

HOUSE No. 01833

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Murphy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to third party training and background checks for violent history for security staff at bars and clubs.

PETITION OF:

NAME:

James M. Murphy

DISTRICT/ADDRESS:

4th Norfolk

HOUSE No. 01833

By Mr. Murphy of Weymouth, a petition (accompanied by bill, House, No. 1833) of James M. Murphy for legislation to require background checks and training of security staff employed at bars and clubs serving alcoholic beverages. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 275 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to third party training and background checks for violent history for security staff at bars and clubs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Background Checks.
- 2 No person may perform the duties of security staff (bouncers, doormen, floor staff, or other
- 3 persons performing duties related to admission of patrons and/or maintaining order and safety) at
- 4 bars, clubs, pubs, taverns, or any other establishment serving alcoholic beverages pursuant to a
- 5 license authorized by section 12 of chapter 138 of the general laws of Massachusetts unless the
- 6 proprietor, owner, or manager of the establishment has performed a CORI check pursuant to
- 7 chapter 6 of the general laws of Massachusetts and chapter 803 of the Code of Massachusetts
- 8 Regulations, that person has been found qualified to perform the required duties, and that such

9 determination of qualification has been memorialized in writing by the proprietor, owner, or
10 manager. The background check should focus on violent criminal history or other incidents that
11 are strictly related to the duties of the position.

12 Section 2. Third-Party Training.

13 No person may perform the duties of security staff (bouncers, doormen, floor staff, or other
14 persons performing duties related to admission of patrons and/or maintaining order and safety) at
15 bars, clubs, pubs, taverns, or any other establishment serving alcoholic beverages pursuant to a
16 license authorized by section 12 of chapter 138 of the general laws of Massachusetts unless (i)
17 the person has satisfactorily completed a program of third-party training to identify a problem
18 patron exhibiting behavior including, but not limited to, aggressive behavior, underage
19 consumption of alcoholic beverages, presentation of false/fake identification, (ii) the person has
20 satisfactorily completed a program of third-party training to employ best practices regarding safe
21 removal of the aforesaid problem patron from the premises without physically harming the
22 problem patron, another patron, or any staff member, (iii) the person has received a certificate
23 indicating satisfactory completion of the training from the third-party trainer, and (iv) the
24 proprietor, owner, or manager of the establishment has verified such completion and
25 memorialized such verification in writing.

26 Section 3. Regulatory Authority.

27 The Executive Office of Public Safety shall have the authority to promulgate rules and
28 regulations necessary to implement and enforce these sections.

29 Section 4. Severability.

30 If any provision of this act or the application of such provision to any person or circumstance
31 shall be held invalid, the validity of the remainder of this act and the applicability of such
32 provision to other persons or circumstances shall not be affected thereby.

33 Section 5. Implementation.

34 The provisions of this act shall be effective thirty (30) calendar days after passage.