

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.



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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.



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

3 (a) Must not cost a person more than \$40 to complete; and
4 (b) May be presented through the use of audiovisual technology.
5 As used in this paragraph, "audiovisual technology" includes,
6 without limitation, the use of closed-circuit video,
7 videoconferencing, videotapes, computers, television, the Internet or
8 any other electronic means of communication, or any combination
9 thereof.

10 5. The Commission shall adopt such regulations:

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

13 (b) As are necessary to ensure that a person who successfully
14 completes an alcoholic beverage awareness program certified
15 pursuant to subsection 3 receives a card which verifies that the
16 person has successfully completed that program. The regulations
17 must provide additionally that a card described in this paragraph:

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

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

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

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

29 369.630 1. ~~[Except as otherwise provided in subsection 7,~~
30 ~~on]~~ **On** and after July 1, 2007, a person who owns or operates an
31 establishment ***located in a county whose population is 100,000 or***
32 ***more*** shall not:

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

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

39 (2) The person who owns or operates the establishment
40 ensures that the person hired to sell or serve alcoholic beverages or
41 perform the duties of a security guard at the establishment, within
42 30 days after the date on which he or she is hired, successfully
43 completes a certified program and obtains a valid alcohol education
44 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 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, 2019, successfully completes a certified program and obtains a valid alcohol education card.

3. A violation of this section is a civil infraction, and when an owner or operator of an establishment is found in violation pursuant to subsection ~~3~~ 4, a notice of infraction must be issued on a form



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1 prescribed by the Department, and must contain, without limitation,
2 the following information:

- 3 (a) The location at which the violation occurred;
- 4 (b) The date and time of the violation;
- 5 (c) The name of the establishment and the owner;
- 6 (d) The signature of the person who issued the notice of
7 infraction;
- 8 (e) A copy of this section which allegedly is being violated;
- 9 (f) Information which advises of the manner in which, and the
10 time within which, the notice of infraction must be answered; and
- 11 (g) Any other reasonable information which is prescribed by the
12 Department.

13 ~~13-1~~ 4. The notice of infraction may be issued by any peace
14 officer or by any person who is authorized by the Department to
15 issue such a notice. A duplicate of the notice of infraction must be
16 served on the person to whom it is issued either in person, by
17 providing the notice to the person in charge of the establishment at
18 the time the notice of infraction is issued, or by affixing the notice to
19 the establishment in a conspicuous place.

20 ~~14-1~~ 5. The notice of infraction or a facsimile thereof must be
21 filed with the Department and retained by the Department and is
22 deemed to be a public record of matters which are observed
23 pursuant to a duty imposed by law and is prima facie evidence of the
24 facts which are alleged therein.

25 ~~15-1~~ 6. A person who responds to the notice of infraction must:
26 (a) Admit the commission of the infraction by paying to the
27 Department the appropriate civil fine:

- 28 (1) For the first violation within a 24-month period, \$500.
- 29 (2) For the second violation within a 24-month period,
30 \$1,000.
- 31 (3) For the third and any subsequent violation within a 24-
32 month period, \$5,000.

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

38 ~~16-1~~ 7. Of the money collected by the Department from a civil
39 fine pursuant to subsection ~~15-1~~ 6:

40 (a) Fifty percent must be deposited with the State Treasurer for
41 credit to the Account for Aid for Victims of Domestic Violence
42 created by NRS 217.440.

43 (b) Fifty percent must be deposited in the account created in the
44 State General Fund for the support of community juvenile justice
45 programs and must be used only to enforce laws that prohibit the



1 purchase, consumption or possession of alcoholic beverages by
2 persons under the age of 21 years.

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

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

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

11 8. As used in this section:

12 (a) “Certified program” means an alcoholic beverage awareness
13 program certified by the Commission pursuant to NRS 369.625.

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

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

18 369.635 ~~{1.}~~ Except as otherwise provided in ~~{subsection 2~~
19 ~~and}~~ NRS 369.600 to 369.635, inclusive, no agency, board,
20 commission, local government or other political subdivision of this
21 State may adopt any requirements or standards for the education of
22 persons employed to sell or serve alcoholic beverages at an
23 establishment.

24 ~~{2. The prohibition set forth in subsection 1 does not apply~~
25 ~~with respect to a jurisdiction in which the provisions of NRS~~
26 ~~369.630 do not apply.}~~

27 **Sec. 4.** This act becomes effective:

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

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

