

3311-12a

**LEGISLATIVE HISTORY CHECKLIST**  
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(Drinking during pregnancy--warning signs)

**NJSA:** 33:1-12a

**LAWS OF:** 1993 **CHAPTER:** 43

**BILL NO:** S99

**SPONSOR(S)** Ewing

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Health and Human Services

**SENATE:** Womens Issues

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
denoted by asterisks

**DATE OF PASSAGE:** **ASSEMBLY:** December 21, 1992

**SENATE:** March 23, 1992

**DATE OF APPROVAL:** February 7, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

See newspaper clippings--attached:

"Message to Moms, new law requires warnings on drinking and pregnancy,"  
2-8-93 Star Ledger.

"Smoking mothers must be warned," 2-8-93 Home News.

KBG:pp

[FIRST REPRINT]

SENATE, No. 99

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator EWING

1 AN ACT requiring fetal alcohol syndrome warning notices and  
2 supplementing Title 33 of the Revised Statutes.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. A person who holds a Class C license, except a plenary  
7 retail transit license, or a club license shall ensure that a warning  
8 notice prepared by the Department of Health is posted  
9 prominently in any service area as well as on a wall, towel  
10 dispenser or other appropriate location in any public rest room  
11 for women patrons on the licensed premises. The notice shall  
12 warn patrons that alcohol consumption during pregnancy has been  
13 determined to be harmful to the fetus and can cause birth  
14 defects, low birth weight and Fetal Alcohol Syndrome, which is  
15 one of the leading causes of mental retardation.

16 2. The Department of Health shall prepare the notices  
17 required in section 1<sup>1</sup>, in English and in Spanish,<sup>1</sup> within two  
18 months after enactment of this act and shall distribute the  
19 notices to local boards of health for distribution to Class C  
20 licensees.

21 3. A person who fails to comply with the provisions of this act  
22 may be subject to a fine of \$50.

23 4. The Commissioner of Health, pursuant to the  
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
25 et seq.), shall adopt rules and regulations necessary to effectuate  
26 the provisions of this act.

27 5. This act shall take effect on the first day of the sixth month  
28 after enactment.

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33 Requires posting of warnings on danger of drinking during  
34 pregnancy.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SWF committee amendments adopted February 13, 1992.

SENATE, No. 99  
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator EWING

1 AN ACT requiring fetal alcohol syndrome warning notices and  
2 supplementing Title 33 of the Revised Statutes.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. A person who holds a Class C license, except a plenary  
7 retail transit license, or a club license shall ensure that a warning  
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12 warn patrons that alcohol consumption during pregnancy has been  
13 determined to be harmful to the fetus and can cause birth  
14 defects, low birth weight and Fetal Alcohol Syndrome, which is  
15 one of the leading causes of mental retardation.

16 2. The Department of Health shall prepare the notices  
17 required in section 1 within two months after enactment of this  
18 act and shall distribute the notices to local boards of health for  
19 distribution to Class C licensees.

20 3. A person who fails to comply with the provisions of this act  
21 may be subject to a fine of \$50.00.

22 4. The Commissioner of Health, pursuant to the  
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
24 et seq.), shall adopt rules and regulations necessary to effectuate  
25 the provisions of this act.

26 5. This act shall take effect on the first day of the sixth month  
27 after enactment.

28

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STATEMENT

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31 This bill requires all Class C (retail sales) and club alcoholic  
32 beverage license holders, except for plenary retail transit license  
33 holders, to prominently post warnings about the adverse effects  
34 of alcohol consumption during pregnancy in every rest room on  
35 their premises used by women patrons and in every service area.  
36 The notices would be prepared by the Department of Health and  
37 distributed by local boards of health to the licensees. The notices  
38 would warn women that alcohol consumption during pregnancy  
39 can cause birth defects and low birth weight as well as Fetal  
40 Alcohol Syndrome, a leading cause of mental retardation. The  
41 bill provides a penalty of \$50.00 for violations of the bill.

