

(REPRINTED WITH ADOPTED AMENDMENTS)**FIRST REPRINT****S.B. 277**

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 certain 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.

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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 public health; requiring the posting of a sign in certain food establishments 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; 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



* S B 2 7 7 R 1 *

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 by the drink for consumption on the**
23 **premises:**

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

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

32
33 **2. The sign must be posted in a conspicuous location in the restroom**
34 **intended for use by women in the food establishment, which may include,**
35 **without limitation, on the mirror in the restroom or on the back of the**
36 **door to the restroom.**

37 **3. The health division of the department of human resources may**
38 **solicit and accept the donation of signs that satisfy the requirements of**
39 **subsection 1 from a nonprofit organization or any other source. To the**
40 **extent that such signs are donated, the health division shall distribute the**
41 **signs upon request to food establishments that are required to post the**
42 **signs.**

43 **4. As used in this section, "alcoholic beverage" means:**

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



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

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

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

9 2. A health authority within whose jurisdiction a violation of section
10 2 of this act is committed shall:

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

13 (b) Deposit any money collected pursuant to this section with the state
14 treasurer for credit to the state general fund, except that the health
15 authority may retain an amount equal to the actual costs incurred by the
16 health authority in collecting the civil penalty. The money deposited with
17 the state treasurer must be accounted for separately within the state
18 general fund.

19 3. The administrator of the health division of the department of
20 human resources shall administer the money credited to the account in
21 the state general fund created pursuant to subsection 2. The money in the
22 account may be expended only to carry out the duties of the advisory
23 subcommittee on fetal alcohol syndrome of the advisory board on
24 maternal and child health.

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

26 446.945 ~~{Any}~~

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

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

34 **Sec. 5.** 1. This section becomes effective upon passage and
35 approval.

36 2. Section 2 of this act becomes effective upon passage and approval
37 for the purpose of authorizing the health division of the department of
38 human resources to solicit, accept and distribute signs that satisfy the
39 requirements of subsection 1 of section 2 of this act, and on October 1,
40 2001, for all other purposes.

41 3. Sections 1, 3 and 4 of this act become effective on October 1, 2001.

