

Amendment No. 250

Senate Amendment to Senate Bill No. 440	(BDR 32-1003)
Proposed by: Senate Committee on Revenue and Economic Development	
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"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

CBC/BJF



Date: 4/17/2017

S.B. No. 440—Extends to all counties the requirement for certain employees of establishments where alcoholic beverages are sold to complete certain training. (BDR 32-1003)



SENATE BILL NO. 440—COMMITTEE ON REVENUE
AND ECONOMIC DEVELOPMENT

MARCH 27, 2017

Referred to Committee on Revenue and
Economic Development

SUMMARY—Extends to all counties the requirement for certain employees of establishments where alcoholic beverages are sold to complete certain training. (BDR 32-1003)

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; extending to all counties the requirement for certain employees of certain establishments where alcoholic beverages are sold to successfully complete an alcoholic beverage awareness program; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires an establishment that sells alcoholic beverages by the drink for consumption on the premises of the establishment to ensure that certain employees of the establishment have successfully completed an alcoholic beverage awareness program; and (2) authorizes the imposition of a civil fine for a violation of this requirement. In a county whose population is 100,000 or more (currently Clark and Washoe Counties), this requirement is imposed by state statute on an establishment. However, in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), this requirement is imposed on an establishment only if the governing body of the jurisdiction in which the establishment is located has agreed to impose this requirement. (NRS 369.620, 369.630)

Section 2 of this bill: (1) extends to all counties in this State the requirement for an establishment that sells alcoholic beverages by the drink for consumption on the premises of the establishment to ensure that certain employees of the establishment have successfully completed an alcoholic beverage awareness program; and (2) requires establishments in counties whose population is less than 100,000 to comply with this requirement beginning on July 1, 2019. **Under section 2, if an employee of an establishment in such a county completes the program through the use of audiovisual technology, the technology must allow the instructor to interact visually and verbally with the employee. Finally, under section 2, any fines imposed on an establishment located in a county whose population is 100,000 or less that violates section 2 must be transferred to the county and used to provide assistance to victims of crime in the county and for education and enforcement of laws relating to underage drinking.**

Existing law prohibits any 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 an establishment. However, this prohibition applies only in a jurisdiction in which the statutory requirement for

an establishment to ensure that certain employees have successfully completed an alcoholic beverage awareness program has been imposed. (NRS 369.635) Because **section 2** imposes the statutory requirement in all jurisdictions, **section 3** of this bill prohibits all agencies, boards, commissions, local governments or other political subdivisions of this State from adopting any additional requirements or standards for the education of persons employed to sell or serve alcoholic beverages at an establishment.

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

Section 1. NRS 369.625 is hereby amended to read as follows:

369.625 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 2 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 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.

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

(a) The program meets the curricular requirements set forth in subsection 2; and

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

4. An alcoholic beverage awareness program certified by the Commission:

(a) Must not cost a person more than \$40 to complete; and

(b) May be presented through the use of audiovisual technology. As used in this paragraph, "audiovisual technology" includes, without limitation, the use of closed-circuit video, videoconferencing, videotapes, computers, television, the Internet or any other electronic means of communication, or any combination thereof.

5. 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 subsection 3 receives a card which verifies that the person has successfully completed that program. The regulations must provide additionally that a card described in this paragraph:

(1) Is valid for a period of 4 years from the date of issuance and may be renewed for like consecutive periods upon successful completion by the holder of the card of an alcoholic beverage awareness program certified by the Commission; and

(2) Must be honored ~~in any jurisdiction in which the provisions of NRS 369.630 apply.~~ as indicia of the successful completion of an alcoholic beverage awareness program certified by the Commission.

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

Sec. 2. NRS 369.630 is hereby amended to read as follows:

369.630 1. ~~Except as otherwise provided in subsection 7, on~~ *On* and after July 1, 2007, a person who owns or operates an establishment *located in a county whose population is 100,000 or more* shall not:

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

(1) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or

(2) 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, within 30 days after the date on which he or she is hired, successfully completes a certified program and obtains a valid alcohol education card; or

(b) 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:

(1) 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 a certified program and already holds a valid alcohol education card; or

(2) 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, not later than July 31, 2007, successfully completes a certified program and obtains a valid alcohol education card.

