

SENATE BILL NO. 307—SENATORS WIENER, RAWSON, CEGAVSKE,  
MATHEWS, NEAL, NOLAN AND WASHINGTON

MARCH 17, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires posting of signs in certain food establishments warning of risk of drinking alcoholic beverages during pregnancy and merges Advisory Subcommittee on Fetal Alcohol Syndrome into Advisory Board on Maternal and Child Health. (BDR 40-6)

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 the posting of a sign in certain food establishments in which alcoholic beverages are sold that warns of the dangers of drinking such beverages during pregnancy; merging the Advisory Subcommittee on Fetal Alcohol Syndrome into the Advisory Board on Maternal and Child Health; and providing other matters properly relating thereto.

- 1 WHEREAS, Fetal alcohol syndrome is a disease that is
- 2 completely preventable; and
- 3 WHEREAS, Fetal alcohol syndrome is the leading environmental
- 4 cause of mental retardation in the United States; and
- 5 WHEREAS, Approximately 10 percent of all mental retardation
- 6 in children is attributable to fetal alcohol syndrome; and
- 7 WHEREAS, The Genetics Division of the University of Nevada,
- 8 Reno, has recognized that fetal alcohol syndrome is the major cause
- 9 of disability in Nevada; and
- 10 WHEREAS, In 1999, the Legislature created the Advisory
- 11 Subcommittee on Fetal Alcohol Syndrome of the Advisory Board
- 12 on Maternal and Child Health to increase awareness of fetal alcohol
- 13 syndrome in Nevada; and



\* S B 3 0 7 R 1 \*

1 WHEREAS, The Advisory Subcommittee on Fetal Alcohol  
2 Syndrome has worked diligently with the Advisory Board on  
3 Maternal and Child Health to establish a framework from which to  
4 work to defeat the cause of Fetal Alcohol Syndrome and is now  
5 ready to disband in favor of a transference of the Subcommittee's  
6 duties to the Advisory Board on Maternal and Child Health; and

7 WHEREAS, Since 1981, an advisory of the Office of the Surgeon  
8 General of the United States has provided that "women who are  
9 pregnant or who plan to become pregnant should abstain from  
10 alcohol use because of the potential risks to the fetus"; and

11 WHEREAS, The effects on a fetus of alcohol consumption during  
12 pregnancy may be seen in as many as 1 percent of all babies born in  
13 Nevada; and

14 WHEREAS, Public awareness is the key to helping to prevent the  
15 incidence of fetal alcohol syndrome; and

16 WHEREAS, The State of Nevada does not currently require  
17 establishments that sell alcohol to post warnings about alcohol  
18 consumption by pregnant women; now, therefore,

19

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

22

23 **Section 1.** NRS 442.137 is hereby amended to read as follows:

24 442.137 The purpose of the Advisory Board is to advise the  
25 Administrator of the Health Division concerning perinatal care to  
26 enhance the survivability and health of infants and mothers, and  
27 concerning programs to improve the health of preschool children, to  
28 achieve the following objectives:

29 1. Ensuring the availability and accessibility of primary care  
30 health services;

31 2. Reducing the rate of infant mortality;

32 3. Reducing the incidence of preventable diseases and  
33 handicapping conditions among children;

34 4. *Identifying the most effective methods of preventing fetal  
35 alcohol syndrome and collecting information relating to the  
36 incidence of fetal alcohol syndrome in this state;*

37 5. *Preventing the consumption of alcohol by women during  
38 pregnancy;*

39 6. Reducing the need for inpatient and long-term care services;

40 ~~5.~~ 7. Increasing the number of children who are  
41 appropriately immunized against disease;

42 ~~6.~~ 8. Increasing the number of children from low-income  
43 families who are receiving assessments of their health;



1 ~~{7}~~ 9. Ensuring that services to follow up the assessments are  
2 available, accessible and affordable to children identified as in need  
3 of those services; ~~and~~

4 ~~8~~ 10. *Assisting the Health Division in developing a program  
5 of public education that it is required to develop pursuant to NRS  
6 442.385, including, without limitation, preparing and obtaining  
7 information relating to fetal alcohol syndrome;*

8 *11. Assisting the University of Nevada School of Medicine in  
9 reviewing, amending and distributing the guidelines it is required  
10 to develop pursuant to NRS 442.390; and*

11 *12. Promoting the health of infants and mothers by ensuring  
12 the availability and accessibility of affordable perinatal services.*

13 **Sec. 2.** NRS 442.385 is hereby amended to read as follows:

14 442.385 ~~{1}~~ The Health Division shall develop and carry out  
15 a program of public education to increase public awareness about  
16 the dangers of fetal alcohol syndrome and other adverse effects on a  
17 fetus that may result from the consumption of alcohol during  
18 pregnancy. The program must include, without limitation:

19 ~~{a}~~ 1. Educational messages that are directed toward the  
20 general public and specific geographical areas and groups of persons  
21 in this state that are identified pursuant to subsection 1 of NRS  
22 442.420 as having women who are at a high risk of consuming  
23 alcohol during pregnancy.

