January 24, 2013

HOUSE BILL No. 1262

DIGEST OF HB 1262 (Updated January 23, 2013 10:50 am - DI 14)

Citations Affected: IC 7.1-3.

Synopsis: Alcohol server online and self-study training. Allows the alcohol and tobacco commission (ATC) to approve an alcohol server program established by a third party that provides both online and self-study courses and establishes requirements for both courses. Allows an individual to take an alcohol server self-study course only if, under circumstances determined by the ATC, the individual is unable to take any other approved server training. Requires a person taking a test in a self-study course to appear at a test site in person and provide verification of the person's identity. Requires a program provider to provide to the ATC: (1) a monthly report regarding participants that have taken alcohol server courses and received server certificates; and (2) a self-generated program audit to the ATC every January 2. Allows the ATC to perform onsite audits of the program provider or require onsite audits.

Effective: July 1, 2013.

Davis

January 14, 2013, read first time and referred to Committee on Public Policy.
January 23, 2013, reported — Do Pass.

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January 24, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1262

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 7.1-3-1.5-6, AS AMENDED BY P.L.94-2008, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The commission shall:

(1) establish a server program; ~~and~~

(2) approve a server program established by a third party that meets the requirements of this chapter; **and**

(3) approve a server program established by a third party that meets the requirements of this chapter and IC 7.1-3-1.6;

that is designed to educate alcohol servers on the selling, serving, and consumption of alcoholic beverages.

(b) A server program established or approved under subsection (a) must include the following:

(1) Training **provided** by:

(A) an instructor who ~~(A)~~ has knowledge in the subject areas described in this section and ~~(B)~~ is a certified trainer under this chapter; **or**

(B) an online or self-study course under IC 7.1-3-1.6.

(2) Information on specific subject areas as required by the commission.

(3) A minimum of at least two (2) hours of training to complete the program.

(4) Information on:

(A) state laws and rules regarding the sale and service of alcoholic beverages;

(B) the classification of alcohol as a depressant and the effect of alcohol on the human body, particularly on the ability to drive a motor vehicle;

(C) the effects of alcohol:

(i) when taken with commonly used prescription and nonprescription drugs; and

(ii) on human behavior;

(D) methods of:

(i) identifying and refusing to serve or sell alcoholic beverages to an underage or intoxicated person; and

(ii) handling situations involving an underage or intoxicated person;

(E) methods for properly and effectively:

(i) checking the identification of an individual;

(ii) identifying an illegal identification of an individual; and

(iii) handling situations involving individuals who have provided illegal identification;

(F) security and law enforcement issues regarding the sale and service of alcoholic beverages; and

(G) recognizing certain behavior to assess the amount of alcohol an individual:

(i) has consumed; and

(ii) may safely consume.

(5) One (1) or both of the following:

(A) A written test.

(B) An oral test.

SECTION 2. IC 7.1-3-1.5-12, AS AMENDED BY P.L.94-2008, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. **(a) In the case of a program approved under IC 7.1-3-1.6, this section applies only to an individual providing the assistance described in IC 7.1-3-1.6-7(6).**

(b) A person who trains alcohol servers without a trainer certificate under this chapter commits a Class B infraction.

SECTION 3. IC 7.1-3-1.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2013]:

Chapter 1.6. Online and Self-Study Server Courses

Sec. 1. The definitions in IC 7.1-3-1.5 apply to this chapter.

Sec. 2. As used in this chapter, "online course" means a course of instruction:

(1) designed to educate an alcohol server in the selling, serving, and consumption of alcoholic beverages; and

(2) that is provided by computer or connection to the Internet.

Sec. 3. As used in this chapter, "participant" means a person who participates in an alcohol server program.

Sec. 4. As used in this chapter, "self-study course" means a course of instruction:

(1) designed to educate an alcohol server in the selling, serving, and consumption of alcoholic beverages; and

(2) that is provided through printed materials.

The term does not include an online course.

Sec. 5. A server program under this chapter must include:

(1) an online course; and

(2) a self-study course;

approved by the commission.

Sec. 6. A server program under this chapter must meet the following requirements:

(1) Be a nationally recognized program.

(2) Require verification of a participant's identity. In the case of an online course, verification may be through the use of a username and password, or by any other equally effective means.

(3) Provide a test consisting of at least forty (40) questions.

(4) Require a grade of at least seventy-five percent (75%) on the test to pass the course and receive a server certificate.

(5) Require completion of the course before a test may be taken.

(6) Provide participants with access to an individual with a trainer certificate to answer questions about the course content.

(7) Randomly generate combinations of test questions on a regularly scheduled basis.

(8) Use scenario-based training to enhance decision making.

(9) Comply with the requirements of IC 7.1-3-1.5-6(b).

(10) Comply with any other requirements of the commission.

