

Legislative Analysis



REQUIRE WARNING FOR PREGNANT WOMEN AT RETAIL LIQUOR ESTABLISHMENTS

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House Bill 4112 (H-1) as reported from committee
Sponsor: Rep. Hank Vaupel
1st Committee: Regulatory Reform
2nd Committee: Ways and Means
Complete to 3-6-19

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4112 would amend the Liquor Control Code to require all establishments where liquor is sold to have a sign warning of the dangers of drinking while pregnant.

FISCAL IMPACT: House Bill 4112 would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs or any other unit of state or local government. Liquor licensees obtain other required postings from the website of the Michigan Liquor Control Commission (LCC), so administrative costs for the LCC under this bill would likely be nominal and supported by existing departmental appropriations. Approximately 19,300 establishments would be required to display the signage detailed in the bill.

THE APPARENT PROBLEM:

Fetal Alcohol Spectrum Disorders (FASDs) are a group of disorders that can occur in children whose mothers consumed alcohol while pregnant. The consequences of doing so can be quite severe, most notably in cases of Fetal Alcohol Syndrome (FAS), which can result in fetal death or cause the child to suffer from birth defects and mental disabilities. The exact number of people suffering from FASDs is unknown, as FASDs can be difficult for doctors to properly diagnose, especially when the symptoms are more mild.

One issue leading to the prevalence of FASDs is that not all women are aware of the dangers of drinking while pregnant. According to the CDC, about 1 in 10 pregnant women reported using alcohol in 2015. While most realize that heavy drinking while pregnant has negative consequences, misinformation has led some to believe that drinking small amounts while pregnant is safe. To combat this misperception, legislation has been offered to require that signs warning of the dangers of drinking while pregnant be posted in establishments where alcohol is sold.

THE CONTENT OF THE BILL:

House Bill 4112 would require all persons licensed under the act to sell alcohol at retail under the act to post in a conspicuous location a sign informing the public of the effects of alcohol consumption during pregnancy. The sign would have to contain the message: "Pregnancy and alcohol do not mix. Drinking alcoholic beverages during pregnancy can cause birth defects." If the liquor license were for selling alcohol for consumption on the

licensed premises (such as at restaurants), then the license holder could place the message on a menu instead of posting a sign.

The LCC would be charged with including this message on the sign it provides to licensees, and which they are required to post, regarding the prohibition against selling alcohol to anyone under 21 years of age.

The bill would take effect 180 days after enactment.

Proposed MCL 436.1905a

ARGUMENTS:

For:

Proponents of the bill argue that it would represent a cost-effective, minimally invasive government intervention that will produce a tangible reduction in the occurrence of FASDs. They note that FASDs affect children from across different backgrounds, regardless of race or class, and that brain damage and other health problems that occur in children with FAS not only bring them unnecessary pain and suffering, but burden taxpayers with extra costs for health care and social services. They maintain that requiring a sign at retail liquor locations would be relatively inexpensive for taxpayers, while still reducing the number of individuals who are drinking while pregnant. According to the bill's supporters, 23 states have already implemented similar laws and have seen positive results.

Against:

No arguments opposing the bill were offered in committee.

POSITIONS:

A representative of the Michigan Coalition for Fetal Alcohol Resources Education and Support testified in support of the bill. (2-19-19)

The following entities indicated support for the bill (2-19-19):

- Michigan Council for Maternal and Child Health
- Michigan Alcohol Policy Promoting Health and Safety

The Michigan Liquor Control Commission indicated no position on the bill. (3-5-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.