

ASSEMBLY BILL NO. 221—ASSEMBLYMEN OCEGUERA, MANENDO,
LESLIE, PARKS, ANDERSON, ANGLE, BUCKLEY,
CHRISTENSEN, CLABORN, CONKLIN, DENIS, GERHARDT,
HOGAN, HORNE, MUNFORD AND PIERCE

MARCH 17, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to sale and disposition of
intoxicating liquor. (BDR 20-270)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 intoxicating liquor; requiring that certain
persons who sell, handle or serve alcoholic beverages
successfully complete a program of training relating to
alcoholic beverages; authorizing the Department of
Taxation to impose administrative fines upon the owners
or operators of certain establishments for certain
violations; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

Under local ordinances adopted by certain counties and cities, persons who
serve, sell or distribute alcoholic beverages must complete an alcohol awareness
training course. (Clark County Code § 8.20.055, Las Vegas Municipal Code §
6.5.520, North Las Vegas Municipal Code § 5.26.520)

This bill requires by state statute that certain employees of certain
establishments which sell alcoholic beverages complete an alcoholic beverage
awareness program certified by the Commission on Postsecondary Education. This
bill requires the owner or operator of such an establishment to ensure that by July 1,
2006, at least one employee who has successfully completed the program is on the
premises during the hours that the establishment is open for business. In addition,
after January 1, 2008, this bill prohibits an owner or operator from employing a
person to sell, handle or serve alcoholic beverages unless the person has
successfully completed an alcoholic beverage awareness program certified by the
Commission.

Existing law establishes the authority of county liquor boards and incorporated
cities to regulate and license the sale of intoxicating liquor. (NRS 244.350,



268.090) Existing law authorizes an incorporated city to fix, impose and collect a license tax on the sale of beer, wines or other alcoholic beverages, and requires the Department of Taxation to administer and enforce laws related to the importation and sale of intoxicating liquors. (NRS 268.090, 369.150)

This bill prohibits a county liquor board or incorporated city from granting a license to, or renewing the license of, an owner or operator of an establishment who has violated the provisions of this bill more than three times in any 24-month period. The Department of Taxation may impose an administrative fine against an owner or operator for violations of the provisions of this bill.

This bill defines an "establishment" subject to the provisions of the bill as a business that sells alcoholic beverages by the drink for consumption on the premises or that sells alcoholic beverages in corked or sealed containers for consumption off the premises. This bill excludes from the definition resort hotels, wholesale liquor distributors and private clubs.

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

Section 1. NRS 244.350 is hereby amended to read as follows:

244.350 1. The board of county commissioners, and in a county whose population is less than 400,000, the sheriff of that county constitute a liquor board. The liquor board may, without further compensation, grant or refuse liquor licenses, and revoke those licenses whenever there is, in the judgment of a majority of the board, sufficient reason for revocation. The board shall elect a chairman from among its members.

2. ~~[The]~~ *Except as otherwise provided in section 9 of this act, the* liquor board in each of the several counties shall enact ordinances:

(a) Regulating the sale of intoxicating liquors in their respective counties.

(b) Fixing the hours of each day during which liquor may be sold or disposed of.

(c) Prescribing the conditions under which liquor may be sold or disposed of.

(d) Prohibiting the employment or service of minors in the sale or disposition of liquor.

(e) Prohibiting the sale or disposition of liquor in places where, in the judgment of the board, the sale or disposition may tend to create or constitute a public nuisance, or where by the sale or disposition of liquor a disorderly house or place is maintained.

3. In a county whose population is 400,000 or more, the liquor board shall refer any petition for a liquor license to the metropolitan police department. The department shall conduct an investigation relating to the petition and report its findings to the liquor board at the next regular meeting of the board.



1 4. All liquor dealers within any incorporated city are exempt
2 from the effect of this section, and are to be regulated only by the
3 government of that city.

4 5. *The liquor board shall not grant a license to a person or*
5 *renew the license of a person if the person has violated the*
6 *provisions of section 9 of this act more than three times in any*
7 *24-month period.*

8 6. The liquor board shall not deny a license to a person solely
9 because he is not a citizen of the United States.

