

By Senator Bennett

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1 A bill to be entitled
2 An act relating to the sale of alcoholic beverages;
3 creating s. 562.063, F.S.; creating the "Point-of-
4 Purchase Messaging About Alcohol and Pregnancy Act";
5 providing legislative findings; providing a
6 definition; requiring certain warning signs to be
7 displayed in specific ways on the premises of
8 alcoholic beverage vendors and manufacturers;
9 requiring the Division of Alcoholic Beverages and
10 Tobacco of the Department of Business and Professional
11 Regulation to produce and distribute the signs;
12 providing for a fee to cover the costs of
13 manufacturing and distributing the signs; providing
14 penalties; providing for enforcement; providing an
15 effective date.

16
17 WHEREAS, the Centers for Disease Control and Prevention
18 have reported an increase in the rate of fetal alcohol syndrome
19 to the current rate of 26.8 infants with fetal alcohol syndrome
20 for every 10,000 births, and each of these infants represents a
21 cost to society of more than \$4 million over the course of the
22 infant's lifetime, and

23 WHEREAS, the full spectrum of birth defects caused by
24 alcohol, referred to as fetal alcohol spectrum disorders,
25 results in as many as 270 infants with fetal alcohol spectrum
26 disorders for every 10,000 births, and

27 WHEREAS, fetal alcohol spectrum disorders are the leading
28 known cause of mental retardation in the United States, and

29 WHEREAS, according to the 1996 Report to Congress of the

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30 Institute of Medicine, of all the substances of abuse, including
31 heroin, cocaine, and marijuana, alcohol produces by far the most
32 serious neurobehavioral effects in the fetus, resulting in
33 permanent disorders of memory function, impulse control, and
34 judgment, and

35 WHEREAS, the estimated annual cost to the state as a result
36 of fetal alcohol spectrum disorders, including the costs to the
37 juvenile justice system and the costs related to special
38 education, is \$432,045,575, and

39 WHEREAS, according to the National Institutes of Health,
40 only 39 percent of women of childbearing age know about fetal
41 alcohol spectrum disorders, and

42 WHEREAS, there are no health warnings about fetal alcohol
43 spectrum disorders in television commercials and other alcohol
44 advertising that impact the majority of young people and their
45 parents, and

46 WHEREAS, the Legislature, in recognition of these facts,
47 finds it necessary to require all alcoholic beverage licensees
48 who sell or dispense alcoholic beverages for consumption on or
49 off the premises in this state to prominently display signs
50 warning of the danger of birth defects that may be caused as a
51 result of the consumption of alcohol during pregnancy, NOW,
52 THEREFORE,

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Section 562.063, Florida Statutes, is created to
57 read:

58 562.063 Fetal alcohol syndrome and other fetal alcohol

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59 spectrum disorders; legislative findings; definition; warning
60 signs; posting requirement; penalty.-

61 (1) This section may be cited as the "Point-of-Purchase
62 Messaging About Alcohol and Pregnancy Act."

63 (2) The Legislature finds that:

64 (a) Fetal alcohol syndrome and other fetal alcohol spectrum
65 disorders are serious, permanent, and life-altering conditions
66 that substantially and adversely affect persons born with fetal
67 alcohol spectrum disorders, as well as their parents, siblings,
68 and children.

69 (b) Fetal alcohol syndrome and other fetal alcohol spectrum
70 disorders are extremely costly conditions when the total amount
71 of medical, psychiatric, respite, and other care is calculated
72 over the course of an affected person's lifetime.

73 (c) Fetal alcohol spectrum disorders can be prevented or
74 reduced by taking steps necessary to protect to the greatest
75 extent possible a developing fetus from the detrimental effects
76 of alcohol consumption by the expectant mother.

77 (3) The term "fetal alcohol spectrum disorder" means a
78 continuum of permanent birth defects caused by maternal
79 consumption of alcohol during pregnancy and includes fetal
80 alcohol syndrome.

81 (4) (a) Each vendor licensed to sell alcoholic beverages for
82 consumption on or off the premises shall prominently display a
83 sign that complies with the provisions of this section and warns
84 of the danger of birth defects that may be caused as a result of
85 the consumption of alcohol during pregnancy.

86 (b) The division shall produce a warning sign that complies
87 with paragraph (c) and shall distribute the sign to licensed

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88 vendors operating establishments that sell alcoholic beverages
89 for consumption on or off the premises. The division may charge
90 a nominal fee to cover printing, postage, and handling expenses
91 and may post the required sign on a website to be downloaded by
92 a vendor and displayed following all stated posting rules.

93 (c)1. The sign required by this subsection must read as
94 follows:

95
96 WARNING: DRINKING ANY BEVERAGES DURING PREGNANCY WHICH
97 CONTAIN ALCOHOL CAN CAUSE SERIOUS LIFE-LONG BIRTH
98 DEFECTS, INCLUDING FETAL ALCOHOL SYNDROME.

99
100 2. The sign shall be at least 8 inches wide and 11 inches
101 high, with each letter at least three-fourths of an inch high
102 and three-eighths of an inch wide. The sign shall have dark
103 color characters on a light color background. The sign shall be
104 in English unless a significant number of the patrons of the
105 retail premises use a language other than English as a primary
106 language. In such cases, the sign shall be worded in English and
107 in the primary language or languages of the patrons.

108 (d) The sign shall be displayed at the licensed premises in
109 the following manner:

110 1. If a vendor holds a license providing for on-premises
111 consumption, the sign shall be prominently posted, in a location
112 that is clearly visible, at the main entrance to the portion of
113 the establishment licensed to dispense alcoholic beverages.

114 a. Self-service "mini-bars" in hotel guest rooms are exempt
115 from this section.

116 b. Airports, convention centers, sports facilities, and

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117 other licensed premises where more than one location of sale,
118 service, and consumption of alcoholic beverages is authorized
119 shall post the sign in plain view in a location that is clearly
120 visible to the majority of patrons entering or approaching the
121 portion of the premises licensed to dispense alcoholic
122 beverages.

123 2. If a vendor holds a license providing for the sale of
124 alcohol for off-premises consumption, the sign shall be posted
125 in plain view at either of the following locations:

- 126 a. At any cash register where alcohol is sold.
127 b. At the main entrance to the licensed premises.

128 3. If a vendor is a manufacturer, the sign shall be posted
129 in plain view at the main entrance to any area where alcohol
130 beverages are sold for off-premises consumption. If a
131 manufacturer's tasting rooms have separate buildings or separate
132 entrances, the sign shall be posted in plain view at the main
133 entrance to each tasting area.

134 4. Advertisements, other signage, and postings of any type
135 may not be displayed within 2 feet of the sign warning of the
136 risk of birth defects from the consumption of alcoholic
137 beverages.

138 5. A person who holds a temporary event permit or caterer's
139 licenses shall post the sign in plain view in a location clearly
140 visible to the majority of patrons entering or approaching the
141 portion of the premises licensed to dispense alcoholic
142 beverages.

143 (5) (a) Any vendor who violates subsection (4) commits a
144 misdemeanor of the second degree, punishable as provided in s.
145 775.082 or s. 775.083.

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146 (b) The division shall enforce this section during routine
147 inspections of vendors who dispense alcoholic beverages. Any
148 employee of the division may report a violation of this section
149 to the division director, and the director shall issue a warning
150 notice to the licensee. If the licensee fails to correct the
151 violation within 60 days after issuance of the warning notice,
152 the division shall levy a fine of \$50 against the licensee. Each
153 day that a violation continues beyond the 60-day warning notice
154 constitutes a separate violation.

155 Section 2. This act shall take effect January 1, 2011.