

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-Purchase  
4           Messaging about Alcohol and Pregnancy Act"; providing  
5           legislative findings; providing a definition; requiring  
6           certain warning signs to be displayed on the premises of  
7           alcoholic beverage vendors and manufacturers; requiring  
8           the Division of Alcoholic Beverages and Tobacco of the  
9           Department of Business and Professional Regulation to  
10          produce and distribute the signs; providing for a fee to  
11          cover the costs of producing and distributing the signs;  
12          providing display requirements; providing penalties;  
13          providing for enforcement; providing an effective date.

14  
15          WHEREAS, the Centers for Disease Control and Prevention has  
16          reported an increase in the rate of fetal alcohol syndrome to  
17          the current rate of 26.8 infants with fetal alcohol syndrome for  
18          every 10,000 births, and each of these infants represents a cost  
19          to society of more than \$4 million over the course of the  
20          infant's lifetime, and

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

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

27          WHEREAS, according to the 1996 Report to Congress of the  
28          Institute of Medicine, of all abused substances, including

HB 555

2010

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

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

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

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

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

50

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

52

53 Section 1. Section 562.063, Florida Statutes, is created  
 54 to read:

55 562.063 Fetal alcohol syndrome and other fetal alcohol  
 56 spectrum disorders; legislative findings; definition; warning

57 signs; posting requirement; penalty.-

58 (1) This section may be cited as the "Point-of-Purchase  
59 Messaging about Alcohol and Pregnancy Act."

60 (2) The Legislature finds that:

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

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

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

74 (3) As used in this section, the term "fetal alcohol  
75 spectrum disorder" means a continuum of permanent birth defects  
76 caused by maternal consumption of alcohol during pregnancy and  
77 includes fetal alcohol syndrome.

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

83 (b) The division shall produce a warning sign that  
84 complies with paragraph (c) and shall distribute the sign to

85 licensed vendors operating establishments that sell alcoholic  
86 beverages for consumption on or off the premises. The division  
87 may charge a fee not to exceed the actual cost of printing,  
88 postage, and handling expenses and may post the required sign on  
89 a website to be downloaded by a vendor and displayed in  
90 accordance with all stated posting rules.

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

93  
94 WARNING: DRINKING DURING PREGNANCY OF ANY BEVERAGES  
95 THAT CONTAIN ALCOHOL CAN CAUSE SERIOUS LIFELONG BIRTH  
96 DEFECTS, INCLUDING MENTAL RETARDATION AND FETAL  
97 ALCOHOL SYNDROME.

98  
99 2. The sign shall be at least 8 inches wide and 11 inches  
100 high. The warning shall be printed in a dark-colored typeface of  
101 the maximum typesize practicable, but at least 3/8 inch high, on  
102 a light-colored background. The sign shall be in English unless  
103 the primary language of a significant number of the patrons of  
104 the retail premises is a language other than English. In such  
105 cases, the sign shall be worded in English and in the primary  
106 language or languages of such patrons.

107 (d) The sign shall be displayed at the licensed premises  
108 in 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 of the area of the  
112 establishment licensed to dispense alcoholic beverages.

113 a. This section does not apply to a self-service minibar  
114 in a guest room of a public lodging establishment.

115 b. Airports, convention centers, sports facilities, and  
116 other licensed premises where more than one area of sale,  
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 area of the premises licensed to dispense alcoholic beverages.

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

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

125 b. At the main entrance of the licensed premises.

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

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

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

HB 555

2010

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

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

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