

HOUSE BILL REPORT

HB 1446

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to alcohol servers on-premises with class B and H licenses.

Brief Description: Requiring alcohol servers to have alcohol servers permits.

Sponsors: Representatives Lisk, Romero, Fuhrman, Horn and Quall.

Brief History:

Committee Activity:

Commerce & Labor: 2/13/95, 2/20/95 [DPS].

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lisk, Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Goldsmith and Horn.

Minority Report: Do not pass. Signed by 2 members: Representatives Hargrove, Vice Chairman; and Fuhrman.

Staff: Pam Madson (786-7166).

Background: Individuals who sell or serve alcoholic beverages at licensed on-premises retail establishments are not required to be licensed. There are no requirements for these individuals to participate in any formal training that covers such topics as the physiological effects of alcohol, liability and legal information, driving while intoxicated, or dealing with a problem customer. The Liquor Control Board offers limited training for alcohol servers on a voluntary basis to those licensees who request training.

Summary of Substitute Bill:

Alcohol Server Permits

An alcohol server permit system is established. Class 12 permits are issued to managers or bartenders selling or mixing alcohol for consumption on the premises at

a licensed facility. A Class 13 permit is issued to a person who serves alcohol for consumption on the premises at a licensed facility.

All retail licensees, with one exception, who sell and serve alcohol for consumption on the premises must employ alcohol servers who have been trained and who hold an alcohol server's permit. Those Class A and C licensees whose primary commercial activity is the sale of grocery products and for whom the sale of beer and wine for consumption on premises is only incidental need not comply with provisions of the alcohol server training and permit requirements.

The permit is issued in the name of the individual and may only be used by the permit holder. Within 60 days of beginning employment, every person who handles, sells, serves, or compounds liquor must have a Class 12 or Class 13 permit.

No retail licensee who sells and serves alcohol for consumption on the premises may employ a person to act as an alcohol server unless the person has a server permit. No person may perform the duties of an alcohol server without possessing a valid permit. It is unlawful for a person without a valid permit to accept employment as an alcohol server. It is unlawful for a retail liquor licensee selling liquor for consumption on the premises to employ a person as an alcohol server without a valid server permit.

A server permit is valid for five years and covers employment for any licensed Class A, B, C, D or H premises. The Liquor Control Board may suspend or revoke a permit if the permittee is convicted of a felony or any laws prohibiting intoxication, or violates, or allows a violation of liquor laws and regulations. Suspension of a permit does not relieve a licensee of responsibility for acts of employees while employed. The board may suspend or revoke the employee's permit or the employer's license on whose premises a violation occurs.

Alcohol Server Training

The Liquor Control Board regulates an alcohol server education program that includes standards, curriculum and materials; examinations; certification of instructors and programs; and use of nationally recognized programs.

The training program is provided by training entities that include liquor licensee associations, independent contractors, private persons, public and private schools, or any combination of trainers. Training entities are certified by the board.

The board approves the training curriculum that includes, for all Class 12 servers, the physiological effect of alcohol, liability and legal information, driving while intoxicated, how to handle the problem customer, and proper methods for checking customer identification.

Training entities must provide a permit to managers and bartenders (Class 12 permittees) who have completed the board certified training course. A list of all Class 12 permittees is forwarded to the board.

All Class 13 alcohol servers and applicants must view a training video produced by private vendors or training entities. The board shall make the video available to licensees for training purposes. The board may charge a nominal fee to cover the cost of purchase and shipment. Those who complete the video training receive a certificate from the licensee. A list of all Class 13 permittees must be forwarded to the board. The employer licensee must fully compensate Class 13 servers for time spent in training. Under circumstances identified by rule, Class 13 servers may perform the duties of a bartender without holding a Class 12 permit.

The training and permit requirements for servers of alcohol are effective July 1, 1996. Employees who have completed a nationally recognized program as of July 1, 1993, may be issued alcohol server permits.

The board shall adopt rules to implement this program. Any fees collected are deposited into the liquor revolving fund.

Any violation of the rules of the board is punishable as a misdemeanor by a fine of \$250 or less for the first violation and up to \$500 or 90 days imprisonment or both for subsequent violations.

Substitute Bill Compared to Original Bill: All retail licensees, with one exception, who sell and serve alcohol for consumption on premise must employ alcohol servers who have been trained and who hold an alcohol server's permit. Those Class A and C licensees whose primary commercial activity is the sale of grocery products and for whom the sale of beer and wine for on premises consumption is only incidental need not comply with provisions of the alcohol server training requirements. The training for managers and bartenders (Class 12 permittees) includes the proper methods of checking ID. The substitute bill clarifies that permits and training for Class 12 and Class 13 alcohol servers are required effective July 1, 1996. The employer must fully compensate Class 13 employees for time spent in training. Employees who have completed a nationally recognized program as of July 1, 1993 may be issued alcohol server permits.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Servers need to have training. If training is voluntary, those who need to take it don't. A mandatory training program will ensure that every server has the tools to persuade people not to drink too much. Training is important to saving lives. The training requirement ought to apply to all licensees. There are national programs designed by the licensees that provide training.

Testimony Against: None.

Testified: Gary McClenaghan, Bob Gault, Vito Chiechi, and Ron Krause, Washington State Licensed Beverage Association; Phil Wayt, Washington Beer and Wine Wholesalers Association; and Carter Mitchell, Liquor Control Board.