

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY MAY 31, 2016

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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~~ *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 ~~a certified~~ *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 ~~certified~~ RBS training courses and would authorize the department to collect fees to cover the reasonable costs of ~~certification and recertification of RBS training courses~~; *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 ~~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~~ *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.

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:

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.*

~~(a)~~

(b) *“Alcohol server” means a person who sells or serves alcoholic beverages, beverages directly to consumers, or a person who manages or supervises a person who sells or serves alcoholic beverages, 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.*

~~(b)~~

(c) *“RBS training course” means a Responsible Beverage Service training course ~~certified by the department pursuant to that meets the requirements of subdivision (b) of Section 25682.~~*

~~(c)~~

(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~~, instructor and includes, but is not limited to, training and assessment through the use of a computer program or the Internet.*

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

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

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

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

19 25682. (a) On or before January 1, 2020, the department shall
20 establish a list, published on the department's Internet Web site,
21 of ~~certified~~ RBS training courses *offered by accredited training*
22 *providers* that may be used to fulfill the requirements of Section
23 25681.

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

27 (A) The social impact of alcohol.

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

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

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

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

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

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

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

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

10 (5) The department may, by regulation, establish additional
11 training standards and curricula to be included in ~~a certified~~ *an*
12 RBS training course.

13 ~~(e) The department shall establish minimum standards and~~
14 ~~promulgate regulations for the training and scope of practice by~~
15 ~~January 1, 2018, for a person who sells or serves alcoholic~~
16 ~~beverages.~~

17 ~~(d)~~

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

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

26 ~~(f) The department may collect fees as part of the certification~~
27 ~~or recertification process to cover the reasonable costs associated~~
28 ~~with the certification and recertification of RBS training courses.~~

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

34 25683. (a) Beginning January 1, 2019, the department shall
35 include information on the RBS training course requirement
36 pursuant to Section 25681, including information on documentation
37 requirements, on the application for an authorized license and with
38 the license renewal notices sent to authorized licensees.

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

4 (c) Beginning July 1, 2020, an authorized licensee, or agent or
5 employee of such *that* licensee, who ~~permits any alcoholic beverage~~
6 ~~to be consumed by any person on the premises without possessing~~
7 ~~a valid training certificate or card is guilty of a misdemeanor.~~
8 *knowingly and intentionally employs an alcohol server that has*
9 *not completed an RBS training course shall only be subject to the*
10 *civil and administrative penalties authorized by this division.*

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.