24 ~~{b}~~ 2. Providing training materials to school personnel to  
25 assist them in identifying pupils who may be suffering from fetal  
26 alcohol syndrome and offering to provide the parents of those pupils  
27 with a referral for diagnostic services and treatment.

28 ~~{c}~~ 3. If a toll-free telephone service is otherwise provided by  
29 the Health Division, the use of that telephone service for providing  
30 information relating to programs for the treatment of substance  
31 abuse, providers of health care or other services and other available  
32 resources, and referrals to those programs, if appropriate. The  
33 telephone number must be disclosed in the educational messages  
34 provided pursuant to this section.

35 ~~{2. The Subcommittee shall periodically evaluate the program  
36 to determine its effectiveness.}~~

37 **Sec. 3.** NRS 442.390 is hereby amended to read as follows:

38 442.390 ~~{1}~~ The University of Nevada School of Medicine  
39 shall develop guidelines to assist a provider of health care or other  
40 services in identifying:

41 ~~{a}~~ 1. Pregnant women who are at a high risk of consuming  
42 alcohol during pregnancy; and

43 ~~{b}~~ 2. Children who are suffering from fetal alcohol  
44 syndrome.



~~2. The Subcommittee shall review, amend, adopt and distribute the guidelines developed by the University of Nevada School of Medicine pursuant to subsection 1.~~

**Sec. 4.** NRS 442.425 is hereby amended to read as follows:

442.425 1. The Health Division may apply for and accept gifts, grants and contributions from any public or private source to carry out its duties pursuant to the provisions of NRS ~~442.350~~ **442.385** to 442.425, inclusive.

2. The Health Division shall account separately for the money received from those gifts, grants or contributions. The Administrator of the Health Division shall administer the account, and all claims against the account must be approved by the Administrator before they are paid.

3. The money in the account must be used only to carry out the provisions of NRS ~~442.350~~ **442.385** to 442.425, inclusive.

~~4. The Subcommittee may make recommendations to the Administrator of the Health Division concerning the use of the money in the account. The Administrator shall consider the recommendations of the Subcommittee.~~

**Sec. 5.** Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Each food establishment in which alcoholic beverages are sold by the drink for consumption on the premises shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The conspicuous location described in this subsection may include, without limitation, a women's restroom that is located within 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, in substantially the following form:*

**HEALTH WARNING**

*Drinking wine, beer and other alcoholic beverages during pregnancy can cause birth defects.*

**¡ADVERTENCIA!**

*El consumo de vino, cerveza y otras bebidas alcohólicas durante el embarazo puede causar defectos físicos y/o mentales en el feto.*

*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.*



1 *4. The Health Division of the Department of Human*  
 2 *Resources may:*  
 3 *(a) Provide by regulation for one or more alternative forms for*  
 4 *the language of the warning to be included on the signs required*  
 5 *by subsection 1 to increase the effectiveness of the signs. Each*  
 6 *alternative form must contain substantially the same message as is*  
 7 *stated in subsection 2.*  
 8 *(b) Solicit and accept the donation of signs that satisfy the*  
 9 *requirements of this section from a nonprofit organization or any*  
 10 *other source. To the extent that such signs are donated, the Health*  
 11 *Division shall distribute the signs upon request to food*  
 12 *establishments that are required to post the signs.*  
 13 *5. As used in this section, "alcoholic beverage" means:*  
 14 *(a) Beer, ale, porter, stout and other similar fermented*  
 15 *beverages, including, without limitation, sake and similar*  
 16 *products, of any name or description containing one-half of 1*  
 17 *percent or more of alcohol by volume, brewed or produced from*  
 18 *malt, wholly or in part, or from any substitute therefor.*  
 19 *(b) Any beverage obtained by the fermentation of the natural*  
 20 *content of fruits or other agricultural products containing sugar,*  
 21 *of one-half of 1 percent or more of alcohol by volume.*  
 22 *(c) Any distilled spirits commonly referred to as ethyl alcohol,*  
 23 *ethanol or spirits of wine in any form, including, without*  
 24 *limitation, all dilutions and mixtures thereof from whatever*  
 25 *process produced.*  
 26 **Sec. 6.** NRS 442.350, 442.355, 442.360, 442.365, 442.370,  
 27 442.375 and 442.380 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**442.350 "Subcommittee" defined.** As used in NRS 442.350 to 442.425, inclusive, unless the context otherwise requires, "Subcommittee" means the Advisory Subcommittee on Fetal Alcohol Syndrome of the Advisory Board on Maternal and Child Health.

