

## Amendment No. 578

Assembly Amendment to Assembly Bill No. 221 First Reprint

(BDR 20-270)

**Proposed by:** Assemblyman Ocegüera**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend section 1, page 3, by deleting lines 6 and 7 and inserting:

*“5. The liquor board may deny or refuse to renew the license of a person who has willfully violated the”.*

Amend sec. 2, page 3, by deleting lines 20 and 21 and inserting:

*“2. An incorporated city may deny or refuse to renew the license of a person who has willfully violated the”.*

Amend sec. 3, page 3, line 27, by deleting “10,” and inserting “11,”.

Amend sec. 4, page 3, line 29, by deleting “10,” and inserting “11,”.

Amend sec. 6, page 3, by deleting lines 36 and 37 and inserting:

*“program designed to educate persons who sell or serve alcoholic beverages or perform the duties of a security guard at an establishment.”.*

SJC/BJE

Date: 4/21/2005

A.B. No. 221—Revises provisions relating to sale and disposition of intoxicating liquor.



Amend sec. 9, page 4, by deleting lines 12 through 18 and inserting:

*“2. On and after January 1, 2008, a person who owns or operates an establishment shall not employ or continue to employ a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless the person has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act within 30 days after the employee is employed to sell or serve alcoholic beverages or perform the duties of a security guard.”.*

Amend sec. 10, page 4, by deleting line 43 and inserting:

*“the selling and serving of alcoholic beverages;”.*

Amend sec. 10, page 5, by deleting lines 18 through 20 and inserting:

*“4. The Commission shall adopt such regulations:*

*(a) As the Commission determines to be necessary or advisable to carry out the provisions of this section; and*

*(b) As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to this section receives a card which certifies that the person has successfully completed that program.”.*

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 10, to read as follows:

*“Sec. 11. Except as otherwise provided in sections 4 to 11, inclusive, of this act, no agency, board, commission, local government or other political subdivision of this State may adopt any requirements or standards for the education of persons employed to sell or serve alcoholic beverages at an establishment.”.*

Amend the title of the bill, by deleting the second line and inserting:

“persons employed at certain establishments where alcoholic beverages are sold must”.

**If this amendment is adopted, the Legislative**

**Counsel's Digest will be changed to read as follows:**

**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 employees of certain establishments which sell alcoholic beverages complete an alcoholic beverage awareness program certified by the Commission on Postsecondary Education. This requirement is phased in over the next several years. 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 requires that every employee of such an establishment who sells or serves alcoholic beverages or performs the duties of a security guard must successfully complete an alcoholic beverage awareness program certified by the Commission within 30 days after employment. This bill prohibits any other agency, board, commission, local government or other political subdivision of this State from adopting any additional requirements or standards for the education of persons employed to sell or serve alcoholic beverages at such an establishment. 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.

Wholesale liquor distributors and private clubs and other facilities that are not open to the public are not included in the definition.

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) Existing law also requires sheriffs and police officers to assist in the enforcement of the licensing and tax laws related to intoxicating liquor. (NRS 369.540)

This bill authorizes a county liquor board or incorporated city to deny a license to, or refuse to renew the license of, an owner or operator of an establishment who has willfully violated the provisions of this bill more than three times during any 24-month period. The Department of Taxation is also required to impose an administrative fine against an owner or operator for violating the provisions of this bill. This bill further provides that a law enforcement agency whose officer discovers a violation of the provisions of this bill is required to report the violation to the Department of Taxation.