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Assembly Bill No. 1221

CHAPTER 847

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.

[Approved by Governor October 15, 2017. Filed with Secretary of State
October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1221, Gonzalez Fletcher. Alcoholic beverage control: Responsible Beverage Service Training Program Act of 2017.

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, in addition to the LEAD program, would establish the Responsible Beverage Service (RBS) Training Program Act of 2017, and would require the department, on or before January 1, 2020, to develop, implement, and administer a curriculum for an RBS training program, as specified. The bill would, beginning July 1, 2021, require an alcohol server, as defined, to successfully complete an RBS training course offered or authorized by the department. The bill would authorize the department to charge a fee, not to exceed \$15, for any RBS training course provided by the department and require the fee to be deposited in the Alcohol Beverage Control Fund. 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 to authorize one or more accreditation agencies to accredit training providers to offer RBS training courses that meet curriculum requirements established by the department and authorize the department to approve training providers that are not accredited, as provided. The bill would authorize the department to collect fees to cover its reasonable costs for the review, approval, and renewal of approval of accreditation agencies and nonaccredited training providers. The bill would require licensees to maintain, and provide upon request by the department, all records necessary to establish compliance with these provisions. The bill would provide that a violation of these provisions shall not be grounds for any criminal action, pursuant to the Alcoholic Beverage Control Act, against a licensee or an employee of a licensee.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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 2017.

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 2017

25680. For purposes of this article:

(a) "Alcohol server" means a person who serves alcoholic beverages for consumption, or a person who manages or supervises that person, on premises licensed to serve alcoholic beverages pursuant to this division, including a designee for alcoholic beverage sales and service pursuant to temporary license.

(b) "Alcohol server certification" means a certification issued by a training provider to a person who has successfully completed an RBS training course, as demonstrated by the passage of an exam.

(c) "RBS training course" means a course administered by a training provider that is designed to instruct and educate alcohol servers on responsible practices regarding the sale and service of alcoholic beverages that includes, but is not limited to, instruction on the following subjects:

- (1) The social impact of alcohol.
- (2) The impact of alcohol on the body.
- (3) State laws and regulations relating to alcoholic beverage control, including laws and regulations related to driving under the influence.
- (4) Intervention techniques to prevent the service or sale of alcoholic beverages to underage persons or intoxicated patrons.
- (5) The development of management policies that support the prevention of service or sale of alcoholic beverages to underage persons or intoxicated patrons.

(d) "RBS training program" means a statewide Responsible Beverage Service training program administered or authorized by the department that provides RBS training courses to licensees and their agents and employees.

(e) "Training provider" means any of the following:

- (1) A training provider accredited by an accreditation agency, provided that the accreditation agency is authorized by the department to accredit training providers offering RBS training courses.
- (2) A training provider approved by the department, pursuant to rules promulgated by the department pursuant to subdivision (b) of Section 25681.
- (3) The department when offering RBS training courses.

25681. (a) On or before January 1, 2020, the department shall develop, implement, and administer a curriculum for an RBS training program that will make RBS training courses available, both in person and online, to all persons required to obtain an alcohol server certification pursuant to this article. RBS training courses shall, at a minimum, be offered in English and Spanish.

- (1) The department may be a provider of RBS training courses.
- (2) The department shall authorize one or more accreditation agencies to accredit training providers to offer RBS training courses that meet the curriculum requirements established by the department. The department may collect fees to cover its reasonable costs for the review, approval, and renewal of the approval of accreditation agencies.
- (3) An accredited training provider shall register with the department once accredited.

(b) (1) The department may approve training providers that are not accredited by an accreditation agency authorized by the department. On or before January 1, 2020, the department shall promulgate regulations setting forth the requirements for approval for training providers that are not accredited. At a minimum, training providers that are not accredited shall:

- (A) Possess background and expertise in the fields of alcohol, training, hospitality, and psychology.
- (B) Keep records of all certifications issued and, upon request, make these available to the department or other law enforcement agencies.

(C) Provide technical support to servers and customers.

(D) Maintain strict data security protocols.

(E) Comply with any other requirements established by the department.

(2) The department may collect fees to cover its reasonable costs for the review, approval, and renewal of the approval of training providers that are not accredited by an accreditation agency.

(c) A training provider shall register with the department once accredited by an authorized accreditation agency or approved by the department.

(d) A training provider shall issue alcohol server certifications to persons who have successfully completed an RBS training course and passed an exam.

(e) An alcohol server certification shall be valid for a period of three years from the date of issuance and shall be valid for any person employed by a licensee that is subject to this article.

25682. (a) Beginning July 1, 2021, a licensee that is subject to this article shall not employ or continue to employ any alcohol server without a valid alcohol server certification.

(1) An alcohol server who was employed by the licensee prior to July 1, 2021, shall obtain an alcohol server certification by August 31, 2021.

(2) An alcohol server employed by the licensee on or after July 1, 2021, shall obtain an alcohol server certification within 60 calendar days of employment.

(b) (1) A licensee subject that is to this article shall ensure that each alcohol server it employs has a valid alcohol server certification. The licensee shall maintain records of certifications for inspection, upon request, by the department.

(2) Except for a violation of subdivision (c), it shall be a defense against any action for a violation of this article that the alcohol server was within 60 calendar days of initial employment or, with regard to employees employed prior to July 1, 2021, between July 1, 2021, and August 31, 2021, inclusive.

(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 persons shall remain on site for the duration of the event.

25683. A person shall not perform duties that include the sale or service of alcoholic beverages for consumption on licensed premises, and shall not manage that person, without a valid alcohol server certification.

25684. The failure of a licensee to comply with this article shall be grounds for disciplinary action. A violation of this article shall not be grounds for any criminal action, pursuant to this division, against a licensee or an agent or employee of a licensee.

25685. (a) The department may charge a fee, not to exceed fifteen dollars (\$15) per person, for any RBS training course provided by the department. Any moneys collected under this article shall be deposited in the Alcohol Beverage Control Fund.

(b) The department may adopt rules that it determines necessary for the administration of the provisions of this article.

25686. Nothing in this section shall be construed to expand the existing duties of a licensee in connection with the sale and service of alcoholic beverages. An alcohol server shall continue to be subject to subdivisions (b) and (c) of Section 25602.