HOUSE BILL No. 1580

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-1.5.

Synopsis: Alcohol server training program. Provides that the Indiana alcoholic beverage commission shall establish an alcohol server training program. Specifies the subject areas to be covered by the employee training courses. Allows the commission to suspend or revoke an employee's permit or impose a fine for noncompliance with the program. Allows the commission to suspend or revoke a retail permittee's permit or impose a fine for noncompliance with the program. Requires the Indiana alcoholic beverage commission to consider a retail permittee's certification in the program in the mitigation of administrative penalties or fines for an employee's illegal sale or service of an alcoholic beverage to an underage or intoxicated person.

Effective: July 1, 2001.

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January 17, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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HOUSE BILL No. 1580

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

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

SECTION 1. IC 7.1-3-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 1.5. Alcohol Server Training

Sec. 1. As used in this chapter, "employee" means:

(1) a bartender; or

(2) a waiter or waitress;

issued a permit under IC 7.1-3-18-9.

Sec. 2. As used in this chapter, "program" refers to the alcohol server training program established under section 4 of this chapter.

Sec. 3. As used in this chapter, "retail permittee" means a person who has been issued a liquor retailer's permit under IC 7.1-3-9.

Sec. 4. (a) The commission shall establish an alcohol server training program designed to educate retail permittee's employees about selling, serving, and consuming alcoholic beverages in a

responsible manner.

(b) The program must provide the following:

(1) Enrollment and certification of the retail permittee whose employees participate in the program.

(2) Employee training courses taught by an enforcement officer training unit.

(c) The commission shall develop a handbook and distribute copies of the handbook to the retail permittee's employees. The commission may also develop and distribute amendments to the handbook.

Sec. 5. The employee training courses must include the following subject areas:

(1) Methods of identifying and dealing with underage or intoxicated persons, including strategies for delaying and denying sales and service to underage or intoxicated individuals.

(2) Classification of alcohol as a depressant and its effect on the human body, particularly on the ability to drive a motor vehicle.

(3) Effects of alcohol when taken with commonly used prescription and nonprescription drugs.

(4) State laws and regulations regarding the sale and service of alcoholic beverages for consumption on licensed premises.

(5) Local ordinances and regulations that affect the sale and service of alcoholic beverages for consumption on licensed premises.

Sec. 6. (a) A retail permittee must comply with the following:

(1) Except as provided in subsection (b), require that each employee successfully complete an employee training course not later than forty-five (45) days after beginning employment.

(2) Require that each employee attend, at least once every two (2) years, a refresher course that is scheduled by an enforcement officer training unit and includes the dissemination of new information concerning the program subject areas described in section 5 of this chapter.

(3) Maintain training verification records of each of the retail permittee's employees.

(b) The commission may extend the deadline under subsection (a)(1) for completing an employee training course to not more than sixty (60) days if the employee is unable to complete the program in the first forty-five (45) days of the employee's employment

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through no fault of the employee.

Sec. 7. (a) The commission may suspend or revoke an employee's permit or impose a fine on an employee for failing to comply with this chapter in accordance with IC 7.1-3-23.

(b) The commission may suspend or revoke a retail permittee's permit or fine a retail permittee for noncompliance with this chapter in accordance with IC 7.1-3-23.

Sec. 8. The commission may not suspend or revoke the alcoholic beverage permit of a retail permittee for the illegal sale or service of an alcoholic beverage by an employee to an underage or intoxicated person if:

(1) the employee who made the illegal sale or service of an alcoholic beverage to an underage or intoxicated person had previously completed the required training under this chapter;

(2) the illegal sale or service of an alcoholic beverage to an underage or intoxicated person is the first such incident within a twelve (12) month period; and

(3) the retail permittee:

(A) did not have knowledge of;

(B) was not in a position to have known about;

(C) did not participate in; and

(D) did not commit;

the illegal sale or service of an alcoholic beverage to an underage or intoxicated person.

Sec. 9. The commission shall consider the fact that a retail permittee is certified under this chapter in the mitigation of administrative penalties or fines for an employee's illegal sale or service of an alcoholic beverage to an underage or intoxicated person.

Sec. 10. The commission shall adopt rules under IC 4-22-2 to carry out this chapter.

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