2. *On and after July 1, 2019, a person who owns or operates an establishment located in a county whose population is less than 100,000 shall not:*

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

(1) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or

(2) 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, within 30 days after the date on which he or she is hired, successfully completes a certified program and obtains a valid alcohol education card; or

(b) 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:

(1) 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

1 *already successfully completed a certified program and already holds a valid*
2 *alcohol education card; or*

3 *(2) The person who owns or operates the establishment ensures that the*
4 *person who continues to be employed to sell or serve alcoholic beverages or*
5 *perform the duties of a security guard at the establishment, not later than July 31,*
6 *2019, successfully completes a certified program and obtains a valid alcohol*
7 *education card.*

8 *↪ If a certified program required to be successfully completed pursuant to this*
9 *subsection is presented through audiovisual technology, the audiovisual*
10 *technology must allow the instructor to interact visually and verbally with the*
11 *student.*

12 **3.** A violation of this section is a civil infraction, and when an owner or
13 operator of an establishment is found in violation pursuant to subsection ~~3-4~~ **4**, a
14 notice of infraction must be issued on a form prescribed by the Department, and
15 must contain, without limitation, the following information:

- 16 (a) The location at which the violation occurred;
17 (b) The date and time of the violation;
18 (c) The name of the establishment and the owner;
19 (d) The signature of the person who issued the notice of infraction;
20 (e) A copy of this section which allegedly is being violated;
21 (f) Information which advises of the manner in which, and the time within
22 which, the notice of infraction must be answered; and
23 (g) Any other reasonable information which is prescribed by the Department.

24 ~~3-4~~ **4.** The notice of infraction may be issued by any peace officer or by any
25 person who is authorized by the Department to issue such a notice. A duplicate of
26 the notice of infraction must be served on the person to whom it is issued either in
27 person, by providing the notice to the person in charge of the establishment at the
28 time the notice of infraction is issued, or by affixing the notice to the establishment
29 in a conspicuous place.

30 ~~4-4~~ **5.** The notice of infraction or a facsimile thereof must be filed with the
31 Department and retained by the Department and is deemed to be a public record of
32 matters which are observed pursuant to a duty imposed by law and is prima facie
33 evidence of the facts which are alleged therein.

34 ~~4-5~~ **6.** A person who responds to the notice of infraction must:

35 (a) Admit the commission of the infraction by paying to the Department the
36 appropriate civil fine:

- 37 (1) For the first violation within a 24-month period, \$500.
38 (2) For the second violation within a 24-month period, \$1,000.
39 (3) For the third and any subsequent violation within a 24-month period,
40 \$5,000.

41 (b) Deny liability for the infraction by notifying the Department and requesting
42 a hearing in the manner indicated on the notice of infraction. Upon receipt of such a
43 request, the Department shall afford to the person making the request an
44 opportunity for a hearing pursuant to the provisions of NRS 233B.121.

45 ~~6-4~~ **7.** Of the money collected by the Department from a civil fine pursuant
46 to subsection ~~4-5~~ **6**:

47 (a) *From an establishment located in a county whose population is 100,000*
48 *or more:*

49 *(1) Fifty percent must be deposited with the State Treasurer for credit to*
50 *the Account for Aid for Victims of Domestic Violence created by NRS 217.440.*

51 ~~4-6~~ *(2) Fifty percent must be deposited in the account created in the State*
52 *General Fund for the support of community juvenile justice programs and must be*

used only to enforce laws that prohibit the purchase, consumption or possession of alcoholic beverages by persons under the age of 21 years.

~~{7. The provisions of this section apply only in a jurisdiction that:~~

~~(a) Is located in a county whose population is 100,000 or more; or~~

~~(b) Is located in a county whose population is less than 100,000, if the governing body of the jurisdiction has, by the affirmative vote of a majority of its members, agreed to be bound by the provisions of this section.}~~

(b) From an establishment located in a county whose population is less than 100,000:

(1) Fifty percent must be transferred to the county treasurer of the county in which the establishment is located and deposited in the county general fund for use to provide assistance to victims of crime in the county.

(2) Fifty percent must be transferred to the county treasurer of the county in which the establishment is located and deposited in the county general fund for use only for education and enforcement concerning laws that prohibit the purchase, consumption or possession of alcoholic beverages by persons under the age of 21 years.

8. As used in this section:

(a) "Certified program" means an alcoholic beverage awareness program certified by the Commission pursuant to NRS 369.625.

(b) "Valid alcohol education card" means a card issued by a certified program which has been obtained or renewed within the immediately preceding 4 years.

Sec. 3. NRS 369.635 is hereby amended to read as follows:

369.635 ~~{1.}~~ Except as otherwise provided in ~~{subsection 2 and}~~ NRS 369.600 to 369.635, inclusive, 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.

~~{2. The prohibition set forth in subsection 1 does not apply with respect to a jurisdiction in which the provisions of NRS 369.630 do not apply.}~~

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.