10 Sec. 2. NRS 268.090 is hereby amended to read as follows:

11 268.090 1. ~~[[1]]~~ *Except as otherwise provided in section 9 of*
12 *this act, in* addition to any authority or power now provided by the
13 charter of any incorporated city in this State, whether incorporated
14 by general or special act, or otherwise, there is hereby granted to
15 each of the cities incorporated under any law of this State the power
16 and authority to fix, impose and collect a license tax on, and
17 regulate the sale of, beer, wines or other beverages now or hereafter
18 authorized to be sold by act of Congress.

19 2. *An incorporated city shall not grant a license to a person*
20 *or renew the license of a person if the person has violated the*
21 *provisions of section 9 of this act more than three times in any*
22 *24-month period.*

23 3. An incorporated city shall not deny a license to a person
24 solely because he is not a citizen of the United States.

25 Sec. 3. Chapter 369 of NRS is hereby amended by adding
26 thereto the provisions set forth as sections 4 to 10, inclusive, of this
27 act.

28 Sec. 4. *As used in sections 4 to 10, inclusive, of this act,*
29 *unless the context otherwise requires, the words and terms defined*
30 *in sections 5 to 8, inclusive, of this act have the meanings ascribed*
31 *to them in those sections.*

32 Sec. 5. *"Alcoholic beverage" has the meaning ascribed to it*
33 *in NRS 202.015.*

34 Sec. 6. *"Alcoholic beverage awareness program" means a*
35 *program designed to educate persons who sell, handle or serve*
36 *alcoholic beverages at an establishment.*

37 Sec. 7. *"Commission" means the Commission on*
38 *Postsecondary Education created by NRS 394.383.*

39 Sec. 8. 1. *"Establishment" means a business that:*

40 (a) *Sells alcoholic beverages by the drink for consumption on*
41 *the premises; or*

42 (b) *Sells alcoholic beverages in corked or sealed containers or*
43 *receptacles for consumption off the premises.*

44 2. *The term includes, without limitation, a retail liquor store.*



3. The term does not include:

(a) A resort hotel as defined in NRS 463.01865;

(b) A wholesale dealer; or

(c) A private club or other facility not in fact open to the public.

Sec. 9. 1. On and after July 1, 2006, a person who owns or operates an establishment shall ensure that at least one employee who has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act is on the premises during the hours the establishment is open for business.

2. On and after January 1, 2008, a person who owns or operates an establishment shall not employ a person to sell, handle or serve alcoholic beverages unless the person has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.

3. The Department may impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:

(a) For the first violation within a 24-month period, \$500.

(b) For the second violation within a 24-month period, \$1,000.

(c) For the third and any subsequent violation within a 24-month period, \$5,000.

Sec. 10. 1. The Commission shall, in cooperation with state and local law enforcement agencies, develop a curriculum for an alcoholic beverage awareness program.

2. The curriculum described in subsection 1:

(a) Must consist of not fewer than 4 hours of instruction; and

(b) Must include, without limitation, instruction on the following topics:

(1) The clinical effects of alcohol on the human body;

(2) Methods of identifying intoxicated persons;

(3) Relevant provisions of state and local laws concerning the selling, handling and serving of alcoholic beverages;

(4) Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and

(5) Methods of preventing:

(I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;

(II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and

(III) The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.



1 3. The Administrator of the Commission may certify an
2 alcoholic beverage awareness program if:

3 (a) The program will be conducted by a governmental entity,
4 nonprofit organization or private postsecondary educational
5 institution;

6 (b) The governmental entity, nonprofit organization or private
7 postsecondary educational institution that will conduct the
8 program provides to the Administrator:

9 (1) A copy of all course materials that will be used in the
10 program; and

11 (2) A list of all of the persons who will serve as instructors
12 for the program, accompanied by documentation of the credentials
13 and qualifications of those persons; and

14 (c) The Administrator determines that:

15 (1) The program meets the curricular requirements set
16 forth in subsection 2; and

17 (2) The persons who will serve as instructors for the
18 program are competent and qualified to provide instruction in the
19 curriculum of the program.

20 4. The Commission shall adopt such regulations as the
21 Commission determines to be necessary or advisable to carry out
22 the provisions of this section.

23 5. As used in this section, "minor" means a person who is
24 under 21 years of age.



