

IC 7.1-3-1.5

Chapter 1.5. Certification of Alcohol Server Training Programs

IC 7.1-3-1.5-1

"Alcohol server"

Sec. 1. As used in this chapter, "alcohol server" means the following:

(1) A person who works on the licensed premises of a retailer permittee as a:

- (A) manager;
- (B) bartender; or
- (C) waiter or a waitress.

(2) A person who works on the licensed premises of a dealer permittee as a:

- (A) manager; or
- (B) sales clerk.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-1.2

"Applicant"

Sec. 1.2. As used in this chapter, "applicant" means a person who applies for a trainer certificate under this chapter to train:

- (1) alcohol servers; and
- (2) individuals who plan to become certified trainers;

on the selling, serving, and consumption of alcoholic beverages.

As added by P.L.165-2006, SEC.5.

IC 7.1-3-1.5-1.3

"Certified trainer"

Sec. 1.3. As used in this chapter, "certified trainer" means a person who is issued a trainer certificate under section 4.6 of this chapter.

As added by P.L.165-2006, SEC.6.

IC 7.1-3-1.5-2

"Dealer permittee"

Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a liquor dealer permit under IC 7.1-3-10 for a package liquor store.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-3

"Program"

Sec. 3. As used in this chapter, "program" refers to a program designed to educate an alcohol server on the:

- (1) selling;
- (2) serving; and
- (3) consumption;

of alcoholic beverages.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-4

"Retailer permittee"

Sec. 4. As used in this chapter, "retailer permittee" means a person who holds a:

- (1) beer retailer's permit under IC 7.1-3-4;
- (2) liquor retailer's permit under IC 7.1-3-9; or
- (3) wine retailer's permit under IC 7.1-3-14.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-4.2

"Server certificate"

Sec. 4.2. As used in this chapter, "server certificate" means a certificate issued by the commission under this chapter to an individual who completes a program established or approved under section 6 of this chapter.

As added by P.L.165-2006, SEC.7.

IC 7.1-3-1.5-4.3

"Server program"

Sec. 4.3. As used in this chapter, "server program" refers to a program designed to educate an alcohol server on the:

- (1) selling;
- (2) serving; and
- (3) consumption;

of alcoholic beverages.

As added by P.L.94-2008, SEC.14.

IC 7.1-3-1.5-4.4

"Trainer certificate"

Sec. 4.4. As used in this chapter, "trainer certificate" means a certificate issued by the commission under this chapter to an applicant who meets the requirements under section 4.6 of this chapter.

As added by P.L.165-2006, SEC.8.

IC 7.1-3-1.5-4.5

"Trainer program"

Sec. 4.5. As used in this chapter, "trainer program" refers to a program designed to educate an individual on the training of alcohol servers on the:

- (1) selling;
- (2) serving; and
- (3) consumption;

of alcoholic beverages.

As added by P.L.94-2008, SEC.15.

IC 7.1-3-1.5-4.6

Trainer certificate; requirements

Sec. 4.6. The commission shall issue a trainer certificate to an applicant who:

- (1) files the application and pays the fees established by the commission under section 5 of this chapter;
- (2) completes a program established or approved under section 5.5 of this chapter; and
- (3) meets the requirements under this chapter and rules adopted by the commission.

As added by P.L.165-2006, SEC.9. Amended by P.L.94-2008, SEC.16.

IC 7.1-3-1.5-4.8

Certified trainer; authorized activities

Sec. 4.8. A certified trainer may train alcohol servers on the selling, serving, and consumption of alcoholic beverages.

As added by P.L.165-2006, SEC.10. Amended by P.L.94-2008, SEC.17.

IC 7.1-3-1.5-5

Rules

Sec. 5. The commission shall adopt rules under IC 4-22-2 to establish:

- (1) an application form;
- (2) standards; and
- (3) fees;

for certification under this chapter.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.11.

IC 7.1-3-1.5-5.5

Trainer program; approval

Sec. 5.5. (a) Subject to subsection (b), the commission may approve a trainer program by a third party that is designed to educate individuals on the training of alcohol servers on the selling, serving, and consumption of alcoholic beverages.

(b) The commission may not approve a trainer program by a third party that holds or has an interest in any of the following permits:

- (1) A primary source of supply permit.
- (2) A beer, wine, or liquor wholesaler's permit.
- (3) A beer, wine, or liquor retailer's permit.
- (4) A beer, wine, or liquor dealer's permit.

(c) In approving a trainer program under this section, the commission may consider the following factors:

- (1) The needs of applicants.
- (2) The geographical distribution of the third parties' locations in Indiana.
- (3) The adequacy of the facilities where the trainer program will be conducted.

As added by P.L.94-2008, SEC.18.

