
SENATE BILL NO. 277—SENATORS WIENER, RAWSON, NEAL, PORTER,
CARE, COFFIN, JACOBSEN, MATHEWS AND TOWNSEND

MARCH 5, 2001

JOINT SPONSORS: ASSEMBLYMEN CARPENTER, ANDERSON,
ARBERRY, BERMAN, LESLIE AND NOLAN

Referred to Committee on Finance

SUMMARY—Requires posting of sign in food establishments in which alcoholic beverages are sold that warns of dangers of drinking such beverages during pregnancy. (BDR 40-24)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Contains Appropriation not included in Executive Budget.

~

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

AN ACT relating to public health; requiring the posting of a sign in every food establishment in which alcoholic beverages are sold that warns of the dangers of drinking such beverages during pregnancy; providing a civil penalty for failure to post the sign; making an appropriation; and providing other matters properly relating thereto.

- 1 WHEREAS, Fetal alcohol syndrome is a disease that is completely
- 2 preventable; and
- 3 WHEREAS, Fetal alcohol syndrome is the leading environmental cause
- 4 of mental retardation in the United States; and
- 5 WHEREAS, Approximately 10 percent of all mental retardation in
- 6 children is attributable to fetal alcohol syndrome; and
- 7 WHEREAS, The behavioral risk factor surveillance system established by
- 8 the Centers for Disease Control and Prevention estimated in 1995 that the
- 9 prevalence of repeated frequent consumption of alcohol among women of
- 10 childbearing age in Nevada was 17.5 percent, which was the fifth highest
- 11 percentage of all states in the United States; and
- 12 WHEREAS, Since 1981, an advisory of the Office of the Surgeon
- 13 General of the United States has provided that “women who are pregnant
- 14 or who plan to become pregnant should abstain from alcohol use because
- 15 of the potential risks to the fetus”; and



1 WHEREAS, The effects on a fetus of alcohol consumption during
2 pregnancy may be seen in as many as 1 percent of all babies born in
3 Nevada; and

4 WHEREAS, Public awareness is the key to helping to prevent the
5 incidence of fetal alcohol syndrome; and

6 WHEREAS, The State of Nevada does not currently require
7 establishments that sell alcohol to post warnings about alcohol
8 consumption by pregnant women; and

9 WHEREAS, In 1999, the legislature created the advisory subcommittee
10 on fetal alcohol syndrome of the advisory board on maternal and child
11 health to increase awareness of fetal alcohol syndrome; now, therefore,

12
13 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
14 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
15

16 **Section 1.** Chapter 446 of NRS is hereby amended by adding thereto
17 the provisions set forth as sections 2 and 3 of this act.

18 **Sec. 2. 1. *A sign that is not less than 10 inches by 10 inches in size***
19 ***which contains a notice in boldface type that is clearly legible, written in***
20 ***letters that are not less than 1 inch in height, and in substantially the***
21 ***following form must be posted in every food establishment in which***
22 ***alcoholic beverages are sold:***

23
24 ***HEALTH WARNING: DRINKING WINE, BEER AND OTHER***
25 ***ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE***
26 ***BIRTH DEFECTS.***

27
28 ***ALERTA DE SALUD: EL BEBER DE VINO, CERVEZA Y OTRAS***
29 ***BEBIDAS ALCOHÓLICAS DURANTE EL EMBARAZO PUEDEN***
30 ***CAUSAR DEFECTOS DE NACIMIENTO.***

31
32 **2. The sign must be posted:**

33 ***(a) If the food establishment sells alcoholic beverages by the drink for***
34 ***consumption on the premises, in a conspicuous location in the restroom***
35 ***intended for use by women in the food establishment, which may include,***
36 ***without limitation, on the mirror in the restroom or on the back of the***
37 ***door to the restroom.***

38 ***(b) If the food establishment sells alcoholic beverages in any other***
39 ***manner, in a conspicuous location at the point of sale of the alcoholic***
40 ***beverages.***

41 **3. As used in this section, "alcoholic beverage" means:**

42 ***(a) Beer, ale, porter, stout and other similar fermented beverages,***
43 ***including, without limitation, sake and similar products, of any name or***
44 ***description containing one-half of 1 percent or more of alcohol by***
45 ***volume, brewed or produced from malt, wholly or in part, or from any***
46 ***substitute therefor.***

47 ***(b) Any beverage obtained by the fermentation of the natural content***
48 ***of fruits or other agricultural products containing sugar, of not less than***
49 ***one-half of 1 percent of alcohol by volume.***



1 (c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol
2 or spirits of wine in any form, including, without limitation, all dilutions
3 and mixtures thereof from whatever process produced.

4 **Sec. 3.** 1. A food establishment that violates the provisions of
5 section 2 of this act is liable for a civil penalty of \$500 for each violation.

6 2. A health authority within whose jurisdiction a violation of section
7 2 of this act is committed shall:

8 (a) Collect the civil penalty, and may commence a civil proceeding for
9 that purpose; and

10 (b) Deposit any money collected pursuant to this section with the state
11 treasurer for credit to the state general fund. The money must be
12 accounted for separately within the state general fund.

13 3. The chairman of the advisory subcommittee on fetal alcohol
14 syndrome of the advisory board on maternal and child health shall
15 administer the money credited to the account in the state general fund
16 created pursuant to subsection 2. All such money is authorized for
17 expenditure to carry out the duties of the subcommittee.

18 **Sec. 4.** NRS 446.945 is hereby amended to read as follows:

19 446.945 ~~{Any}~~

20 1. A person who violates any ~~{of the provisions}~~ provision of this
21 chapter, ~~except section 2 or 3 of this act~~, is guilty of a misdemeanor.

22 2. In addition ~~{thereto, such persons}~~ to any criminal or civil penalty
23 that may be imposed, a person who violates any provision of this chapter
24 may be enjoined from continuing ~~{such violations}~~ the violation. Each day
25 upon which ~~{such}~~ a violation occurs ~~{shall constitute}~~ constitutes
26 a separate violation.

27 **Sec. 5.** 1. There is hereby appropriated from the state general fund
28 to the advisory subcommittee on fetal alcohol syndrome of the advisory
29 board on maternal and child health the sum of \$100,000 to carry out the
30 duties of the subcommittee.

31 2. Any remaining balance of the appropriation made by subsection 1
32 must not be committed for expenditure after June 30, 2003, and reverts to
33 the state general fund as soon as all payments of money committed have
34 been made.

35 **Sec. 6.** Notwithstanding any provision of section 3 of this act to the
36 contrary, the first \$100,000 collected from civil penalties and credited to
37 the account in the state general fund created pursuant to subsection 2 of
38 section 3 of this act:

39 1. May not be expended by the advisory subcommittee on fetal alcohol
40 syndrome of the advisory board on maternal and child health.

41 2. Must be transferred by the state controller out of the account and
42 credited to the state general fund. The state controller shall make such
43 transfers monthly until the entire \$100,000 has been so transferred.

44 **Sec. 7.** 1. This section and section 5 of this act become effective
45 upon passage and approval.

46 2. Sections 1 to 4, inclusive, and 6 of this act become effective on
47 October 1, 2001.

