

Assembly Bill No. 2121

Passed the Assembly August 31, 2016

Chief Clerk of the Assembly

Passed the Senate August 17, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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. 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 an RBS training course offered by an accredited training provider 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 an 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 RBS training courses and would authorize the department to collect fees to cover the reasonable costs of review and approval of accreditation agencies. 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. The bill, beginning July 1, 2020, would provide that an authorized licensee, the licensee’s agent or employee, or an alcohol server who knowingly and intentionally violates any of these provisions is subject only to civil and administrative penalties, as specified.

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

SECTION 1. This act shall be known, and may be cited, as the Responsible Beverage Service Training Program Act of 2016.

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

Article 4. Responsible Beverage Service (RBS) Training Program Act of 2016

25680. For purposes of this article:

(a) “Accredited training provider” means either of the following:

(1) A training provider accredited by the American National Standards Institute (ANSI) that meets ASTM International E2659-15 Standard Practice for Certificate Programs.

(2) A training provider accredited by an accreditation agency other than ANSI, provided the accreditation agency is authorized by the department to accredit training providers offering RBS training courses.

(b) “Alcohol server” means a person who sells or serves alcoholic beverages directly to consumers, or a person who manages or supervises a person who sells or serves alcoholic beverages directly to consumers, including the onsite establishment owner of a licensed facility, for consumption on the premises of a licensed facility that includes, but is not limited to, one-day events, fairs, festivals, sporting events, and other special events.

(c) “RBS training course” means a Responsible Beverage Service training course that meets the requirements of subdivision (b) of Section 25682.

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

25681. (a) Notwithstanding any laws to the contrary, beginning July 1, 2020, an alcohol server shall successfully complete an RBS training course from an accredited training provider within three months of employment and every three years thereafter.

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

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

25682. (a) On or before January 1, 2020, the department shall establish a list, published on the department’s Internet Web site, of RBS training courses offered by accredited training providers that may be used to fulfill the requirements of Section 25681.

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

(A) The social impact of alcohol.

(B) The impact of alcohol on the body.

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

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

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

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

(2) An RBS training course may be offered through a trainer-led class and assessment or self-training and assessment.

(3) An RBS certificate or card shall be issued only upon successful completion of an RBS training course and assessment. A minimum score of 70 percent on the assessment shall be required to successfully complete the course.

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

(5) The department may, by regulation, establish additional training standards and curricula to be included in an RBS training course.

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

(d) The department may authorize an accreditation agency, in addition to ANSI, to accredit training providers to offer RBS training courses and may collect fees to cover the reasonable costs associated with the review and approval of that accreditation agency.

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

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

25684. (a) Beginning July 1, 2020, an authorized licensee, the agent or employee of that licensee, or an alcohol server who knowingly and intentionally violates any provision of this article shall be subject only to the civil and administrative penalties authorized by this division.

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

Approved _____, 2016

Governor