\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*\*\*\*\*\*\*\*\*

By Request of the Law and Justice Interim Committee

**Option #1**

A Bill for an Act entitled: "An Act requiring CERTIFICATION AND MANDATORY RESPONSIBLE ALCOHOL SALES AND SERVICE TRAINING FOR any person who sells, serves, or mixes alcoholic beverages FOR ANY LICENSED ESTABLISHMENT OR PERMITTED SPECIAL EVENT WHERE ALCOHOL IS SOLD OR SERVED, AND FOR any person who directly supervises such persons to include any manager or owner of A LICENSED establishment OR PERMITTED SPECIAL EVENT where alcohol is sold or served, TO BECOME CERTIFIED BY THE STATE and trained to comply with state liquor laws relating to 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; providing for feeS to cover administrative costs; AND PROVIDING AN EFFECTIVE DATE.”

WHEREAS, Montana ranks second in the nation for the number of alcohol-related traffic fatalities per 100,000 miles traveled; and

WHEREAS, Montana ranks fourth in the nation for alcohol use among youth; and

WHEREAS, persons associated with the sale and service of alcohol have a responsibility to ensure that they are appropriately trained to comply with Montana laws relating to prohibiting the sale or service of alcoholic beverages to underage or intoxicated persons; and

WHEREAS, responsible alcohol sales and service training programs have proven to be an effective means of reducing inappropriate sales and service of alcoholic beverages; and

WHEREAS, a voluntary training program cannot be as effective as a monitored and enforced mandatory program which would reach all persons associated with the sale and service of alcoholic beverages; and

WHEREAS, it is in the best interest of the state of Montana and its citizenry to have a certification and education program for persons associated with the sale and service of alcohol.

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

NEW SECTION.  Section 1.  Short title. [Sections 1 through 11] 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 11] to require certification and mandatory responsible alcohol sales and service training for all persons who sell, serve, or mix alcoholic beverages for any licensed establishment or permitted special event where alcohol is sold or served, and for any person who directly supervises such persons to include any manager or owner of any licensed establishment or permitted special event where alcohol is sold or served to become certified by the state and trained to comply with state liquor laws relating to prohibiting the sale or service of alcohol to underage or intoxicated persons.

NEW SECTION.  Section 3.  Licensee definition. As used in [sections 1 through 11], "licensee" means a person or entity licensed by the department to sell alcoholic beverages for either on-premises or off-premises consumption.

NEW SECTION.  Section 4.  Certification required.

(1) The department shall issue certification to an applicant whenever the department determines that the applicant has met the following qualifications and conditions:

(a) submits a simple department provided application form;

(b) provides proof of responsible alcohol sales and service training completed within the last 12 months;

(c) shall not have had their state certification revoked within the last 12 months; and

(d) pays a certification fee of $X to the department; and annually thereafter by December 31 pays a certification renewal fee of $X.

(2) Certification shall be issued for the year beginning January 1 and ending December 31. All certifications expire on December 31. Certification will automatically expire and lapse on December 31 if renewal fees have not been received by that date. After December 31, when an applicant’s certification has expired and lapsed, if an applicant desires to receive certification again, another department form and certification fee of $X shall be submitted.

NEW SECTION.  Section 5.  Responsible alcohol sales and service training program requirements.

1. Each applicant shall:
2. have completed a department approved training program

prior to employment in alcohol service related duties with any licensee and annually thereafter or have completed a department approved training program prior to participation in alcohol service related duties for any permitted special event;

(b) maintain proof of training records verifying completion of required training; and

(c) carry the state issued certification card when engaged in alcohol service related duties.

(2) Each licensee shall:

(a) not hire or employ any person who does not have a valid state issued certification card;

(b) ensure that all persons already employed obtain a state issued certification card by the effective date; and

(c) verify, annually, that each employee has maintained their certification with the state.

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

(2) The program shall consist of the following:

(a) a comprehensive training curriculum;

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

(c) a comprehensive tracking system of department trained persons.

(3) The department shall develop an approval process for privately provided training programs that meet the criteria in [section 7]

NEW SECTION.  Section 7.  Privately provided training program approval. (1) To be approved by the department, a privately provided training program must:

(a) submit a simple department provided application form;

(b) submit required documentation as set by the department;

(c) pay a curriculum approval fee of $X to the department and annually thereafter by December 31 pay a curriculum renewal approval fee of $X;

(d) use a curriculum reviewed and approved by the department;

(e) be conducted by qualified trainers according to standards set by the department;

(f) administer a test of participant comprehension of material covered in the training and issue proof of completion only upon a participant's successful completion of the test; and

(g) allow department access to observe training sessions, review training materials, and audit compliance with this section as needed.

NEW SECTION.  Section 8.  Penalty. Any person certified under this provision found to be in violation of any provision related to responsible alcohol sales and service training requirements or allowing the sale or service of alcohol to underage and intoxicated persons shall be subject to a monetary fine up to $X, certification suspension up to X days, and certification revocation.

NEW SECTION. **Section 9. Enterprise fund.** The department shall deposit all certification fees, renewal fees and fines collected into an account entitled “Alcohol Responsibility Program” in the liquor enterprise fund to the credit of the department to cover the department's cost in administering the program. The “Alcohol Responsibility Program” account shall be a revolving account and no funds deposited therein shall revert to the General Fund.

NEW SECTION. **Section 10. Effective date.** [This act] is effective January 1, 2012.

NEW SECTION.  Section 11.  Rulemaking. The department shall adopt rules to implement the provisions of [sections 1 through 11].

NEW SECTION.  Section 12.  {standard} Codification instruction. [Sections 1 through 11] 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 11].

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