

Senator D. Chris Buttars proposes the following substitute bill:

AMENDMENTS RELATED TO SUBSTANCES

HARMFUL TO PREGNANCY

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: D. Chris Buttars

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ repeals outdated language related to a public education and outreach program; and
- ▶ requires posting of a warning by alcohol retailers related to the effects of consuming alcohol during pregnancy.

Monies Appropriated in this Bill:

None

Other Special Clauses:

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

Utah Code Sections Affected:

ENACTS:

26-7-6, Utah Code Annotated 1953

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

29

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 -- Technical 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 that
111 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."

Fiscal Note

**H.B. 299 1st Sub. (Buff) - Amendments Related to Substances Harmful to
Pregnancy**

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
