

Responsible Beverage Server Training

Why require responsible beverage server training?

- Recent surveys of alcohol businesses throughout Minnesota and Wisconsin found that youth can easily purchase alcohol without showing any age identification.
- Alcohol servers and sellers who receive training may be less likely to sell alcohol to underage individuals.
- Responsible beverage service training informs alcohol servers and sellers of the consequences of illegally selling alcohol to an underage person. The training also stresses the importance of checking the age identification of anyone who appears to be under age 30 and how to detect fake age identification.
- Server training is most likely to be effective if owners or managers of alcohol businesses also receive training on how to develop policies that are effective in reducing youth access to alcohol and how to provide support to their employees in refusing to sell or serve alcohol to underage individuals.

SUMMARY: RESPONSIBLE BEVERAGE SERVER TRAINING

There are two optional ordinances:

1. Mandatory responsible beverage service training.

The proposed ordinance requires everyone involved in the selling and serving of alcoholic beverages to participate in a city-approved training program related to preventing alcohol sales to underage individuals.

This ordinance is based on Rochester, MN ordinance §810.60(12). See also Oregon Statute §471.542.

1. Incentive based responsible beverage server training.

This second proposed ordinance allows a seven (7) percent reduction in liquor license fees to those licensees who require their employees to undergo a city-approved server training course. The licensee must also agree to maintain certain documents on-site, post signage related to underage drinking, and allow a city-approved security agency to make periodic investigations of their licensed business, including unannounced, random attempts to buy alcohol by underage persons.

This ordinance is based on St. Paul, MN Ordinance §310.19.

Proposed Ordinance

SERVER TRAINING

Section 1. Licensees.

1. All persons licensed under [insert citation to non-temporary liquor license ordinances] shall attend all mandatory liquor license training seminars required by the city. If the license is in the name of an entity other than an individual person, a person or persons must be designated to attend the seminar on behalf of the licensee. This designee must have the authority to set, implement or change the licensee's practices for selling and serving alcohol.
2. All persons applying for a temporary liquor license under [insert citation to temporary liquor license ordinance] and all persons to be employed by them in selling, serving or managing the selling or serving of alcohol shall have completed a city-approved server education class or liquor license training seminar within two (2) years prior to the issuance of the temporary liquor license.
3. All persons licensed under [insert citation to non-temporary liquor license ordinances] who are engaged in the selling or serving of alcoholic beverages or the managing thereof, shall complete a city-approved server education class: (1) Within ninety (90) days of beginning such activities, and (2) Every other year thereafter unless probationary extension is granted for hardship reasons.
4. All persons licensed under [insert non-temporary liquor license ordinances] shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing thereof to complete a city-approved server education class:
 1. Within ninety (90) days of beginning employment, and
 2. Every other year thereafter unless probationary extension is granted for hardship reasons.

OR

5. All persons licensed under [insert citation to non-temporary liquor license ordinances] shall require all their employees who are engaged in the selling, serving, delivering, or managing the selling or serving of alcohol to obtain a license under the [insert citation to server license ordinance].

Section 2. Penalties.

The penalties for violation of this section shall be as follows:

6. For the first violation, a fine not exceeding fifty dollars (\$50).
7. For subsequent violations, a fine not exceeding seven hundred (\$700) dollars and suspension of the licensee's liquor license for thirty (30) days. This ordinance shall take effect within ___ days.

Proposed Ordinance

DISCOUNT FROM LIQUOR LICENSE FEES FOR RESPONSIBLE BEVERAGE SERVER TRAINING

Section 1. Terms of Discount.

A discount will be provided for on-sale liquor licenses and shall reduce such fees stated in [*insert citation of liquor license fees ordinance*] by seven (7) percent, contingent upon each of the following conditions:

8. **Driver's License Guide; Compilation of Laws** . The licensee shall maintain on the premises, in a location accessible at all times to all employees of the licensed establishment
 1. A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five (5) years prior to the present date; and
 2. A current compilation of the laws relating to the sale and possession of alcoholic beverages in the State of Minnesota as outlined in Chapter 7515 of the State of Minnesota Rules and Chapter 340A of the Minnesota Statutes. This compilation must also include [*insert citation of all ordinances regulating liquor licenses in city*].
 3. **Signage** . The licensee shall maintain on the premises, in all customer areas, current signage relating to underage consumption of alcoholic beverages, and relating to driving under the influence of alcohol. One (1) sign must be located behind the bar, and one (1) sign must be present in each additional room or section within the lounge area in which the writing on the sign behind the bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (1/2) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet.
 4. **Contract with seller/server training agency** .
 5. **Generally**. The licensee shall participate in a training program with an approved seller/server training agency (hereafter "training agency" which is selected and contracts with the City for the purpose of providing investigations and training to the licensee pursuant to this subsection. The city contract shall provide (i) that the security agency shall not be reimbursed by the city, but that it shall recover its costs and profit by fees collected from the licensees which choose to receive the training program and investigative services, and (ii) that the training agencies shall charge the same amount as all licensees who choose to receive such services, so that all such licensees are treated equally and without discrimination.
 6. **Training** . The contract shall provide responsible beverage service training by the training agency of all officers, employees or agents of the licensee who work in the licensed premises at least once during the calendar year. All newly hired employees or new officers or agents hired during the calendar year shall receive such training within four (4) weeks following their hiring, and shall not work in the premises after that four-week period until they have received such training.

7. **Standards for approval** . In addition to the requirements specified elsewhere in this subsection, the training agency must meet or exceed the following:

1. The responsible beverage service training shall include, but need not be limited to:
 2. Pertinent laws and ordinances regarding the sale of alcohol;
 3. Verification of age, forms of identification, and forms of false or misleading age identification;
 4. The effect of alcohol on humans and the physiology of alcohol intoxication;
 5. Recognition of the signs of intoxication;
 6. Strategies for intervention to prevent intoxicated persons from consuming further alcohol;
 7. The licensee's policies and guidelines, and the employee's role in observing these policies;
 8. Liability of the person serving alcohol;
 9. Effect of alcohol on pregnant women and their fetuses, and in other vulnerable situations

1. The training agency shall have a minimum of two (2) years actual experience in alcohol awareness training. The courses may be given by one (1) or more instructors, but each instructor must have a formal education and/or training in each area they teach. The courses may be supplemented by audio-visual instruction.
2. The training agency shall have sufficient personnel and physical resources to provide a responsible beverage service training course to newly hired employees within four (4) weeks after their hiring by the licensee with whom there is a contract.

1. **Investigation** . The contract with the city shall provide for and require one (1) or more investigations by the training agency each calendar year into the practices of the licensee with respect to:
 1. age identification of customers in order to prevent sales of alcoholic beverages to minors, and
 2. preventing the sale of alcoholic beverages to persons who are obviously intoxicated.

The contract shall require that the security agency disclose the results of all such investigations to both the licensee and, at no cost to the city, within ten (10) days after such investigations are concluded. Failure to do so will be grounds for adverse action against the licensee's licenses. The contract shall require that all such investigations shall include unannounced and random attempts by minors to purchase alcoholic beverages in the licensed premises, and surveillance within the licensed premises. The security agency shall employ reasonable measures to minimize or eliminate conflicts of interest in providing and reporting on investigations of licensees.