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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ALCOHOLIC BEVERAGES

Introduced By: Representative Peter F. Kilmartin

Date Introduced: February 25, 2010

Referred To: House Corporations

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

9 (2) The proprietor of any food establishment which operates as a bring your own bottle
10 ("BYOB") establishment whereby patrons are permitted to bring beer, wine, or other alcoholic
11 beverages onto the establishment premises for consumption therein, shall demonstrate to the
12 municipal authority in which the establishment is located that he or she has complied with the
13 alcohol server training regulations, as promulgated by the department of business regulations, as
14 set forth in subsection (b) of this section.

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

18 (1) All persons who sell or serve alcoholic beverages, anyone serving in a supervisory
19 capacity over those who sell or serve alcoholic beverages, anyone whose job description entails

1 the checking of identification for the purchase of alcoholic beverages ~~and~~ valet parking staff, and
2 anyone who serves food in a "BYOB" establishment as described herein shall receive Alcohol
3 Server Training as set forth herein.

4 (2) Any eligible employee of a licensee shall be required to complete certified training
5 within sixty (60) days of the commencement of his or her employment and must attain a
6 minimum score of seventy-five percent (75%). Individuals certified by an alcohol server training
7 program prior to December 31, 2005 are exempt from the certification requirements herein, not to
8 exceed three (3) years.

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

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

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

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

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

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

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

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

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

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

34 (d) Notwithstanding the criteria established under subsection 3-7-6.1(c), an Internet or

1 computer-based alcohol server training program shall be eligible for certification if the following
2 criteria are met:

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

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

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

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

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

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

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

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

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

33 (3) For violations within a three (3) year period, graduated penalties for servers
34 beginning with an initial written warning, a written warning for a second (2nd) violation, and a

1 loss of server training certification for a third (3rd) violation or noncompliance.

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

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

7 (h) The respective departments shall promulgate said regulations no later than October 1,
8 2005. The department of mental health, retardation and hospitals shall review and certify eligible
9 alcohol server training programs no later than January 1, 2006. The department of mental health,
10 retardation and hospitals shall notify applicants of any deficiencies not later than December 1,
11 2005. All licensees shall be in compliance with said regulations within ninety (90) days of
12 January 1, 2006, or be subject to the penalties set forth herein.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ALCOHOLIC BEVERAGES

1 This act would require proprietors of "BYOB" establishments to comply with the alcohol
2 server training requirements of the general laws.

3 This act would take effect upon passage.

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