Sec. 7. An online course must meet the following requirements:

(1) Provide a process for participants to securely log in to the

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course.

(2) Automatically log out participants after twenty (20) minutes of inactivity and allow participants to resume the course at the same point where they stopped.

(3) Provide intuitive:

(A) user navigation through the course; and

(B) user interface with the course.

(4) Use linear navigation that requires the completion of a module before the course proceeds to the next module.

(5) Use an interactive course design.

(6) Provide participants with adequate access to a help desk to resolve technical issues without delaying the flow of instruction.

(7) Provide that the course web site may not allow advertisements to appear on the course web site while the participant is receiving instruction, and provide that advertisements that appear on the web site when the participant is not receiving instruction follow generally accepted marketing practices.

Sec. 8. (a) Unless an individual satisfies the eligibility requirements established by the commission under subsection (b) for participation in a self-study course, an individual may receive a server certificate only by successfully completing:

(1) a program established or approved by the commission under IC 7.1-3-1.5-6(a)(1) or IC 7.1-3-1.5-6(a)(2); or

(2) an online course under this chapter.

(b) The commission shall adopt eligibility requirements and an approval process for an individual to participate in a self-study course. In determining eligibility, the commission may consider:

(1) an individual's limited access to a computer;

(2) any physical disabilities affecting an individual's ability to participate in an online course; and

(3) any other relevant circumstances considered by the commission.

(c) The commission shall establish standards for printed self-study course materials, including the following:

(1) Use of good quality full color photographs and limited illustrations to depict job tasks from the participant's point of view.

(2) Use of visual clues to focus participants on critical concepts.

(3) Use of activities that provide participants with an

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opportunity to practice concepts.

(4) Course materials of durable material and binding.

(d) The text of the self study course materials and tests must be written in clear and understandable language.

Sec. 9. A self-study course may not provide a test that is self-administered by the participant. A self-study course test must meet the following requirements:

(1) The participant must appear in person at a location to take the test.

(2) The participant's identity must be sufficiently verified.

(3) Any other requirements established by the commission.

Sec. 10. A provider of a server program under this chapter shall submit a report every month to the commission or upon the commission's request. The report must provide the following information regarding each participant in the program during the previous month:

(1) The participant's full name.

(2) The participant's date of birth.

(3) The certificate number or system generated number providing a unique identification of the participant.

(4) Whether the course taken by the participant was an online course or self-study course.

(5) The following information regarding the test taken by the participant:

(A) The date of the test.

(B) The location of the test site if the test was administered as part of a self-study course.

(C) The participant's score, reported as a percentage.

(D) Whether the participant passed or failed the exam.

Sec. 11. (a) The program provider shall provide the commission with a self-generated program audit on January 2 of each year.

(b) The self-generated program audit must include the following information for the previous calendar year:

(1) An overview of the program provider, including how long the program provider has been in existence and offered alcohol server programs for certification in Indiana.

(2) The following:

(A) A copy of the job task analysis for the job of alcohol server.

(B) The knowledge, skills, and abilities that are defined for the job of alcohol server.

(3) Information regarding the job task analysis under

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subdivision (2), including the following:

(A) An overview of the process used to conduct the job task analysis, including:

(i) timelines;

(ii) data collection formats; and

(iii) procedures.

(B) Credentials and demographic information of all individuals involved in the job task analysis.

(4) An overview of the process of creating the course tests.

(5) A description of the rotation of test questions.

(6) An enumeration of each of the following:

(A) The number of each type of course taken by participants for certification in Indiana.

(B) The number of tests taken for certification in Indiana.

(C) The number of tests under clause (B) that had a passing grade or a failing grade.

(7) The program pass rate for certification in Indiana.

(8) The number of Indiana server certificates issued.

Sec. 12. The program provider must be willing to accept onsite audits by the commission and perform onsite audits as the commission considers necessary. An onsite audit may review the following:

(1) The self-generated program audit described in section 11 of this chapter.

(2) The number of Indiana server certificates that have been issued by the program provider.

(3) The measures taken by the program provider for the protection of test questions.

(4) The procedures of the program provider for scoring tests.

(5) The size of the item bank from which the test questions are taken.

(6) The methodology used to translate the course and test into multiple languages and the qualifications of the individuals performing the translation.

(7) The integrity of the course data generated and stored by the program provider.

(8) The program provider's data handling, reporting, and archiving capacities, policies, and procedures.

(9) The availability and credentials of individuals providing qualified assistance to participants who have questions regarding course content and instructional materials.

(10) The program provider's policies and procedures for

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addressing participants' questions.

(11) The program provider's procedures to ensure that participants are not discriminated against due to age, sex, race, religion, ethnic origin, disability, or marital status.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1262, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DAVIS, Chair

Committee Vote: yeas 13, nays 0.

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