

**AMENDMENTS RELATED TO SUBSTANCES**

**HARMFUL TO PREGNANCY**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

Senate Sponsor: D. Chris Buttar

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**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- ▶ repeals outdated language related to a public education and outreach program; and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:**

None

**Utah Code Sections Affected:**

**ENACTS:**

**36-7-6**, Utah Code Annotated 1953

**REPEALS:**

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

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



28 Section 1. Section 36-7-6 is enacted to read:

29 **36-7-6. Alcohol retailers to post warnings related to consumption of alcohol and**  
30 **pregnancy.**

31 (1) As used in this section:

32 (a) "Alcohol retailer" means:

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

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

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

36 Alcoholic Beverage Control Act:

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

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

39 (b) "DUI warning" means the statement, "Warning: Driving under the influence of  
40 alcohol or drugs is a serious crime that is prosecuted aggressively in Utah.", that an alcohol  
41 retailer is required to display as a sign in large letters in a prominent place under the following  
42 sections:

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

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

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

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

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

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

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

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

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

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

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

54 (2) (a) On and after January 1, 2010, an alcohol retailer shall display, in a prominent  
55 place, a sign in large letters that consists of text in the following order:

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

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

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

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

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

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

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

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

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

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

77 (c) An alcohol retailer who violates this section is subject to the same disciplinary  
78 action that the alcohol retailer would be subject to for a violation of a requirement under Title  
79 32A, Alcoholic Beverage Control Act, to display a DUI warning.

80 **Section 2. Repealer.**

81 This bill repeals:

82 **Section 26-7-5, Public education and outreach regarding substances harmful**  
83 **during pregnancy.**

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Legislative Review Note  
as of 2-3-10 8:45 AM

Office of Legislative Research and General Counsel

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**H.B. 299 - Amendments Related to Substances Harmful to Pregnancy**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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