

2011 -- H 5814

LC01523

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Introduced By: Representative Jan Malik

Date Introduced: March 03, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-7-6.1 of the General Laws in Chapter 3-7 entitled "Retail
2 Licenses" is hereby amended to read as follows:

3 ~~3-7-6.1. **Renewal of Class B, Class C, Class D, Class J, Class N and Class P licenses.**~~
4 ~~**Renewal of Class A, B, Class C, Class D, Class ED, Class J, Class N and Class P licenses.**~~

5 (a) The holder of a Class A, Class B, Class C, Class D, Class ED, Class J, Class N or Class P
6 license who applies ~~before October 1, in any licensing period,~~ for a license of the same class for
7 the next succeeding licensing period shall, prior to filing said application, demonstrate that he or
8 she has complied with the Alcohol Server Training Regulations, as promulgated by the
9 department of business regulation, as set forth in subsection (b) of this section.

10 (b) The department of business regulation shall promulgate rules and regulations
11 requiring that all licenses issued pursuant to this section meet the following minimum Alcohol
12 Server Training requirements:

13 (1) All licensees and all ~~Any~~ persons who sell or serve alcoholic beverages, anyone
14 serving in a supervisory capacity over those who sell or serve alcoholic beverages, anyone whose
15 job description entails the checking of identification for the purchase of alcoholic beverages and
16 valet parking staff shall receive Alcohol Server Training as set forth herein.

17 (2) All licensees and any ~~Any~~ eligible employee of a licensee shall be required to
18 demonstrate existing alcohol server training certification by a program deemed eligible by the
19 department of behavioral health, developmental disabilities and hospitals or complete certified

1 training within sixty (60) days of the commencement of his or her employment and must attain a
2 minimum score of seventy-five percent (75%). Provided, however, that the city of Pawtucket may
3 require eligible employees to complete the certified training program, prior to employment within
4 the city. ~~Individuals certified by an alcohol server training program prior to December 31, 2005~~
5 ~~are exempt from the certification requirements herein, not to exceed three (3) years.~~

6 (3) Licensees shall require servers to be recertified every three (3) years.

7 (4) As a condition of license renewal, and as part of the license renewal application, each
8 licensee must submit to their municipality information verifying that all persons listed under
9 subsection (b)(1) above and employed by the licensee for more than ~~sixty (60)~~ thirty (30) days in
10 the past year have completed a certified program within the last three (3) years.

11 (5) All persons identified under subsection (b) above must have their valid server permits
12 on the premises when engaged in the sale or service of alcoholic beverages.

13 (6) Individuals who have been issued a server permit in another jurisdiction by an
14 approved Rhode Island alcohol server training program shall be determined to be in compliance
15 with this section subject to the three (3) year limitation contained herein.

16 (c) Only alcohol server training programs that meet the following criteria as determined
17 by the ~~department of mental health, retardation and hospitals~~ department of behavioral health,
18 developmental disabilities and hospitals may be eligible for certification:

19 (1) Training is provided in all basic information relevant to servers, including, but not
20 limited to current and accurate information regarding:

- 21 (i) The physiological effects of alcohol;
- 22 (ii) Alcohol's association with social problems;
- 23 (iii) Coverage of legal requirements related to alcohol service;
- 24 (iv) How to identify patrons who are impaired; and
- 25 (v) Techniques in refusing service to intoxicated patrons.

26 (2) Training is provided in more than one medium including, but not limited to, video,
27 training manual, and/or role playing related to refusal of service to intoxicated drinkers.

28 (3) Training in preventing sales to underage drinkers, including training in detection of
29 fraudulent identification;

30 (4) Training shall entail no less than two (2) hours, and no greater than four (4) hours in
31 duration, ~~with no absentee certification.~~

32 (d) Notwithstanding the criteria established under subsection 3-7-6.1(c), an Internet or
33 computer-based alcohol server training program shall be eligible for certification if the following
34 criteria are met:

1 ~~(1) Training in all basic information, as outlined in subdivision 3-7-6.1(c)(1), is included~~
2 ~~in the program;~~

3 ~~(2) Training in preventing sales to underage drinkers, including training in detection of~~
4 ~~fraudulent identification is included in the program; and~~

5 ~~(3) Training program is designed to periodically verify that a trainee has reviewed and~~
6 ~~obtained a working knowledge of information presented through the Internet or computer training~~
7 ~~program.~~

8 (1) An initial server training must be completed in a classroom-style setting.

