

SENATE BILL NO. 29

INTRODUCED BY L. MOSS

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY PROVIDING FOR THE TRAINING OF PERSONS SELLING OR SERVING ALCOHOLIC BEVERAGES; PROVIDING A PENALTY; PROVIDING FOR RULEMAKING; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 8] may be cited as the "Responsible Alcohol Sales and Service Act".

NEW SECTION. **Section 2. Legislative intent.** It is the intent of [sections 1 through 8] that retail establishments licensed to serve or sell alcoholic beverages ensure that employees and their supervisors are appropriately trained to comply with state law prohibiting the sale or service of alcoholic beverages to persons under 21 years of age and to persons who are intoxicated.

NEW SECTION. **Section 3. Definition.** As used in [sections 1 through 8], "licensee" means a person or entity licensed by the department to sell alcoholic beverages at retail for either on-premises or off-premises consumption.

NEW SECTION. **Section 4. Training plan required.** An applicant for initial licensure or for renewal, transfer, or reinstatement of a retail license to sell or serve alcoholic beverages for on-premises or off-premises consumption shall submit to the department an employee training plan demonstrating how the applicant intends to comply with the provisions of [section 5].

NEW SECTION. **Section 5. Licensees required to ensure training and post signs.** A licensee shall:  
(1) require each employee who is authorized to sell or serve alcoholic beverages in the normal course of employment and the employee's immediate supervisor to successfully complete training to ensure compliance

1 with state law regarding the sale and service of alcoholic beverages. The training must be completed within 60  
2 days of the employee's date of hire and every 5 years after the employee's initial training.

3 (2) maintain employment records verifying employee completion of the training required in subsection  
4 (1); and

5 (3) post signs on the licensee's premises informing customers of the licensee's policy against selling or  
6 serving alcoholic beverages to any person under 21 years of age and to any person who is intoxicated.

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8 **NEW SECTION. Section 6. Responsible server and sales training program.** The department shall  
9 establish a responsible server and sales training program consisting of a train-the-trainer program for volunteer  
10 trainers who may provide training pursuant to [sections 1 through 8].

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12 **NEW SECTION. Section 7. Penalty.** A licensee found during a routine check for compliance with  
13 16-6-304 or 16-6-305 to be out of compliance with [section 5(1) or (2)] shall pay a \$50 fine for each employee  
14 subject to [section 5(1)] who either did not successfully complete the required training or whose training is not  
15 current as required in [section 5(1)]. The fine must be paid to the department and deposited in the enterprise fund  
16 to the credit of the department for administration of [sections 1 through 8].

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18 **NEW SECTION. Section 8. Rulemaking.** The department shall adopt rules to implement the provisions  
19 of [sections 1 through 8].

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21 **NEW SECTION. Section 9. Notification to tribal governments.** The secretary of state shall send a  
22 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
23 Chippewa tribe.

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25 **NEW SECTION. Section 10. Codification instruction.** [Sections 1 through 8] are intended to be  
26 codified as an integral part of Title 16, chapter 4, and the provisions of Title 16, chapter 4, apply to [sections 1  
27 through 8].

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29 **NEW SECTION. Section 11. Applicability.** [This act] applies to employees hired by licensees on or  
30 after [the effective date of this act].

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