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AMENDED IN SENATE JUNE 21, 2016

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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. *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 and would provide that alcohol servers are subject to specified criminal and civil penalties. ~~By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~ *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 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-no*.

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.

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

6
7 Article 4. Responsible Beverage Service (RBS) Training
8 Program Act of 2016
9

10 25680. For purposes of this article:

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

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

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

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

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

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

34 25681. (a) Notwithstanding any laws to the contrary, beginning
35 July 1, 2020, an alcohol server shall successfully complete an RBS
36 training course from an accredited training provider within three
37 months of employment and every three years thereafter.

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

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

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

14 25682. (a) On or before January 1, 2020, the department shall
15 establish a list, published on the department's Internet Web site,
16 of RBS training courses offered by accredited training providers
17 that may be used to fulfill the requirements of Section 25681.

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

- 21 (A) The social impact of alcohol.
- 22 (B) The impact of alcohol on the body.
- 23 (C) State laws and regulations relating to alcoholic beverage
24 control, including laws and regulations related to driving under
25 the influence.
- 26 (D) Intervention techniques to prevent the service or sale of
27 alcoholic beverages to underage persons or intoxicated patrons.
- 28 (E) The development of management policies that support the
29 prevention of service or sale of alcoholic beverages to underage
30 persons or intoxicated patrons.
- 31 (F) The course shall provide basic, introductory instruction on
32 the elements described in subparagraphs (A) to (E), inclusive.

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

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

39 (4) An RBS training course shall issue a certificate or card to
40 individuals who successfully complete a course. The certificate or

1 card shall be valid for three years from the original date of issuance,
2 regardless of whether the alcohol server changes employers during
3 that period.

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

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

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

18 25683. (a) Beginning January 1, 2019, the department shall
19 include information on the RBS training course requirement
20 pursuant to Section 25681, including information on documentation
21 requirements, on the application for an authorized license and with
22 the license renewal notices sent to authorized licensees.

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 that licensee, who knowingly and intentionally~~
28 ~~employs an alcohol server that has not completed an RBS training~~
29 ~~course shall only be subject to the civil and administrative penalties~~
30 ~~authorized by this division.~~

31 25684. (a) *Beginning July 1, 2020, an authorized licensee,*
32 *the agent or employee of that licensee, or an alcohol server who*
33 *knowingly and intentionally violates any provision of this article*
34 *shall be subject only to the civil and administrative penalties*
35 *authorized by this division.*

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

38 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
39 ~~Section 6 of Article XIII B of the California Constitution because~~
40 ~~the only costs that may be incurred by a local agency or school~~

1 ~~district will be incurred because this act creates a new crime or~~
2 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
3 ~~for a crime or infraction, within the meaning of Section 17556 of~~
4 ~~the Government Code, or changes the definition of a crime within~~
5 ~~the meaning of Section 6 of Article XIII B of the California~~
6 ~~Constitution.~~

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