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As of: June 1, 2010 (2:55pm)

LC1j03

**** Bill No. ****

Introduced By *****

By Request of the Law and Justice Interim Committee

A Bill for an Act entitled: "An Act requiring establishments licensed to sell or serve alcoholic beverages to ensure that supervisors, sellers, and servers are trained to comply with state law prohibiting the sale or service of alcohol to underage and intoxicated persons; providing that the department of revenue shall administer the program and adopt rules; and providing for a fee to cover administrative costs."

WHEREAS, Montana ranks highest in the nation for the number of alcohol-related traffic fatalities per 100,000 vehicle miles traveled with a fatality rate of 0.84 in crashes involving at least one driver or motorcycle rider with a blood alcohol content of 0.08 or above, compared to the national average of 0.04; and

WHEREAS, in a 2006-2007 survey, nearly 32% of Montana's youth ages 12 to 20 years old reported consuming alcohol in the past month and 24% reported binge drinking in the past month;

WHEREAS, establishments licensed to sell or serve alcoholic beverages have a responsibility to ensure that their employees are appropriately trained to comply with Montana law prohibiting the sale or service of alcoholic beverages to underage or intoxicated persons; and

WHEREAS, according to one pilot project study, in bars where alcohol risk management training was provided to owners and

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managers, there was a 46% decrease in alcohol sales to obviously intoxicated customers and an 11.5% decrease in alcohol sales to underage persons compared to alcohol sales in the bars where training was not provided; and

WHEREAS, a voluntary training program cannot be as effective as a mandatory program, which would reach all licensed retail sellers and servers of alcoholic beverages.

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 9] may be cited as the "Responsible Alcohol Sales and Service Act".

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

NEW SECTION. **Section 3. Licensee definition.** As used in [sections 1 through 9], "licensee" means a person or entity licensed by the department to sell alcoholic beverages at retail for either on-premises or off-premises consumption.

NEW SECTION. **Section 4. Training plan required.** An

applicant for initial licensure or for renewal, transfer, or reinstatement of a retail license to sell or serve alcoholic beverages for on-premises or off-premises consumption shall submit to the department an employee training plan demonstrating how the applicant intends to comply with the provisions of [section 5].

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

(1) require each employee who is authorized to sell or serve alcoholic beverages in the normal course of employment and the employee's immediate supervisor to successfully complete as a condition of employment department approved training within 60 days of the employee's hire date and annually after the employee's initial training;

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

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

NEW SECTION. Section 6. Responsible server and sales training program. (1) The department shall establish a responsible alcohol sales and service training program.

(2) The program shall consist of the following:

(a) approval of privately provided training programs that

meet the criteria in [section 7]; and

- (b) a train-the-trainer program for volunteer trainers.

NEW SECTION. **Section 7. Training program approval -- participant fee.** (1) To be approved by the department, a training program must:

- (a) use a curriculum reviewed and approved by the department;
- (b) be conducted by qualified trainers according to standards approved by the department;
- (c) administer a test of participant comprehension of material covered in the training and award a completion certificate only upon a participant's successful completion of the test; and
- (d) permit department access to observe training sessions, review training materials, and audit compliance with this section.

(2) A person or organization providing training under this section shall charge a participant fee in the amount established by department rule and forward the fee to the department for deposit in the enterprise fund to the credit of the department to cover the department's cost of administering the provisions of [sections 1 through 9].

NEW SECTION. **Section 8. Penalty.** A licensee found during a routine check for compliance with 16-6-304 or 16-6-305 to be out of compliance with [section 5(1) or (2)] shall pay a \$50 fine for

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each employee subject to [section 5(1)] who either did not successfully complete the required training or whose training certificate is not current as required in [section 5(1)]. The fine must be paid to the department and deposited to the enterprise fund to the credit of the department for administration of [sections 1 through 9].

NEW SECTION. **Section 9. Rulemaking.** The department shall adopt rules to implement the provisions of [sections 1 through 9].

NEW SECTION. **Section 10. {standard} Codification instruction.** [Sections 1 through 9] are intended to be codified as an integral part of Title 16, chapter 4, and the provisions of Title 16, chapter 4, apply to [sections 1 through 9].

- END -

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