 *commissioners of the county in which the licensed retailer is located.*

1 **Sec. 6. 1.** *A person who wishes to purchase beer in a keg or other*
2 *container capable of holding 4 or more gallons of liquid or lease such a*
3 *container must:*

4 *(a) Provide identification in the form of a driver's license or other*
5 *identification containing a picture of the person;*

6 *(b) Be at least 21 years of age;*

7 *(c) Pay a deposit of \$75 to be refunded if the person returns the keg or*
8 *other container within 6 months after the date of the purchase or lease*
9 *with the identification tag attached and not mutilated; and*

10 *(d) Sign a receipt and sworn declaration, under penalty of perjury,*
11 *containing the information set forth in paragraph (a) of subsection 1 of*
12 *section 5 of this act.*

13 **2.** *A person who has purchased beer in a keg or other container*
14 *capable of holding 4 or more gallons of liquid or who has leased such a*
15 *container:*

16 *(a) Except as otherwise provided in subsection 3 shall not, allow a*
17 *person who is less than 21 years of age to consume any of the beer in the*
18 *keg or other container;*

19 *(b) Shall not remove or mutilate, or allow be removed or mutilated,*
20 *the identification tag that is attached to the keg or other container;*

21 *(c) Shall not keep, store or move the keg or other container, other*
22 *than transporting the keg or other container to and from the licensed*
23 *retailer, at or to any location other than the address stated by the person*
24 *pursuant to paragraph (c) of subsection 1 of section 5 of this act; and*

25 *(d) Shall place and maintain a copy of the declaration in a clearly*
26 *visible location not more than 5 feet away from the keg or other*
27 *container when the keg or other container is being used.*

28 **3.** *Paragraph (a) of subsection 2 does not apply to the parent,*
29 *guardian or physician of the person who is less than 21 years of age.*

30 **Sec. 7.** *In addition to any other penalty provided by law, a person*
31 *who violates any of the provisions set forth in sections 3 to 6, inclusive, of*
32 *this act shall be punished:*

33 **1.** *For the first offense, by a fine of not more than \$500.*

34 **2.** *For subsequent offenses, by a fine of not less than \$500 or more*
35 *than \$700.*

36 **Sec. 8.** *The amendatory provisions of this act do not apply to offenses*
37 *committed before October 1, 1999.*