

ALCOHOL CONSUMPTION DURING PREGNANCY: REQUIRE LIQUOR LICENSEES TO POST WARNING

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House Bill 6086 (H-1) as reported from committee
Sponsor: Rep. Hank Vaupel
Committee: Regulatory Reform
Complete to 10-23-18

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

BRIEF SUMMARY: House Bill 6086 would require retailers who sell alcoholic beverages for consumption on or off the licensed premises to post a sign warning of the effects of alcohol consumption during pregnancy.

FISCAL IMPACT: The bill would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) or on other units of state or local government. Under the bill, LARA would be responsible for developing and furnishing signs to licensees regarding the effects of alcohol consumption during pregnancy. Any costs associated with this process would likely be supported by existing departmental appropriations.

THE APPARENT PROBLEM:

According to the Centers for Disease Control and Prevention (CDC), there is no known safe amount of alcohol use either during pregnancy or when a woman is trying to conceive. Besides the possibility of miscarriage or stillbirth, consuming alcohol when pregnant can cause a range of disabilities known as fetal alcohol spectrum disorders (FASDs). These can include physical, intellectual, and/or behavioral disabilities that persist over a lifetime. In light of the potential for birth defects associated with consuming alcohol while pregnant, some feel that a sign educating the public as to that danger should be required to be posted wherever alcohol is sold.

Retailers licensed to sell alcohol for on- or off-premises consumption are required to post certain signs on their licensed premises. For example, Section 701(1) of the Michigan Liquor Control Code requires licensees to post a sign regarding the prohibition on selling alcohol to minors and the criminal penalty for doing so. Since the only way to prevent FASD is to not drink when pregnant or when trying to get pregnant, a warning at the point of sale may minimize the likelihood that a woman would expose a developing fetus to alcohol. Legislation has been offered to address the issue.

THE CONTENT OF THE BILL:

House Bill 6086 would add a new section to the Michigan Liquor Control Code to require on- and off-premises licensees who sell alcohol at retail to post a sign informing the public about the effects of alcohol consumption during pregnancy. The sign, which would be developed and furnished by the Michigan Liquor Control Commission, would have to contain the following message:

Pregnancy and alcohol do not mix. Drinking alcoholic beverages of any type during pregnancy can cause birth defects.

The sign would have to be posted in a conspicuous location. However, instead of posting a sign, an on-premises licensee could place the above message on a menu.

[Note: The bill would not create a new penalty for failure to post the required signage. However, under the Code's general penalty provisions, a violation of the bill could result in a misdemeanor punishable by up to 6 months imprisonment and/or a \$500 fine.]

The bill would take effect 180 days after enactment.

Proposed MCL 436.1905b

ARGUMENTS:

For:

Because alcohol can pass from the mother to the baby through the umbilical cord, drinking alcohol when pregnant poses a number of risks to the developing fetus. These include facial abnormalities, learning disabilities, speech delays, low IQ, and poor reasoning and judgment skills. The disabilities associated with FASDs, of which fetal alcohol syndrome (FAS) is the more severe form, last a lifetime. Many suffer from mental health problems, are unable to live alone, are unemployed or in low-paying jobs, have juvenile or adult criminal records, and may experience substance use disorders. By some estimates, the societal cost of FAS nationally is \$6.0 billion a year, with a lifetime cost for just one person born with FAS estimated to be at least \$2.0 million.

By not drinking when pregnant or when trying to conceive, FAS and other FASDs can be 100% prevented. Proponents argue that the bill would be a proactive measure to remind everyone of the risks of combining alcohol with pregnancy, as the signs would be posted in a conspicuous place in a liquor establishment, such as above a display of alcoholic beverages or near the cash register. Restaurants could include the warning on menus. The bill would not prevent or punish sales of alcohol to pregnant women, nor would it penalize a pregnant woman who drank alcohol or anyone who gave alcohol to a pregnant woman. It is hoped, however, that prominent displays of the message not to drink when pregnant would be a reminder of the potential harm to the fetus and would result in a decreased number of children born with FAS or other FASDs.

Against:

No arguments were offered in opposition to the bill.

POSITIONS:

The following entities indicated support for the bill:

- Michigan Council for Maternal and Child Health (9-5-18)
- Michigan Alcohol Policy Promoting Health and Safety (9-5-18)
- Michigan Coalition for Fetal Alcohol Research Education and Support (9-26-18)

The Michigan Liquor Control Commission does not have a position on the bill. (9-26-18)

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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.