

AMENDED IN ASSEMBLY MAY 11, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2121

Introduced by Assembly Member Gonzalez
(Coauthor: Assembly Member Eduardo Garcia)
(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~~ *Responsible Beverage Service Training Program 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~~ *Responsible Beverage Service (RBS) Training Program Act of 2016*, beginning July 1, 2020, that would require an alcohol server, as defined, to successfully complete ~~an approved RIBS~~ *a certified RBS* training course within 3 months of employment and every 3 years thereafter. The bill would provide that ~~an approved RIBS~~ *a certified RBS* 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, ~~2019, 2020~~, to establish a list published on the department's Internet Web site of ~~approved RIBS~~ *certified RBS* training courses ~~and~~ *and, beginning January 1, 2019*, to provide information on ~~RIBS~~ *RBS* training requirements on applications for, and renewals of, *authorized* 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. The bill, beginning July 1, 2020, would require all authorized licensees to maintain, and provide upon request by the department, all records necessary to establish compliance with these provisions and would make it a misdemeanor for an authorized licensee, or that licensee's agent or employee, to permit any alcoholic beverage to be consumed on the premises without possessing a valid training certificate or card. By expanding the definition of a~~ *creating a new 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~~
- 3 *Responsible Beverage Service Training Program Act of 2016.*

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

4
5 Article 4. ~~Responsible Interventions for Beverage Servers~~
6 ~~(RIBS) Training~~ *Responsible Beverage Service (RBS) Training*
7 *Program Act of 2016*
8

9 25680. For purposes of this article:

10 (a) “Alcohol server” means a person who sells or serves
11 alcoholic beverages, or a person who manages *or supervises* a
12 person who sells or serves alcoholic beverages, *including the onsite*
13 *establishment owner of a licensed facility*, for consumption on the
14 premises of a licensed facility.

15 (b) ~~“RIBS—“RBS training course”~~ means a ~~Responsible~~
16 ~~Interventions for Beverage Servers~~ *Responsible Beverage Service*
17 ~~training course approved~~ *certified* by the department pursuant to
18 Section 25682.

19 (c) “Self-training and assessment” means a process where the
20 individual trains, and takes an assessment, without the presence
21 or intervention of a trainer or instructor, and includes, but is not
22 limited to, training and assessment through the use of a computer
23 program or the Internet.

24 25681. (a) ~~Beginning~~ *Notwithstanding any laws to the*
25 *contrary, beginning July 1, 2020*, an alcohol server shall
26 successfully complete ~~an approved RIBS~~ *a certified RBS* training
27 course within three months of employment and every three years
28 thereafter.

29 (b) The licensee shall ensure that those persons required to
30 successfully complete ~~an approved RIBS~~ *a certified RBS* training
31 course do so. A current certificate or card provided by any
32 approved training course provider shall be sufficient documentation
33 of successful completion and shall be accepted throughout the
34 state.

35 (c) *An alcohol server shall be subject to the provisions of*
36 *subdivisions (b) and (c) of Section 25602.*

37 25682. (a) On or before January 1, ~~2019~~, 2020, the department
38 shall establish a list, published on the department’s Internet Web
39 site, of ~~approved RIBS~~ *certified RBS* training courses that may be
40 used to fulfill the requirements of Section 25681.

1 (b) (1) ~~An approved RIBS~~ *A certified RBS* training course shall
2 consist of at least four hours of instruction and include, but shall
3 not be limited to, the following information:

4 (A) The social impact of alcohol.

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

6 (C) State laws and regulations relating to alcoholic beverage
7 control, including laws and regulations related to driving under
8 the influence.

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

11 (E) The development of management policies that support the
12 prevention of service or sale of alcoholic beverages to underage
13 persons or intoxicated patrons.

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

16 (2) ~~A RIBS~~ *An RBS* training course may be offered through a
17 trainer-led class and assessment or self-training and assessment.

18 (3) ~~A RIBS~~ *An RBS* certificate or card shall be issued only upon
19 successful completion of ~~an approved RIBS~~ *a certified RBS* training
20 course and assessment. A minimum score of 70 percent on the
21 assessment shall be required to successfully complete the course.

22 (4) ~~An approved RIBS~~ *A certified RBS* training course shall
23 issue a certificate or card to individuals who successfully complete
24 a course. The certificate or card shall be valid for three years from
25 the original date of issuance, regardless of whether the alcohol
26 server changes employers during that period.

27 (5) The department may, by regulation, establish additional
28 training standards and curricula to be included in ~~an approved~~
29 ~~RIBS~~ *a certified RBS* training course.

30 (c) The department shall establish minimum standards and
31 promulgate regulations for the training and scope of practice *by*
32 *January 1, 2018*, for a person who sells or serves alcoholic
33 beverages.

34 (d) At least one ~~approved RIBS~~ *certified RBS* training course
35 shall cost a participant no more than fifteen dollars (\$15), inclusive
36 of the certificate or card provided upon successful completion of
37 the training course. At least one ~~approved RIBS~~ *certified RBS*
38 training course shall be offered in Spanish. If no ~~RIBS~~ *RBS* training
39 courses meet these requirements, Section 25681 shall not apply.

1 (e) The department shall review ~~an approved RIBS~~ *a certified*
2 *RBS* training course at least once every three years after the course
3 is approved.

4 25683. (a) Beginning January 1, 2019, the department shall
5 include information on the ~~RIBS~~ *RBS* training course requirement
6 pursuant to Section 25681, including information on documentation
7 requirements, on the application for ~~a~~ *an authorized* license and
8 with the license renewal notices sent to *authorized* licensees.

9 ~~(b) Beginning January 1, 2020, a licensee applying for a new~~
10 ~~license that authorizes alcohol to be served on the licensed premises~~
11 ~~shall certify on the application that all employees of the licensee~~
12 ~~subject to Section 25681 either have successfully completed a~~
13 ~~RIBS training course or, within the first calendar year of the~~
14 ~~issuance of the license, will have successfully completed a RIBS~~
15 ~~training course. The licensee shall provide the department with~~
16 ~~documentation of successful completion.~~

17 ~~(c) Beginning January 1, 2020, a licensee applying for the~~
18 ~~renewal of the license that authorizes alcohol to be served on the~~
19 ~~licensed premises shall certify on the application, and provide the~~
20 ~~department with documentation, that all employees of the licensee~~
21 ~~subject to Section 25681 have successfully completed a RIBS~~
22 ~~training course.~~

23 ~~(b) Beginning July 1, 2020, all authorized licensees shall~~
24 ~~maintain, and provide upon request by the department, all records~~
25 ~~necessary to establish compliance with this section.~~

26 ~~(c) Beginning July 1, 2020, an authorized licensee, or agent or~~
27 ~~employee of such licensee, who permits any alcoholic beverage to~~
28 ~~be consumed by any person on the premises without possessing a~~
29 ~~valid training certificate or card is guilty of a misdemeanor.~~

30 SEC. 3. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

O