

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 192 Session of
1993

INTRODUCED BY MELIO, HERSHEY, TRELLO, KING, MIHALICH,
E. Z. TAYLOR, BIRMELIN, DeLUCA, M. N. WRIGHT, BELFANTI,
SAURMAN, LaGROTTA, DALEY, LAUGHLIN, FAJT, JAROLIN, SCHULER,
LINTON, LEDERER, GIGLIOTTI, CLYMER, RICHARDSON, DONATUCCI,
RITTER AND TOMLINSON, FEBRUARY 3, 1993

REFERRED TO COMMITTEE ON RULES, FEBRUARY 3, 1993

AN ACT

1 Providing for the posting of signs relating to the danger of
2 consumption of alcohol by pregnant women; and imposing duties
3 upon the Department of Health and the Pennsylvania Liquor
4 Control Board.

5 The General Assembly finds as follows:

6 (1) It is now acknowledged that alcohol consumption
7 during pregnancy may cause irreversible adverse effects on
8 the development of the unborn fetus, including mental
9 retardation, facial abnormalities, joint defects and small
10 size and weight. These adverse effects, known collectively as
11 Fetal Alcohol Syndrome, constitute one of the three major
12 causes of birth defects in the United States.

13 (2) Estimates of the incidence of Fetal Alcohol Syndrome
14 range from 1 in 600 to 1 in 1,500 live births.

15 (3) Lower levels of drinking during pregnancy are
16 associated with a wide range of fetal alcohol effects,
17 including a higher than average ratio of miscarriage, low

1 birth weight, behavioral problems in the newborn and
2 stillbirth.

3 (4) Studies have shown that as many as 11% of offspring
4 of mothers who consume alcohol in moderation (two to four
5 drinks daily) during pregnancy exhibit one or more fetal
6 alcohol effects.

7 (5) Adverse effects related to Fetal Alcohol Syndrome
8 and fetal alcohol effects can be prevented by abstinence or
9 reduction of alcohol consumption during pregnancy.

10 (6) No safe level of alcohol use during pregnancy has
11 been established.

12 (7) Recent surveys indicate that public awareness of
13 Fetal Alcohol Syndrome and fetal alcohol effects is still
14 quite limited.

15 (8) Increasing public awareness of Fetal Alcohol
16 Syndrome and fetal alcohol effects is an effective tool in
17 discouraging women from consuming alcohol during pregnancy.

18 (9) Women who are moderate or heavy drinkers should be
19 informed immediately that their drinking may be harmful to
20 the unborn fetus.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Definitions.

24 The following words and phrases when used in this act shall
25 have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Alcoholic beverage." Any alcohol, spirits, liquor, wine or
28 malt or brewed beverage, including beer, lager beer, ale, porter
29 or similar fermented malt beverage. The term does not include:

30 (1) Products which are nonbeverage in nature wherein

1 liquor is used and changed into other chemical substances and
2 does not appear in the finished product as liquor.

3 (2) Products sold for medicinal purposes only by
4 licensed, registered pharmacists upon the signed, written
5 prescription of a duly licensed physician, dentist or
6 veterinarian.

7 (3) Products sold for sacramental or religious purposes
8 only by holders of a sacramental wine license issued pursuant
9 to the act of April 12, 1951 (P.L.90, No.21), known as the
10 Liquor Code.

11 "Board." The Pennsylvania Liquor Control Board.

12 "Department." The Department of Health of the Commonwealth.

13 "Vendor of alcoholic beverages." Any person licensed by the
14 Pennsylvania Liquor Control Board to sell alcoholic beverages at
15 retail. The term includes the Pennsylvania liquor stores
16 operated by the Pennsylvania Liquor Control Board.

17 Section 2. Duties of vendors.

18 (a) Posting of sign.--All vendors of alcoholic beverages
19 shall have posted in a conspicuous place on the premises where
20 alcoholic beverages are sold a sign which clearly warns pregnant
21 women and nursing mothers of the dangers of consuming alcoholic
22 beverages during pregnancy.

23 (b) Text of sign.--

24 (1) The sign shall read as follows:

25 A HEALTHY BABY BEGINS WITH YOU
26 PREGNANCY AND ALCOHOL DO NOT MIX
27 Drinking beer, wine or liquor
28 while you are pregnant or a
29 nursing mother can be harmful
30 to your baby.

1 (2) The department may, by regulation, adopt changes or
2 additions to the text in paragraph (1).

3 Section 3. Preparation of signs.

4 The department shall prepare and distribute the signs
5 required under section 2. There shall be no charge to vendors
6 for these signs.

7 Section 4. Enforcement.

8 (a) Inspection.--The department may make such inspections as
9 are necessary to enforce this act.

10 (b) Penalty.--A violation of this act constitutes a summary
11 offense.

12 Section 5. Cooperation by board.

13 The board shall in all ways cooperate with the department in
14 the fulfillment of its duties under this act.

15 Section 6. Effective date.

16 This act shall take effect in 60 days.