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44

45 Requires posting of warnings on danger of drinking during  
46 pregnancy.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 99

STATE OF NEW JERSEY

DATED: OCTOBER 19, 1992

The Assembly Health and Human Services Committee favorably reports Senate Bill No. 99 (1R).

This bill requires all Class C (retail sales) and club alcoholic beverage license holders, except for plenary retail transit license holders, to prominently post warnings about the adverse effects of alcohol consumption during pregnancy in every rest room on their premises used by women patrons and in every service area. The notices, which are to be prepared by the Department of Health (DOH) in English and Spanish and distributed by local boards of health to the licensees, would warn women that alcohol consumption during pregnancy can cause birth defects, low birth weight and Fetal Alcohol Syndrome, a leading cause of mental retardation. The bill, which takes effect on the first day of the sixth month following enactment, provides that a person may be subject to a \$50 fine for noncompliance.

This bill is identical to Assembly Bill No. 1533 (Catania/Heck), which the committee also reported on this date. According to a fiscal note prepared by the Office of Legislative Services for the Assembly bill, DOH and the Office of Management and Budget in the Department of the Treasury have estimated the cost of implementing this legislation at \$7,000, for the printing of approximately 7,200 warning notices by DOH.

SENATE WOMEN'S ISSUES,  
CHILDREN AND FAMILY SERVICES COMMITTEE

STATEMENT TO

**SENATE, No. 99**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 13, 1992

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 99 with committee amendments.

As amended by committee, this bill requires all Class C (retail sales) and club alcoholic beverage license holders, except for plenary retail transit license holders, to prominently post warnings about the adverse effects of alcohol consumption during pregnancy in every rest room on their premises used by women patrons and in every service area. The notices would be prepared by the Department of Health and distributed by local boards of health to the licensees. The notices would warn women that alcohol consumption during pregnancy can cause birth defects and low birth weight as well as Fetal Alcohol Syndrome, a leading cause of mental retardation. The bill provides a penalty of \$50.00 for violations of the bill.

The committee amended the bill to require the Department of Health to prepare the warning notices in both English and Spanish.

This bill was prefiled for introduction in the 1992-1993 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.



# OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001  
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**TRENTON, N.J. 08625**

**Release:**

Sunday  
Feb. 7, 1993

## **NEW LAW REQUIRES LIQUOR LICENSEES TO POST HEALTH WARNINGS FOR PREGNANT WOMEN**

**NEW BRUNSWICK --** With one out of six babies born each year exposed to drugs or alcohol during pregnancy, Governor Jim Florio today signed a law requiring bars, restaurants and other facilities that sell liquor to post warnings for women about the adverse affects of drinking during pregnancy.

"Each of us as parents has a personal responsibility to protect our children. Sadly, many New Jersey children are born every year with serious and often permanent problems because their mothers fail to exercise responsibility during pregnancy and drink," said Governor Florio. "The fact is, there is no safe level of alcohol consumption for pregnant women. Even moderate drinking during pregnancy can leave babies with serious physical, mental and emotional problems. Heavy drinking can lead to Fetal Alcohol Syndrome, one of the leading causes of Down's Syndrome."

"This law gives women essential information that will help them fulfill their responsibility as parents and give their children a healthy start in life," he said.

The facilities covered by the law would include bars, taverns, restaurants and retail liquor stores. The state Department of Health would be required to prepare notices in English and Spanish which would be distributed by local boards of health to licensees. The notices would warn women than alcohol consumption during pregnancy can cause birth defects and low birth weight, as well as Fetal Alcohol Syndrome. Fines of \$50 for each violation would be assessed under the new law.

Governor Florio noted that Health Department estimates show that one out of every six babies born each year is exposed to drugs or alcohol during pregnancy.

"We've all seen the heartbreaking pictures of tiny "crack babies" fighting for life. But we need to understand that alcohol can also cause devastating damage to developing fetuses and it doesn't take months of heavy drinking," he said.