IC 7.1-3-1.5-6

Server program requirements

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;

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 by an instructor who:
 - (A) has knowledge in the subject areas described in this section; and
 - (B) is a certified trainer under this chapter.
- (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.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.12; P.L.94-2008, SEC.19.

IC 7.1-3-1.5-7

Repealed

(Repealed by P.L.165-2006, SEC.40.)

IC 7.1-3-1.5-8

Trainer certificate expiration and renewal

Sec. 8. (a) A trainer certificate issued under this chapter expires three (3) years after the date the trainer certificate was issued.

(b) The commission shall notify a:

(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and

(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;

of the renewal requirements for a trainer certificate under this chapter.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.13.

IC 7.1-3-1.5-9

Trainer certificate renewal requirements

Sec. 9. To renew a trainer certificate under this chapter, the certified trainer must:

(1) file the renewal application established and provided by the commission;

(2) pay a renewal fee of forty-five dollars (\$45); and

(3) complete a refresher course established or approved by the commission;

not later than the expiration date of the trainer certificate.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.14.

IC 7.1-3-1.5-10

Suspension; revocation; fines

Sec. 10. (a) The commission may:

(1) refuse to issue, renew, or restore a certificate issued under this chapter; or

(2) suspend or revoke a certificate issued under this chapter;

if the board determines that the applicant or certificate holder has not complied with this chapter.

(b) The commission may fine a certificate holder for the violation of a:

(1) provision of this chapter; or

(2) rule adopted by the commission under this chapter.

The commission may fine a certificate holder for each day the violation continues if the violation is of a continuing nature.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-11

Injunction

Sec. 11. (a) If a person violates this chapter, the attorney general, the commission, or the prosecuting attorney of the county in which

the person violates this chapter may maintain an action in the name of the state to enjoin the person from continuing in violation of this chapter.

(b) A person who is enjoined and who violates the injunction shall be punished for contempt of court.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-12

Violation; Class B infraction

Sec. 12. A person who trains alcohol servers without a trainer certificate under this chapter commits a Class B infraction.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.15; P.L.94-2008, SEC.20.

IC 7.1-3-1.5-13

Retailer or dealer permittee; management representative; duties and responsibilities

Sec. 13. (a) Subsections (b) through (e) do not apply during the period beginning July 1, 2010, and ending May 1, 2011. This subsection expires May 1, 2011.

(b) A retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

(1) ensure that each alcohol server completes a server program or a trainer program established or approved under section 5.5 or 6 of this chapter not later than one hundred twenty (120) days after the date the alcohol server begins employment at the establishment;

(2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the server program subject areas described in section 6 of this chapter or subject areas of a trainer program every three (3) years after the date the alcohol server completes a server program or a trainer program; and

(3) maintain training verification records of each alcohol server.

(c) A retailer permittee, a dealer permittee, or a management representative of a retailer or dealer permittee must complete a server program or a trainer program established or approved under section 5.5 or 6 of this chapter:

(1) not later than one hundred twenty (120) days after the date:

(A) the dealer permittee is issued a permit described in section 2 of this chapter; or

(B) the retailer permittee is issued a permit described in section 4 of this chapter; and

(2) every five (5) years after the date the retailer permittee, dealer permittee, or management representative of the retailer or dealer permittee completes a server program or a trainer program.

(d) The commission shall notify a:

(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and

(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;
of the requirements under subsections (b) and (c).

(e) The commission may suspend or revoke a retailer permittee's or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.16; P.L.94-2008, SEC.21; P.L.10-2010, SEC.5.

IC 7.1-3-1.5-14

Server certificate

Sec. 14. A server program established or approved under section 6 of this chapter must provide a server certificate to an individual who successfully completes the server program.

As added by P.L.165-2006, SEC.17. Amended by P.L.94-2008, SEC.22.

IC 7.1-3-1.5-14.5

Trainer certificate

Sec. 14.5. A trainer program established or approved under section 5.5 of this chapter must provide a trainer certificate to an individual who successfully completes the program.

As added by P.L.94-2008, SEC.23.

IC 7.1-3-1.5-15

Observation of server program

Sec. 15. The commission may attend and observe training by a certified trainer under a server program established or approved under section 6 of this chapter at any time.

As added by P.L.165-2006, SEC.18. Amended by P.L.94-2008, SEC.24.

IC 7.1-3-1.5-15.5

Observation of trainer program

Sec. 15.5. The commission may attend and observe training under a trainer program established or approved under section 5.5 of this chapter at any time.

As added by P.L.94-2008, SEC.25.

IC 7.1-3-1.5-16

Rules

Sec. 16. The commission shall adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.165-2006, SEC.19.