

Amendment No. 888

Senate Amendment to Assembly Bill No. 221 Second Reprint

(BDR 20-270)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No 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 the bill as a whole by deleting sec. 9 and adding a new section designated sec. 9,
following sec. 8, to read as follows:

“Sec. 9. 1. Except as otherwise provided in subsection 2:

(a) 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.

(b) On and after January 1, 2008, a person who owns or operates an establishment shall not:

(1) Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

MSM/BAW

Date: 5/23/2005

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



(I) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, within 30 days after the date on which he is hired, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(2) Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(I) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, not later than January 31, 2008, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.

(c) The Department shall 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:

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

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

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

(d) Any money collected by the Department from fines pursuant to paragraph (c) must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

(e) Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.

2. The provisions of this section apply only in a jurisdiction that:

(a) Is located in a county whose population is 400,000 or more; and

(b) Before October 1, 2005, has, by ordinance, rule or regulation, established requirements and standards for the education of persons who sell or serve alcoholic beverages at an establishment.”.

Amend sec. 11, page 5, by deleting line 32 and inserting:

“Sec. 11. 1. Except as otherwise provided in subsection 2 and sections 4 to 11,”.

Amend sec. 11, page 5, after line 36, by inserting:

“2. The prohibition set forth in subsection 1 does not apply with respect to a jurisdiction in which the provisions of section 9 of this act do not apply.”.

**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 and applies only in a jurisdiction that: (1) is located in a county whose population is 400,000 or more (currently Clark County); and (2) has established requirements and standards for the education of persons who sell or serve alcoholic beverages at such an establishment.

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 existing (continuing) employee of such an establishment who sells or serves alcoholic beverages or performs the duties of a security guard must, on or before January 31, 2008, successfully complete an alcoholic beverage awareness program certified by the Commission.

In the jurisdictions to which this bill applies, the 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.