

By Senator Bennett

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

15
16 WHEREAS, the Centers for Disease Control and Prevention has
17 reported an increase in the rate of Fetal Alcohol Syndrome to
18 the current rate of 26.8 infants with Fetal Alcohol Syndrome for
19 every 10,000 births, and each of these infants represents a cost
20 to society of more than \$4 million over the course of the
21 infant's lifetime, and

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

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

28 WHEREAS, according to the 1996 Report to Congress of the
29 Institute of Medicine, of all the substances of abuse, including

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

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

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

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

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

52

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

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

57 562.063 Fetal Alcohol Syndrome and other fetal alcohol
58 spectrum disorders; legislative findings; definition; warning

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59 signs; posting requirement; penalty.-

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

62 (2) The Legislature finds that:

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

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

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

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

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

85 (b) The division shall produce a warning sign that complies
86 with paragraph (c) and shall distribute the sign to licensed
87 vendors operating establishments that sell alcoholic beverages

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88 for consumption on or off the premises. The division may charge
89 a nominal fee to cover printing, postage, and handling expenses
90 and may post the required sign on a web site to be downloaded by
91 a vendor and displayed following all stated posting regulations.

92 (c)1. The sign described in paragraph (b) must read as
93 follows:

94
95 WARNING: DRINKING DURING PREGNANCY ANY BEVERAGES THAT CONTAIN
96 ALCOHOL CAN CAUSE SERIOUS LIFE-LONG BIRTH DEFECTS, INCLUDING
97 FETAL ALCOHOL SYNDROME.

98
99 2. The sign shall be at least 8 inches wide and 11 inches
100 high with each letter at least three-fourths-inch high and
101 three-eighths-inch wide. The sign shall have dark color
102 characters on a light color background. The sign shall be in
103 English unless a significant number of the patrons of the retail
104 premises use a language other than English as a primary
105 language. In such cases, the sign shall be worded in both
106 English and the primary language or languages of the patrons.

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

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

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

115 b. Airports, convention centers, sports facilities, and
116 other licensed premises where more than one location of sale,

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

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

125 a. At any cash register where alcohol is sold.

126 b. At the main entrance to the licensed premises.

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

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

137 5. Holders of temporary event permits and caterers'
138 licenses shall post the sign in plain view in a location clearly
139 visible to the majority of patrons entering or approaching the
140 portion of the premises licensed to dispense alcoholic
141 beverages.

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

145 (b) The division shall enforce this section. Any employee

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146 of the division may report a violation of this section to the
147 division director, and the director shall issue a warning to the
148 licensee of the violation.

149 Section 2. This act shall take effect January 1, 2010.