

**Unofficial Draft Copy**

As of: August 20, 2010 (5:00pm)

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\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the Law and Justice Interim Committee

**STAFF NOTES: The committee's actions on June 30, 2010, were to:**

**(1) amend the title to "generally provide for the licensure of persons selling or serving alcoholic beverages" and to strike the remainder of the title;**

**(2) strike the WHEREAS clauses;**

**(3) change the refresher training requirement in section 5 to every 5 years instead of annually; and**

**(4) strike section 7, which specified the criteria for the department's approval of privately provided training programs and for a training certification fee.**

**To conform with bill drafting style, "licensure" in the title was replaced with "training" (the bill doesn't provide for licensure of servers or sellers), the penalty language in the title was retained because the penalty section remains in the bill, and all references in the bill to department approval of training programs were eliminated.**

A Bill for an Act entitled: "An Act generally providing for the training of persons selling or serving alcoholic beverages; and providing a penalty."

Be it enacted by the Legislature of the State of Montana:

1           NEW SECTION.   **Section 1. Short title.** [Sections 1 through  
2 8] may be cited as the "Responsible Alcohol Sales and Service  
3 Act".  
4

5           NEW SECTION.   **Section 2. Legislative intent.** It is the  
6 intent of [sections 1 through 8] that retail establishments  
7 licensed to serve or sell alcoholic beverages ensure employees  
8 and supervisors are appropriately trained to comply with state  
9 law prohibiting the sale or service of alcoholic beverages to  
10 persons under 21 years of age and to persons who are intoxicated.  
11

12           NEW SECTION.   **Section 3. Licensee definition.** As used in  
13 [sections 1 through 8], "licensee" means a person or entity  
14 licensed by the department to sell alcoholic beverages at retail  
15 for either on-premises or off-premises consumption.  
16

17           NEW SECTION.   **Section 4. Training plan required.** An  
18 applicant for initial licensure or for renewal, transfer, or  
19 reinstatement of a retail license to sell or serve alcoholic  
20 beverages for on-premises or off-premises consumption shall  
21 submit to the department an employee training plan demonstrating  
22 how the applicant intends to comply with the provisions of  
23 [section 5].  
24

25           NEW SECTION.   **Section 5. Licensees required to ensure**  
26 **training and post signs.** Each licensee shall:

27           (1) require each employee who is authorized to sell or

1 serve alcoholic beverages in the normal course of employment and  
2 the employee's immediate supervisor to successfully complete as a  
3 condition of employment training within 60 days of the employee's  
4 hire date and every 5 years after the employee's initial  
5 training;

6 (2) maintain employment records verifying employee  
7 completion of the training required in subsection (1); and

8 (3) post signs on the licensee's premises informing  
9 customers of the licensee's policy against selling or serving  
10 alcoholic beverages to any person under 21 years of age and to  
11 any person who is intoxicated.

12  
13 NEW SECTION. **Section 6. Responsible server and sales**  
14 **training program.** The department shall establish a responsible  
15 server and sales training program consisting of a train-the-  
16 trainer program for volunteer trainers.

17  
18 NEW SECTION. **Section 7. Penalty.** A licensee found during a  
19 routine check for compliance with 16-6-304 or 16-6-305 to be out  
20 of compliance with [section 5(1) or (2)] shall pay a \$50 fine for  
21 each employee subject to [section 5(1)] who either did not  
22 successfully complete the required training or whose training  
23 certificate is not current as required in [section 5(1)]. The  
24 fine must be paid to the department and deposited to the  
25 enterprise fund to the credit of the department for  
26 administration of [sections 1 through 8].

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1            NEW SECTION.    **Section 8. Rulemaking.** The department shall  
2     adopt rules to implement the provisions of [sections 1 through  
3     8].  
4

5            NEW SECTION.    **Section 9. {standard} Codification**  
6     **instruction.** [Sections 1 through 8] are intended to be codified  
7     as an integral part of Title 16, chapter 4, and the provisions of  
8     Title 16, chapter 4, apply to [sections 1 through 8].  
9

10    - END -

11     {Name :            Sheri S. Heffelfinger  
12     Title :            Research Analyst  
13     Agency :           Legislative Services Division  
14     Phone :            444-3596  
15     E-Mail :            sheffelfinger@mt.gov}