

AMENDED IN ASSEMBLY MAY 31, 2016

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 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 Beverage Service (RBS) Training Program Act of 2016, beginning July 1, 2020, that would require an alcohol server, as defined, to successfully complete a certified RBS training course within 3 months of employment and every 3 years thereafter. *The bill would require a nonprofit organization that obtained a temporary daily on-sale or off-sale license to designate a person or persons to receive RBS training before the event and would require that person or those persons to remain on site for the duration of the event.* The bill would provide that 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, 2020, to establish a list published on the department's Internet Web site of certified RBS training courses ~~and, beginning January 1, 2019, courses and would authorize the department to collect fees to cover the reasonable costs of certification and recertification of RBS training courses.~~ *The bill, beginning January 1, 2019, would require the department to provide information on RBS training requirements on applications for, and renewals of, authorized licenses.* 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 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 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 Beverage Service (RBS) Training
6 Program Act of 2016
7

8 25680. For purposes of this article:

9 (a) "Alcohol server" means a person who sells or serves
10 alcoholic beverages, or a person who manages or supervises a
11 person who sells or serves alcoholic beverages, including the onsite
12 establishment owner of a licensed facility, for consumption on the
13 premises of a ~~licensed facility~~. *licensed facility that includes, but*
14 *is not limited to, one-day events, fairs, festivals, sporting events,*
15 *and other special events.*

16 (b) "RBS training course" means a Responsible Beverage
17 Service training course 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) Notwithstanding any laws to the contrary, beginning
25 July 1, 2020, an alcohol server shall successfully complete a
26 certified RBS training course within three months of employment
27 and every three years thereafter.

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

33 (c) *A nonprofit organization that has obtained a temporary*
34 *daily on-sale license or a temporary daily off-sale license from*
35 *the department shall designate a person or persons to receive RBS*
36 *training prior to the event and that designated person or those*
37 *designated persons shall remain on site for the duration of the*
38 *event.*

39 (e)

1 (d) An alcohol server shall be subject to the provisions of
 2 subdivisions (b) and (c) of Section 25602.
 3 25682. (a) On or before January 1, 2020, the department shall
 4 establish a list, published on the department’s Internet Web site,
 5 of certified RBS training courses that may be used to fulfill the
 6 requirements of Section 25681.
 7 (b) (1) A certified RBS training course shall consist of at least
 8 four hours of instruction and include, but shall not be limited to,
 9 the following information:
 10 (A) The social impact of alcohol.
 11 (B) The impact of alcohol on the body.
 12 (C) State laws and regulations relating to alcoholic beverage
 13 control, including laws and regulations related to driving under
 14 the influence.
 15 (D) Intervention techniques to prevent the service or sale of
 16 alcoholic beverages to underage persons or intoxicated patrons.
 17 (E) The development of management policies that support the
 18 prevention of service or sale of alcoholic beverages to underage
 19 persons or intoxicated patrons.
 20 (F) The course shall provide basic, introductory instruction on
 21 the elements described in subparagraphs (A) to (E), inclusive.
 22 (2) An RBS training course may be offered through a trainer-led
 23 class and assessment or self-training and assessment.
 24 (3) An RBS certificate or card shall be issued only upon
 25 successful completion of a certified RBS training course and
 26 assessment. A minimum score of 70 percent on the assessment
 27 shall be required to successfully complete the course.
 28 (4) A certified RBS training course shall issue a certificate or
 29 card to individuals who successfully complete a course. The
 30 certificate or card shall be valid for three years from the original
 31 date of issuance, regardless of whether the alcohol server changes
 32 employers during that period.
 33 (5) The department may, by regulation, establish additional
 34 training standards and curricula to be included in a certified RBS
 35 training course.
 36 (c) The department shall establish minimum standards and
 37 promulgate regulations for the training and scope of practice by
 38 January 1, 2018, for a person who sells or serves alcoholic
 39 beverages.

1 (d) At least one certified RBS training course shall cost a
2 participant no more than fifteen dollars (\$15), inclusive of the
3 certificate or card provided upon successful completion of the
4 training course. At least one certified RBS training course shall
5 be offered in Spanish. If no RBS training courses meet these
6 requirements, Section 25681 shall not apply.

7 (e) The department shall review a certified RBS training course
8 at least once every three years after the course is approved.

9 (f) *The department may collect fees as part of the certification*
10 *or recertification process to cover the reasonable costs associated*
11 *with the certification and recertification of RBS training courses.*

12 25683. (a) Beginning January 1, 2019, the department shall
13 include information on the RBS training course requirement
14 pursuant to Section 25681, including information on documentation
15 requirements, on the application for an authorized license and with
16 the license renewal notices sent to authorized licensees.

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

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

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