

Amendment No. 584

Senate Amendment to Assembly Bill No. 170 First Reprint (BDR 40-884)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

RBL



Date: 5/16/2011

A.B. No. 170—Establishes provisions relating to warnings about the health hazards of smoking during pregnancy. (BDR 40-884)



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~~
8 by 5 1/2 inches in size and must contain a notice in boldface type that is clearly
legible and, except as otherwise provided in ~~paragraph (e) 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 28-point type,
and the letters in all other words in the sign must be written in not less than 24-
point type.

4. The Health Division may ~~+~~
~~(a) Provide~~ 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~~ The Health Division and the local boards of health may 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 or the local boards of health, as applicable, shall
distribute the signs upon request to retail establishments that are required to post
such 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 other than in an unopened
package which originated with the manufacturer and bears any health warning
required by federal law. A person who violates this subsection shall be punished by
a fine of \$100 and a civil penalty of \$100.

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

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

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

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

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

4. The employer of a child who is under 18 years of age may, for the purpose
of allowing the child to handle or transport tobacco or products made from tobacco

1 in the course of the child's lawful employment, provide tobacco or products made
2 from tobacco to the child.

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

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

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

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

12 (a) A notice indicating that:

13 ~~the~~ (1) The sale of cigarettes and other tobacco products to minors is
14 prohibited by law; and

15 ~~the~~ (2) The retailer may ask for proof of age to comply with this prohibition
16 ~~the~~; and

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

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

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

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

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

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

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