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SECOND 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; 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 2 \*

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 a  
17 new section to read as follows:

18 *1. A sign that is not less than 11 inches wide and 8 1/2 inches in*  
19 *height which contains a notice in boldface type that is clearly legible,*  
20 *written in letters that are not less than the sizes specified in subsection 2,*  
21 *and in substantially the following form must be posted in every food*  
22 *establishment in which alcoholic beverages are sold by the drink for*  
23 *consumption on the premises:*

24  
25 **HEALTH WARNING**

26 *Drinking wine, beer and other alcoholic beverages during pregnancy can*  
27 *cause birth defects.*

28  
29 **ALERTA DE SALUD**

30 *El beber de vino, cerveza y otras bebidas alcohólicas durante el embarazo*  
31 *pueden causar defectos de nacimiento.*

32  
33 *2. The letters in the words "HEALTH WARNING" and "ALERTA*  
34 *DE SALUD" in the sign must be written in not less than 40-point type,*  
35 *and the letters in all other words in the sign must be written in not less*  
36 *than 30-point type.*

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.*



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. 2.** NRS 446.945 is hereby amended to read as follows:  
8     446.945   ~~Any~~

9     ***1. A*** person who violates any ~~of the provisions~~ ***provision*** of this  
10    chapter, ***except section 1 of this act,*** is guilty of a misdemeanor.

11    ***2.*** In addition ~~thereto, such persons~~ ***to any penalty that may be***  
12    ***imposed, a person who violates any provision of this chapter*** may be  
13    enjoined from continuing ~~such violations.~~ ***the violation.*** Each day upon  
14    which ~~such~~ a violation occurs ~~shall constitute~~ ***constitutes*** a separate  
15    violation.

16    **Sec. 3.** This act becomes effective upon passage and approval for the  
17    purpose of authorizing the health division of the department of human  
18    resources to solicit, accept and distribute signs that satisfy the requirements  
19    of section 1 of this act, and on October 1, 2001, for all other purposes.

