

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2121

Introduced by Assembly Member Gonzalez
(Coauthor: Senator Pan)

February 17, 2016

An act to add Article 4 (commencing with Section 25680) to Chapter 16 of Division 9 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2121, as amended, Gonzalez. Alcoholic beverage control: Responsible Interventions for Beverage Servers Training Act of 2016.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. Under existing law, any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold and applications for the issuance or renewal of that license are signed under the penalty of perjury. Currently, the Licensee Education on Alcohol and Drugs (LEAD) program is a voluntary prevention and education program for retail licensees, their employees, and applicants, regarding alcohol responsibility and the law.

This bill would, in addition to the LEAD program, establish the Responsible Interventions for Beverage Servers (RIBS) Training Act of 2016, beginning July 1, 2020, that would require ~~a person who sells or serves alcoholic beverages, or who manages persons who sell or serve, in an on-sale retail licensed premises~~ *an alcohol server, as*

defined, to successfully complete an approved RIBS training course within 3 months of employment and every 3 years thereafter. The bill would provide that an approved RIBS training course include information on, among other things, state laws and regulations relating to alcoholic beverage control and the impact of alcohol on the body. The bill would require the Department of Alcoholic Beverage Control, on or before January 1, ~~2020~~, 2019, to establish a list published on the department’s Internet Web site of approved RIBS training courses and to provide information on RIBS training requirements on applications for, and renewals of, ~~on-sale~~ licenses. The bill would also require new applicants and renewal applicants *for specified licenses* to certify, and provide the department with documentation, that its employees have successfully completed a RIBS training course. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Responsible Interventions for Beverage Servers Training Act of
3 2016.

4 SEC. 2. Article 4 (commencing with Section 25680) is added
5 to Chapter 16 of Division 9 of the Business and Professions Code,
6 to read:

7
8 Article 4. Responsible Interventions for Beverage Servers
9 (RIBS) Training Act of 2016

10
11 25680. For purposes of this ~~article~~, “~~RIBS training course~~”
12 ~~means a Responsible Interventions for Beverage Servers training~~
13 ~~course approved by the department pursuant to Section 25682.~~
14 *article:*

1 (a) “Alcohol server” means a person who sells or serves
2 alcoholic beverages, or a person who manages a person who sells
3 or serves alcoholic beverages, for consumption on the premises
4 of a licensed facility.

5 (b) “RIBS training course” means a Responsible Interventions
6 for Beverage Servers training course approved by the department
7 pursuant to Section 25682.

8 (c) “Self-training and assessment” means a process where the
9 individual trains, and takes an assessment, without the presence
10 or intervention of a trainer or instructor, and includes, but is not
11 limited to, training and assessment through the use of a computer
12 program or the Internet.

13 25681. (a) Beginning July 1, 2020, ~~a person who sells or serves~~
14 ~~alcoholic beverages, or a person who manages a person who sells~~
15 ~~or serves alcoholic beverages, for consumption on the premises~~
16 ~~of an on-sale retail licensee~~ *an alcohol server* shall successfully
17 complete an approved RIBS training course within three months
18 of employment and every three years thereafter.

19 (b) ~~The on-sale retail licensee shall ensure that those persons~~
20 ~~required to successfully complete an approved RIBS training course~~
21 ~~do so. A certificate provided by the current certificate or card~~
22 ~~provided by any approved training course provider shall be~~
23 ~~sufficient documentation of successful completion.~~ *completion*
24 *and shall be accepted throughout the state.*

25 25682. (a) On or before January 1, ~~2020~~, 2019, the department
26 shall establish a list, published on the department’s Internet Web
27 site, of approved RIBS training courses that may be used to fulfill
28 the requirements of Section 25681.

29 (b) (1) An approved RIBS training course shall consist of at
30 least four hours of instruction and include, but shall not be limited
31 to, the following information:

32 (A) The social impact of alcohol.

33 (B) The impact of alcohol on the body.

34 (C) State laws and regulations relating to alcoholic beverage
35 control, including laws and regulations related to driving under
36 the influence.

37 (D) Intervention techniques to prevent the service or sale of
38 alcoholic beverages to underage persons or intoxicated patrons.

1 (E) The development of management policies that support the
 2 prevention of service or sale of alcoholic beverages to underage
 3 persons or intoxicated patrons.

4 (F) *The course shall provide basic, introductory instruction on*
 5 *the elements described in subparagraphs (A) to (E), inclusive.*

6 (2) *A RIBS training course may be offered through a trainer-led*
 7 *class and assessment or self-training and assessment.*

8 (3) *A RIBS certificate or card shall be issued only upon*
 9 *successful completion of an approved RIBS training course and*
 10 *assessment. A minimum score of 70 percent on the assessment*
 11 *shall be required to successfully complete the course.*

12 (4) *An approved RIBS training course shall issue a certificate*
 13 *or card to individuals who successfully complete a course. The*
 14 *certificate or card shall be valid for three years from the original*
 15 *date of issuance, regardless of whether the alcohol server changes*
 16 *employers during that period.*

17 ~~(2)~~

18 (5) The department may, by regulation, establish additional
 19 training standards and curricula to be included in an approved
 20 RIBS training course.

21 (c) *The department shall establish minimum standards and*
 22 *promulgate regulations for the training and scope of practice for*
 23 *a person who sells or serves alcoholic beverages.*

24 (d) *At least one approved RIBS training course shall cost a*
 25 *participant no more than fifteen dollars (\$15), inclusive of the*
 26 *certificate or card provided upon successful completion of the*
 27 *training course. At least one approved RIBS training course shall*
 28 *be offered in Spanish. If no RIBS training courses meet these*
 29 *requirements, Section 25681 shall not apply.*

30 ~~(e)~~

31 (e) The department shall review an approved RIBS training
 32 course at least once every three years after the course is approved.

33 25683. (a) Beginning January 1, ~~2020~~, 2019, the department
 34 shall include information on the RIBS training course requirement
 35 pursuant to Section 25681, including information on documentation
 36 requirements, on the application for ~~an on-sale retail~~ a license and
 37 with the license renewal notices sent to ~~on-sale retail~~ licensees.

38 (b) Beginning January 1, 2020, ~~an on-sale retail~~ a licensee
 39 applying for a new license *that authorizes alcohol to be served on*
 40 *the licensed premises* shall certify on the application that all

1 employees of the licensee subject to Section 25681 either have
2 successfully completed a RIBS training course or, within the first
3 calendar year of the issuance of the license, will have successfully
4 completed a RIBS training course. The licensee shall provide the
5 department with documentation of successful completion.

6 (c) Beginning January 1, 2020, ~~an on-sale retail~~ a licensee
7 applying for the renewal of the license *that authorizes alcohol to*
8 *be served on the licensed premises* shall certify on the application,
9 and provide the department with documentation, that all employees
10 of the licensee subject to Section 25681 have successfully
11 completed a RIBS training course.

12 SEC. 3. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.