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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES

Introduced By: Senators Raptakis, and Goodwin

Date Introduced: February 16, 2017

Referred To: Senate Special Legislation and Veterans Affairs

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

9 (b) The department of business regulation shall promulgate rules and regulations  
10 requiring that all licenses issued pursuant to this section meet the following minimum alcohol  
11 server training regulations, requirements:

12 (1) All persons who sell or serve alcoholic beverages; anyone serving in a supervisory  
13 capacity over those who sell or serve alcoholic beverages; anyone whose job description entails  
14 the checking of identification for the purchase of alcoholic beverages; and valet parking staff  
15 shall receive alcohol server training regulations, as set forth herein.

16 (2) Any eligible employee of a licensee shall be required to complete certified training  
17 within sixty (60) days of the commencement of his or her employment and must attain a  
18 minimum score of seventy-five percent (75%). Provided, however, that the city of Pawtucket and  
19 the town of Smithfield may require eligible employees to complete the certified training

1 program, prior to employment within the city or town. Individuals certified by an alcohol server  
2 training program prior to December 31, 2005, are exempt from the certification requirements  
3 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) of this section and employed by the licensee for more than sixty (60) days in the  
8 past year have completed a certified program within the last three (3) years.

9 (5) All persons identified under subsection (b) of this section must have their valid server  
10 permits 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-year (3) limitation contained herein. In no instance shall an  
14 individual be allowed to complete any such program or obtain certification online or through  
15 Internet-based training.

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

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

- 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 (c) of this section, an  
33 internet- or computer-based alcohol server training program shall be eligible for certification if  
34 the following criteria are met:

1 (1) Training in all basic information, as outlined in subsection (c)(1) of this section, is  
2 included 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 (e) (1) Testing procedures, test content, and grading procedures shall be approved by the  
9 department of behavioral healthcare, developmental disabilities and healthcare to ensure testing  
10 integrity and consistency with program requirements contained in subsection (c) herein. The  
11 department of behavioral healthcare, developmental disabilities and healthcare is authorized to  
12 audit, in a method it shall determine, any approved server training program.

13 (2) Training programs, pursuant to rules and regulations promulgated by the department  
14 of behavioral healthcare, developmental disabilities and healthcare, shall be recertified every  
15 three (3) years.

16 (3) Server permits shall be issued by the server training programs in a form approved by  
17 the behavioral healthcare, developmental disabilities and healthcare. Said permits shall include, at  
18 a minimum, the name of the server, the date of issuance, and the name of the server training  
19 program.

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

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

26 (2) For violations within a three-year (3) period, graduated penalties for training  
27 programs beginning with an initial written warning, a written warning for a second (2nd)  
28 violation, and a suspension and/or decertification for a third (3rd) violation or for repeated  
29 noncompliance. The department of behavioral healthcare, developmental disabilities and  
30 healthcare may forward complaints of violations to the department of business regulation.

31 (3) For violations within a three-year (3) period, graduated penalties for servers  
32 beginning with an initial written warning; a written warning for a second violation, and a loss of  
33 server training certification for a third violation or noncompliance.

34 (4) Failure to have a valid server permit on their person shall not constitute a violation,

1 provided, proof of a valid permit is provided within ten (10) days thereof.

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

5 (h) The respective departments shall promulgate said regulations no later than October 1,  
6 2005. The department of behavioral healthcare, developmental disabilities and healthcare shall  
7 review and certify eligible alcohol server training programs no later than January 1, 2006. The  
8 department of behavioral healthcare, developmental disabilities and healthcare shall notify  
9 applicants of any deficiencies not later than December 1, 2005. All licensees shall be in  
10 compliance with said regulations within ninety (90) days of January 1, 2006, or be subject to the  
11 penalties set forth herein.

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

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

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- 1           This act would prohibit individuals from completing alcohol-server training requirements
- 2   from online or Internet sources.
- 3           This act would take effect upon passage.

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