

2018 -- S 2252

=====  
LC003895  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

—————  
A N A C T

RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES - TRAINING

Introduced By: Senators Raptakis, Goodwin, Ciccone, and Lombardo

Date Introduced: February 01, 2018

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 [alcohol](#)  
17 [server](#) training within sixty (60) days of the commencement of his or her employment and must  
18 attain a minimum score of seventy-five percent (75%) [on a test administered by the department of](#)  
19 [business regulation, which shall not be taken online.](#) Provided, however, that the city of

1 Pawtucket and the town of Smithfield may require eligible employees to complete the certified  
2 training program, prior to employment within the city or town. Individuals certified by an alcohol  
3 server training program prior to December 31, 2005, are exempt from the certification  
4 requirements herein, not to exceed three (3) years;

5 (3) Licensees shall require servers to be recertified every three (3) years;

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

10 (5) All persons identified under subsection (b) of this section must have their valid server  
11 permits on the premises when engaged in the sale or service of alcoholic beverages; and

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

15 (c) Only alcohol server training programs that meet the following criteria as determined  
16 by the department of business regulation may be eligible for certification:

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

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

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

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

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

30 (d) Notwithstanding the criteria established under subsection (c) of this section, an  
31 internet- or computer-based alcohol server training program shall be eligible for certification if  
32 the following criteria are met:

33 (1) Training in all basic information, as outlined in subsection (c)(1) of this section, is  
34 included in the program;

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

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

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

10 (2) Training programs, pursuant to rules and regulations promulgated by the department  
11 of business regulation, shall be recertified every three (3) years; and

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

15 (f) The department of business regulation shall promulgate and enforce rules and  
16 regulations for noncompliance as follows:

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

21 (2) For violations within a three-year (3) period, graduated penalties for training  
22 programs beginning with an initial written warning, a written warning for a second (2nd)  
23 violation, and a suspension and/or decertification for a third (3rd) violation or for repeated  
24 noncompliance;

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

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

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

33 (h) The respective departments shall promulgate said regulations no later than October 1,  
34 2005. The department of business regulation shall review and certify eligible alcohol server

1 training programs no later than January 1, 2006. The department of business regulation shall  
2 notify applicants of any deficiencies not later than December 1, 2005. All licensees shall be in  
3 compliance with said regulations within ninety (90) days of January 1, 2006, or be subject to the  
4 penalties set forth herein.

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

=====  
LC003895  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES - TRAINING

\*\*\*

1           This act would require the department of business regulation to administer testing to  
2 certify alcohol server training. It would also prohibit online testing.

3           This act would take effect upon passage.

=====  
LC003895  
=====