

ASSEMBLY BILL NO. 170—ASSEMBLYMEN PIERCE, OHRENSCHALL,
ANDERSON; AIZLEY, BENITEZ-THOMPSON, BUSTAMANTE
ADAMS, FLORES, KIRKPATRICK, MASTROLUCA, NEAL AND
SMITH

FEBRUARY 16, 2011

Referred to Committee on Health and Human Services

SUMMARY—Establishes provisions relating to warnings about the
health hazards of smoking during pregnancy.
(BDR 40-884)

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 public health; requiring each retail
establishment in which cigarettes are sold or offered for
sale to post a sign regarding the dangers of smoking
tobacco during pregnancy; providing a civil penalty; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires food establishments in which alcoholic beverages are sold for consumption on the premises to post at least one sign in a location conspicuous to the patrons of the establishment regarding the dangers of drinking alcoholic beverages during pregnancy. (NRS 446.842) Existing law also requires the owner of a retail establishment in which cigarettes or smokeless tobacco products are sold or offered for sale to display prominently at the point of sale a notice indicating that the sale of cigarettes and other tobacco products to minors is prohibited by law and that the retailer may ask for proof of age to comply with the prohibition. (NRS 202.2493)

This bill requires each retail establishment in which cigarettes are sold or offered for sale to post at least one sign regarding the dangers of smoking tobacco during pregnancy in a location conspicuous to the patrons of the establishment. A person who fails to post the sign is subject to a civil fine of not more than \$100.



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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each retail establishment in which cigarettes are sold or offered for sale shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The contents of the warning may be included on any other sign which the retail establishment is required to post in a location conspicuous to the patrons of the establishment.

2. Each sign required by subsection 1 must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in paragraph (a) of subsection 4, is in substantially the following form:

HEALTH WARNING

Smoking tobacco during pregnancy can cause birth defects, premature birth and low birth weight.

¡ADVERTENCIA!

Fumar tabaco durante el embarazo puede causar daño a su bebé al nacer, que nazca prematuro y que nazca bajo de peso.

3. The letters in the words "HEALTH WARNING" and "¡ADVERTENCIA!" in the sign must be written in not less than 40-point type, and the letters in all other words in the sign must be written in not less than 30-point type.

4. The Health Division may:

(a) Provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.

(b) Solicit and accept donations of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Health Division shall distribute the signs upon request to retail establishments that are required to post signs.

Sec. 2. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made from tobacco in any form



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1 other than in an unopened package which originated with the
2 manufacturer and bears any health warning required by federal law.
3 A person who violates this subsection shall be punished by a fine of
4 \$100 and a civil penalty of \$100.

5 2. Except as otherwise provided in subsections 3, 4 and 5, it is
6 unlawful for any person to sell, distribute or offer to sell cigarettes,
7 cigarette paper, tobacco of any description or products made from
8 tobacco to any child under the age of 18 years. A person who
9 violates this subsection shall be punished by a fine of not more than
10 \$500 and a civil penalty of not more than \$500.

11 3. A person shall be deemed to be in compliance with the
12 provisions of subsection 2 if, before the person sells, distributes or
13 offers to sell to another, cigarettes, cigarette paper, tobacco of any
14 description or products made from tobacco, the person:

15 (a) Demands that the other person present a valid driver's
16 license or other written or documentary evidence which shows that
17 the other person is 18 years of age or older;

18 (b) Is presented a valid driver's license or other written or
19 documentary evidence which shows that the other person is 18 years
20 of age or older; and

21 (c) Reasonably relies upon the driver's license or written or
22 documentary evidence presented by the other person.

23 4. The employer of a child who is under 18 years of age may,
24 for the purpose of allowing the child to handle or transport tobacco
25 or products made from tobacco in the course of the child's lawful
26 employment, provide tobacco or products made from tobacco to the
27 child.

28 5. With respect to any sale made by an employee of a retail
29 establishment, the owner of the retail establishment shall be deemed
30 to be in compliance with the provisions of subsection 2 if the owner:

31 (a) Had no actual knowledge of the sale; and

32 (b) Establishes and carries out a continuing program of training
33 for employees which is reasonably designed to prevent violations of
34 subsection 2.

35 6. The owner of a retail establishment shall, whenever any
36 product made from tobacco is being sold or offered for sale at the
37 establishment, display prominently at the point of sale ~~H~~ :

38 ~~(a)~~ A notice indicating that:

39 ~~H~~ (1) The sale of cigarettes and other tobacco products to
40 minors is prohibited by law; and

41 ~~H~~ (2) The retailer may ask for proof of age to comply with
42 this prohibition ~~H~~ ; and

43 *(b) At least one sign that complies with the requirements of*
44 *section 1 of this act.*



1 ➤ A person who violates this subsection shall be punished by a fine
2 of not more than \$100.

3 7. It is unlawful for any retailer to sell cigarettes through the
4 use of any type of display:

5 (a) Which contains cigarettes and is located in any area to which
6 customers are allowed access; and

7 (b) From which cigarettes are readily accessible to a customer
8 without the assistance of the retailer,

9 ➤ except a vending machine used in compliance with NRS
10 202.2494. A person who violates this subsection shall be punished
11 by a fine of not more than \$500.

12 8. Any money recovered pursuant to this section as a civil
13 penalty must be deposited in a separate account in the State General
14 Fund to be used for the enforcement of this section and
15 NRS 202.2494.

