1   HOUSE BILL NO. 279

2   INTRODUCED BY S. KERNS, F. ANDERSON, E. BUTTREY, D. LOGE, C. HINKLE, J. BERGSTROM, W.

3   MCKAMEY, D. BARTEL, D. ZOLNIKOV, T. SMITH

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5   A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO RESPONSIBLE SERVER AND

6   SALES TRAINING PROGRAMS CONCERNING ALCOHOL; REQUIRING TWO TRAINING PROGRAMS

7   RELATED TO WHETHER THE SERVER IS EMPLOYED AT A LICENSED LOCATION WHERE ON-

8   PREMISES CONSUMPTION OF ALCOHOL IS ALLOWED; REQUIRING THAT A PROGRAM FOR

9   EMPLOYEES OF LICENSEES ONLY PROVIDING OFF-PREMISES CONSUMPTION MUST TAKE LESS

10   TIME; SPECIFYING THE MINIMUM REQUIREMENTS FOR THE TRAINING PROGRAMS; AND AMENDING

11   SECTION 16-4-1006, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

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15   **Section 1.** Section 16-4-1006, MCA, is amended to read:

16   "**16-4-1006.   Responsible server and sales training program.** (1) The SUBJECT TO SUBSECTION (2),

17   THE department shall certify all responsible server and sales training programs that include the following:

18   (a)   effects of alcohol on the human body, including behavioral cues and absorption rates;

19   (b)   standard drink size and equivalency;

20   (c)   methods to identify and prevent sales to underage or intoxicated persons;

21   (d)   strategies used by underage persons to obtain alcohol;

22   (e)   acceptable forms of identification AND PROCEDURES FOR CHECKING IDENTIFICATION;

23   (f)   actions that can be taken to prevent an alcohol-related incident from occurring;

24   (g)   maintenance of documentation that may affect liability, including an incident log and house

25   policies;

26   (h)   techniques for denying alcohol sales;

27   (I)   INFORMATION, INCLUDING CRIMINAL, CIVIL, AND ADMINISTRATIVE PENALTIES, RELATED TO 27-1-710

Amendment - 1st Reading/2nd House-blue - Requested by: Chris Friedel - (S) Local Government
- 2023
68th Legislature 2023   Drafter: Toni Henneman, 406-444-3593   HB0279.002.001

1   AND THIS CODE;

2   ~~(b) information, including criminal, civil, and administrative penalties, related to 27-1-710 and this~~

3   ~~code;~~

4   ~~(c) procedures for checking identification;~~

5   ~~(d) procedures for gathering proper documentation that may affect the licensee's liability;~~

6   ~~(e) training for skills to handle difficult situations and to learn evaluation techniques regarding~~

7   ~~intoxicated persons or others that pose potential liability;~~

8   ~~(f)~~~~(i)~~(J) a final test; and

9   ~~(g)~~~~(i)~~(K) a certificate of completion, which must be provided to participants who pass the final test.

10   (2) THE DEPARTMENT SHALL CERTIFY TWO CLASSES OF TRAINING PROGRAMS BASED ON THE NATURE OF

11   EMPLOYMENT OF THE INDIVIDUAL AS FOLLOWS:

12   (A) PROGRAMS FOR EMPLOYEES OF LICENSED LOCATIONS THAT PROVIDE FOR ON-PREMISES

13   CONSUMPTION; AND

14   (B) PROGRAMS FOR EMPLOYEES OF LICENSEES THAT ONLY PROVIDE FOR OFF-PREMISES CONSUMPTION. A

15   TRAINING PROGRAM UNDER THIS SUBSECTION (2)(B) MUST BE COMPLETED WITHIN LESS TIME THAN FOR PROGRAMS

16   UNDER SUBSECTION (2)(A).

17   ~~(2) A responsible server and sales training program's minimum requirements may not exceed 2~~

18   ~~hours for employees within 60 days of hire and at renewal. Each certification expires after 3 years.~~

19   (3) (A) A RESPONSIBLE SERVER AND SALES TRAINING PROGRAM'S PROGRAM MUST BE COMPLETED:

20   (I) WITHIN 60 DAYS OF HIRE; AND

21   (II) AT RENEWAL.

22   (B) THE MINIMUM REQUIREMENTS FOR A TRAINING PROGRAM MAY NOT BE LESS THAN:

23   (I) 2 HOURS FOR EMPLOYEES WHO PROVIDE FOR ON-PREMISES CONSUMPTION; OR

24   (II) 1 HOUR FOR EMPLOYEES WHO PROVIDE FOR OFF-PREMISES CONSUMPTION WITHIN 60 DAYS OF HIRE

25   AND AT RENEWAL.

26   (C) EACH CERTIFICATION EXPIRES AFTER 3 YEARS.

27   ~~(3)~~(4) The department may not provide a responsible server and sales training program."

Legislative Services Division

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2   <u>NEW SECTION.</u> **Section 2.   Effective date**. [This act] is effective January 1, 2024.

3   - END -