

1                                   **AMENDMENTS RELATED TO SUBSTANCES**

2   **HARMFUL TO PREGNANCY**

3   2010 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Ronda Rudd Menlove**

6   Senate Sponsor: D. Chris Buttars

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies the Utah Health Code related to efforts to inform people of the  
11 effects of consuming alcohol during pregnancy.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ repeals outdated language related to a public education and outreach program; and
- 15                   ▶ requires posting of a warning by alcohol retailers related to the effects of

16 consuming alcohol during pregnancy.

17                   **Monies Appropriated in this Bill:**

18                   None

19                   **Other Special Clauses:**

20                   This bill coordinates with S.B. 167, Alcoholic Beverage Control Act Recodification, to  
21 technically merge the changes.

22                   **Utah Code Sections Affected:**

23                   ENACTS:

24                   **26-7-6**, Utah Code Annotated 1953

25                   REPEALS:

26                   **26-7-5**, as enacted by Laws of Utah 2008, Chapter 135

27                   **Utah Code Sections Affected by Coordination Clause:**

28                   **26-7-6**, Utah Code Annotated 1953

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30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **26-7-6** is enacted to read:

32 **26-7-6. Alcohol retailers to post warnings related to consumption of alcohol and**  
33 **pregnancy.**

34 (1) As used in this section:

35 (a) "Alcohol retailer" means:

36 (i) a state store, as defined in Section 32A-1-105;

37 (ii) a package agency, as defined in Section 32A-1-105; or

38 (iii) one of the following, if required to display a DUI warning under Title 32A,

39 Alcoholic Beverage Control Act:

40 (A) a person licensed under Title 32A, Alcoholic Beverage Control Act; or

41 (B) a person who holds a permit under Title 32A, Alcoholic Beverage Control Act.

42 (b) "DUI warning" means the statement, "Warning: Driving under the influence of

43 alcohol or drugs is a serious crime that is prosecuted aggressively in Utah.", that an alcohol

44 retailer is required to display as a sign in large letters in a prominent place under the following

45 sections:

46 (i) Section 32A-1-107;

47 (ii) Section 32A-2-103;

48 (iii) Section 32A-3-106;

49 (iv) Section 32A-4-106;

50 (v) Section 32A-4-206;

51 (vi) Section 32A-4-307;

52 (vii) Section 32A-4-406;

53 (viii) Section 32A-4a-305;

54 (ix) Section 32A-5-107;

55 (x) Section 32A-6-202; and

56 (xi) Section 32A-10-206.

57 (2) (a) On and after January 1, 2010, an alcohol retailer shall display, in a prominent

58 place, a sign in large letters that consists of text in the following order:

59 (i) a header that reads: "WARNING";

60 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy  
61 can cause birth defects and permanent brain damage for the child.";

62 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at  
63 [insert most current toll-free number] with questions or for more information.";

64 (iv) a header that reads: "WARNING"; and

65 (v) a warning statement that contains the DUI warning, except it does not include the  
66 text "Warning:".

67 (b) (i) The text described in Subsections (2)(a)(i) through (iii) shall be in a different  
68 font style than the text described in Subsections (2)(a)(iv) and (v).

69 (ii) Both warning statements in the sign described in Subsection (2)(a) shall be in the  
70 same font size.

71 (3) The department shall work with the Alcoholic Beverage Control Commission and  
72 the Department of Alcoholic Beverage Control to facilitate consistency in the format of a sign  
73 required under this section.

74 (4) (a) An alcohol retailer who complies with this section is considered to be in  
75 compliance with a requirement under Title 32A, Alcoholic Beverage Control Act, to display a  
76 DUI warning.

77 (b) The department may not take action against an alcohol retailer who violates this  
78 section, but may notify the Department of Alcoholic Beverage Control of a possible violation  
79 of this section.

80 (c) An alcohol retailer who violates this section is subject to the same disciplinary  
81 action that the alcohol retailer would be subject to for a violation of a requirement under Title  
82 32A, Alcoholic Beverage Control Act, to display a DUI warning.

83 **Section 2. Repealer.**

84 This bill repeals:

85 Section **26-7-5, Public education and outreach regarding substances harmful**

86 during pregnancy.

87 Section 3. **Coordinating H.B. 299 with S.B. 167 -- Technically merging changes.**

88 If this H.B. 299 and S.B. 167, Alcoholic Beverage Control Act Recodification, both  
89 pass, it is the intent of the Legislature that the Office of Legislative Research and General  
90 Counsel in preparing the Utah Code database for publication, because S.B. 167 takes effect on  
91 July 1, 2011, modify Section 26-7-6 enacted in this bill to read effective July 1, 2011:

92 **"26-7-6. Alcohol retailers to post warnings related to consumption of alcohol and**  
93 **pregnancy.**

94 (1) As used in this section:

95 (a) "Alcohol retailer" means:

96 (i) a state store, as defined in Section 32B-1-102;

97 (ii) a package agency, as defined in Section 32B-1-102; or

98 (iii) one of the following, if required to display a DUI warning under Title 32B,

99 Alcoholic Beverage Control Act:

100 (A) a person licensed under Title 32B, Alcoholic Beverage Control Act; or

101 (B) a person who holds a permit under Title 32B, Alcoholic Beverage Control Act.

102 (b) "DUI warning" means the statement, "Warning: Driving under the influence of

103 alcohol or drugs is a serious crime that is prosecuted aggressively in Utah.", that an alcohol

104 retailer is required to display as a sign in large letters in a prominent place under the following

105 sections:

106 (i) Section 32B-2-503;

107 (ii) Section 32B-2-605;

108 (iii) Section 32B-5-301; and

109 (iv) Section 32B-10-302.

110 (2) (a) An alcohol retailer shall display, in a prominent place, a sign in large letters

111 that consists of text in the following order:

112 (i) a header that reads: "WARNING";

113 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy

114 can cause birth defects and permanent brain damage for the child.";  
115 (iii) a statement in smaller font that reads: "Call the Utah Department of Health at  
116 [insert most current toll-free number] with questions or for more information.";  
117 (iv) a header that reads: "WARNING"; and  
118 (v) a warning statement that contains the DUI warning, except it does not include the  
119 text "Warning:".  
120 (b) (i) The text described in Subsections (2)(a)(i) through (iii) shall be in a different  
121 font style than the text described in Subsections (2)(a)(iv) and (v).  
122 (ii) Both warning statements in the sign described in Subsection (2)(a) shall be in the  
123 same font size.  
124 (3) The department shall work with the Alcoholic Beverage Control Commission and  
125 the Department of Alcoholic Beverage Control to facilitate consistency in the format of a sign  
126 required under this section.  
127 (4) (a) An alcohol retailer who complies with this section is considered to be in  
128 compliance with a requirement under Title 32B, Alcoholic Beverage Control Act, to display a  
129 DUI warning.  
130 (b) The department may not take action against an alcohol retailer who violates this  
131 section, but may notify the Department of Alcoholic Beverage Control of a possible violation  
132 of this section.  
133 (c) An alcohol retailer who violates this section is subject to the same disciplinary  
134 action that the alcohol retailer would be subject to for a violation of a requirement under Title  
135 32B, Alcoholic Beverage Control Act, to display a DUI warning."