9 (e) (1) Testing procedures, test content, and grading procedures shall be approved by the
10 ~~department of mental health, retardation and hospitals~~ department of behavioral health,
11 developmental disabilities and hospitals to insure testing integrity and consistency with program
12 requirements contained in subsection (c) herein. The ~~department of mental health, retardation and~~
13 ~~hospitals~~ department of behavioral health, developmental disabilities and hospitals is authorized
14 to audit, in a method it shall determine, any approved server training program.

15 (2) Training programs, pursuant to rules and regulations promulgated by the ~~department~~
16 ~~of mental health, retardation and hospitals~~ department of behavioral health, developmental
17 disabilities and hospitals, shall be recertified every three (3) years.

18 (3) Server permits shall be issued by the server training programs in a form approved by
19 the ~~department of mental health, retardation and hospitals~~ department of behavioral health,
20 developmental disabilities and hospitals. Said permits shall include, at a minimum, the name of
21 the server, the date of issuance, and the name of the server training program.

22 (f) The department of business regulation shall promulgate and enforce rules and
23 regulations for non-compliance as follows:

24 (1) ~~Graduated penalties~~ Penalties for licensees for violations or non-compliance within a
25 three (3) year period ~~beginning with an initial written warning for violations within a three (3)~~
26 ~~year period for a first violation, a written warning for a second (2nd) violation, shall be~~ a fine not
27 to exceed two hundred fifty dollars (\$250) for a ~~third (3rd)~~ first (1st) or second (2nd) violation or
28 noncompliance, and a license suspension for subsequent violations.

29 ~~(2) For violations within a three (3) year period, graduated penalties for training~~
30 ~~programs beginning with an initial written warning, a written warning for a second (2nd)~~
31 ~~violation, and a suspension and/or decertification for a third (3rd) violation or for repeated~~
32 ~~noncompliance. The department of mental health, retardation and hospitals may forward~~
33 ~~complaints of violations to the department of business regulation.~~

34 ~~(3) For violations within a three (3) year period, graduated penalties for servers~~

1 ~~beginning with an initial written warning, a written warning for a second (2nd) violation, and a~~
2 ~~loss of server training certification for a third (3rd) violation or noncompliance.~~

3 (4)(2) Failure to have a valid server permit on their person or on the premises of the
4 licensed establishment shall not constitute a violation, provided, proof of a valid permit is
5 provided within ten (10) days thereof.

6 (g) In order to provide for uniformity, any enactment by any government body relating to
7 alcohol server training programs pertaining to Class A, Class B, Class C, Class D, Class ED,
8 Class J, Class N and P licenses, as provided for herein shall be by statute as enacted by the
9 general assembly.

10 ~~(h) The respective departments shall promulgate said regulations no later than October 1,~~
11 ~~2005. The department of mental health, retardation and hospitals shall review and certify eligible~~
12 ~~alcohol server training programs no later than January 1, 2006. The department of mental health,~~
13 ~~retardation and hospitals shall notify applicants of any deficiencies not later than December 1,~~
14 ~~2005. All licensees shall be in compliance with said regulations within ninety (90) days of~~
15 ~~January 1, 2006, or be subject to the penalties set forth herein.~~

16 SECTION 2. This act shall take effect upon passage.

=====
LC01523
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

1 This act would include Class A licensees and their sellers in the requirement to
2 demonstrate alcohol service training certification. It would also clarify the penalties for both non-
3 compliant servers and non-compliant RBST programs. This act would also change the waiting
4 period for new employees to become certified from sixty (60) days to thirty (30) days for all
5 classes of alcohol licensees. This act would also change the reference to the department of mental
6 health, retardation and hospitals to the department of behavioral health, developmental disabilities
7 and hospitals.

8 This act would take effect upon passage.

=====
LC01523
=====