**442.355 Advisory Subcommittee on Fetal Alcohol Syndrome of Advisory Board on Maternal and Child Health: Creation; membership; expert assistance.**

1. The Advisory Subcommittee on Fetal Alcohol Syndrome of the Advisory Board on Maternal and Child Health is hereby created. The Subcommittee consists of 12 members, as follows:

(a) The Chairman of the Advisory Board shall appoint:



- (1) One member who:
    - (I) Is a member of the Advisory Board and is a member of the State Board of Health; or
    - (II) Is a member of the Advisory Board if no member of the Advisory Board is a member of the State Board of Health;
  - (2) One member who is an employee of the Division of Child and Family Services;
  - (3) One member who is a physician certified by the American Board of Obstetrics and Gynecology, or an equivalent organization;
  - (4) One member who represents persons who operate community-based programs for the prevention or treatment of substance abuse;
  - (5) One member who is a judge of a juvenile or family court in this state;
  - (6) One member who represents a statewide organization in this state for the prevention of perinatal substance abuse; and
  - (7) One member who represents a national organization that provides advocacy and representation for mentally retarded persons. To the extent possible, the member appointed must be nominated by a statewide organization in this state that is affiliated with such a national organization or, if no such statewide organization exists, by a majority of the local affiliates in this state of such a national organization.
- (b) The Nevada Hospital Association shall appoint one member who is an administrator of a hospital.
- (c) The Nevada Association of Health Plans shall appoint one member as its representative.
- (d) The dean of the University of Nevada School of Medicine shall appoint one member who is a member of the faculty of the department of pediatrics of the University of Nevada School of Medicine.
- (e) The Administrator of the Health Division shall appoint one member who is an employee of the Health Division.
- (f) The Superintendent of Public Instruction is an ex officio member of the Subcommittee and may, if he wishes, designate a person to serve on the Subcommittee in his place or to attend a meeting of the Subcommittee in his place.
2. If any of the appointing entities listed in subsection 1 cease to exist, the appointments required by subsection 1 must be made by the successor in interest of the entity or, if there is no successor in interest, by the Chairman of the Advisory Board.
  3. The Subcommittee may appoint one or more persons who have special expertise relating to fetal alcohol syndrome to assist the Subcommittee in the performance of its duties.



**442.360 Subcommittee: Election of officers; terms and reappointment of members; vacancies.**

1. At the first meeting of the Subcommittee and each year thereafter, the Subcommittee shall elect a Chairman and Vice Chairman from among its members. If a vacancy occurs in the chairmanship or vice chairmanship, the Subcommittee shall elect a member to serve the remainder of the unexpired term.

2. Except for the ex officio member, the term of office of each member of the Subcommittee is 2 years. Each appointed member shall continue in office until his successor is appointed. An appointed member of the Subcommittee may be reappointed. A vacancy in an appointed position must be filled by appointment for the unexpired term in the same manner as the original appointment.

**442.365 Subcommittee: Meetings; quorum; staff.**

1. The Subcommittee shall meet at the call of the Chairman as often as required to perform its duties.

2. A majority of the Subcommittee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any action taken by the Subcommittee.

3. The Health Division shall provide necessary staff to assist the Subcommittee in performing its duties.

**442.370 Subcommittee: Compensation of members; rights of members employed by state or local government.**

1. Each member of the Subcommittee serves without compensation.

2. While engaged in the business of the Subcommittee, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses of:

(a) A member of the Subcommittee who is an officer or employee of this state or a local government thereof must be paid by the state agency or the local government of this state that employs him; and

(b) Any other member of the Subcommittee must be paid by the Health Division.

3. Each member of the Subcommittee who is an officer or employee of this state or a local government must be relieved from the duties of his employment without loss of his regular compensation so that he may perform his duties on the Subcommittee in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Subcommittee to make up the time he is absent from work to fulfill his obligations as a member, and shall not require the member to take annual leave or compensatory time for the absence.



**442.375 Subcommittee: Identification of and annual report on methods to prevent and collect information regarding syndrome.**

1. The Subcommittee shall identify the most effective methods of:

- (a) Preventing fetal alcohol syndrome; and
- (b) Collecting information relating to the incidence of fetal alcohol syndrome in this state.

2. On or before a date specified by the Advisory Board, the Subcommittee shall submit to the Advisory Board an annual report consisting of its findings.

**442.380 Advisory Board and Subcommittee: General duties.** The Advisory Board and the Subcommittee shall:

1. Assist the Health Division in developing the program of public education that it is required to develop pursuant to NRS 442.385, including, without limitation, preparing and obtaining information relating to fetal alcohol syndrome.

2. Assist the University of Nevada School of Medicine in reviewing, amending and distributing the guidelines it is required to develop pursuant to NRS 442.390.

3. Determine, based in part upon the annual report submitted to the Advisory Board pursuant to NRS 442.375, the most effective methods of:

- (a) Preventing fetal alcohol syndrome; and
- (b) Collecting information relating to the incidence of fetal alcohol syndrome in this state.

4. Develop and promote guidelines for the prevention of the consumption of alcohol by women during pregnancy. The guidelines must be developed with the goal of increasing the use of programs for the treatment of substance abuse by women before, during and after pregnancy.

5. Develop with the assistance of the University of Nevada School of Medicine, model curricula relating to fetal alcohol syndrome that meet the continuing education requirements applicable to providers of health care and other services.

6. Promote the availability of and distribute the model curricula developed pursuant to subsection 5.

7. Review the statistical data reported to the Health Division relating to the incidence of fetal alcohol syndrome in this state.

