

2010 -- H 7836

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Introduced By: Representative Edwin R. Pacheco

Date Introduced: February 25, 2010

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, Class B, Class C, Class D, Class J, Class N and Class P licenses.** -- (a)

5 The holder of a Class A, Class B, Class C, Class D, Class J, Class N or Class P license who
6 applies ~~before October 1, in any licensing period,~~ for a license of the same class for the next
7 succeeding licensing period shall, prior to filing said application, demonstrate that he or she has
8 complied with the Alcohol Server Training Regulations, as promulgated by the department of
9 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 persons who sell or serve alcoholic beverages, anyone serving in a supervisory
14 capacity over those who sell or serve alcoholic beverages, anyone whose job description entails
15 the checking of identification for the purchase of alcoholic beverages and valet parking staff shall
16 receive Alcohol Server Training as set forth herein.

17 (2) Any eligible employee of a licensee shall be required to demonstrate existing alcohol
18 server training certification by a program deemed eligible by the department of mental health,
19 retardation and hospitals or complete certified training within ~~sixty (60)~~ thirty (30) days of the

1 commencement of his or her employment and must attain a minimum score of seventy-five
2 percent (75%). Individuals certified by an alcohol server training program prior to December 31,
3 2005 are exempt from the certification requirements herein, not to exceed three (3) years.

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

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

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

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

14 (c) Only alcohol server training programs that meet the following criteria as determined
15 by the department of mental health, retardation and hospitals may be eligible for certification:

16 (1) Training is provided in all basic information relevant to servers, including, but not
17 limited to:

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

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

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

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

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

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

34 (2) Training in preventing sales to underage drinkers, including training in detection of

1 fraudulent identification is included in the program; and

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

5 (e) (1) Testing procedures, test content, and grading procedures shall be approved by the
6 department of mental health, retardation and hospitals to insure testing integrity and consistency
7 with program requirements contained in subsection (c) herein. The department of mental health,
8 retardation and hospitals is authorized to audit, in a method it shall determine, any approved
9 server training program.

10 (2) Training programs, pursuant to rules and regulations promulgated by the department
11 of mental health, retardation and hospitals, shall be recertified every three (3) years.

12 (3) Server permits shall be issued by the server training programs in a form approved by
13 the department of mental health, retardation and hospitals. Said permits shall include, at a
14 minimum, the name of the server, the date of issuance, and the name of the server training
15 program.

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

18 (1) ~~Graduated penalties~~ Penalties for licensees for ~~violations within a three (3) year~~
19 ~~period beginning with an initial written warning for violations within a three (3) year period for a~~
20 ~~first violation, a written warning for a second (2nd) violation,~~ a violation or noncompliance shall
21 be a fine not to exceed two hundred fifty dollars (\$250) ~~for a third (3rd) violation or~~
22 ~~noncompliance~~, and for subsequent violations or noncompliance within three (3) years shall
23 include, in addition to the fine not to exceed two hundred fifty dollars (\$250), license suspension.

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

29 (3) For violations ~~within a three (3) year period, graduated~~ penalties for servers
30 beginning with an initial written warning, ~~a written warning for a second (2nd) violation,~~ and a
31 loss of server training certification for a ~~third (3rd)~~ second (2nd) violation or noncompliance.

32 (4) Failure to have a valid server permit on their person shall not constitute a violation,
33 provided, proof of a valid permit is provided within ten (10) days thereof.

34 (g) In order to provide for uniformity, any enactment by any government body relating to

1 alcohol server training programs pertaining to [Class A](#), Class B, Class C, Class D, Class J, Class
2 N and P licenses, as provided for herein shall be by statute as enacted by the general assembly.

3 (h) The respective departments shall promulgate ~~said~~ [updated](#) regulations no later than
4 October 1, ~~2005~~ [2010](#). The department of mental health, retardation and hospitals shall review
5 and certify eligible alcohol server training programs no later than January 1, 2006. The
6 department of mental health, retardation and hospitals shall notify applicants of any deficiencies
7 not later than December 1, 2005. All licensees shall be in compliance with said regulations within
8 ninety (90) days of January 1, 2006, or be subject to the penalties set forth herein.

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

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

1 This act would include holders of Class A licenses to demonstrate compliance with
2 existing alcohol server training certification requirements. The act would also reduce the time
3 period from 60 to 30 days in which a new employee of all classes of alcohol licensees can
4 become certified.

5 This act shall take effect upon passage.

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