HOUSE BILL NO. 279


A BILL FOR AN ACT ENTITLED: “AN ACT REVISING LAWS RELATED TO RESPONSIBLE SERVER AND SALES TRAINING PROGRAMS CONCERNING ALCOHOL; REQUIRING TWO TRAINING PROGRAMS RELATED TO WHETHER THE SERVER IS EMPLOYED AT A LICENSED LOCATION WHERE ON-PREMISES CONSUMPTION OF ALCOHOL IS ALLOWED; REQUIRING THAT A PROGRAM FOR EMPLOYEES OF LICENSEES ONLY PROVIDING OFF-PREMISES CONSUMPTION MUST TAKE LESS TIME; SPECIFYING THE MINIMUM REQUIREMENTS FOR THE TRAINING PROGRAMS; AND AMENDING SECTION 16-4-1006, MCA.”

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

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

“16-4-1006. Responsible server and sales training program. (1) The SUBJECT TO SUBSECTION (2), department shall certify all responsible server and sales training programs that include the following:

(a) effects of alcohol on the human body, including behavioral cues and absorption rates;
(b) standard drink size and equivalency;
(c) methods to identify and prevent sales to underage or intoxicated persons;
(d) strategies used by underage persons to obtain alcohol;
(e) acceptable forms of identification AND PROCEDURES FOR CHECKING IDENTIFICATION;
(f) actions that can be taken to prevent an alcohol-related incident from occurring;
(g) maintenance of documentation that may affect liability, including an incident log and house policies;
(h) techniques for denying alcohol sales;
(i) INFORMATION, INCLUDING CRIMINAL, CIVIL, AND ADMINISTRATIVE PENALTIES, RELATED TO 27-1-710 AND THIS CODE;
(b) information, including criminal, civil, and administrative penalties, related to 27-1-710 and this code;

c) procedures for checking identification;

d) procedures for gathering proper documentation that may affect the licensee’s liability;

e) training for skills to handle difficult situations and to learn evaluation techniques regarding intoxicated persons or others that pose potential liability;

(f) a final test; and

g) a certificate of completion, which must be provided to participants who pass the final test.

(2) The department shall certify two classes of training programs based on the nature of employment of the individual as follows:

(A) Programs for employees of licensed locations that provide for on-premises consumption; and

(B) Programs for employees of licensees that only provide for off-premises consumption. A training program under this subsection (2)(B) must be completed within less time than for programs under subsection (2)(A).

(3)(A) A responsible server and sales training program’s minimum requirements may not exceed 2 hours for employees within 60 days of hire and at renewal. Each certification expires after 3 years.

(I) within 60 days of hire; and

(II) at renewal.

(B) The minimum requirements for a training program may not be less than:

(I) 2 hours for employees who provide for on-premises consumption; or

(II) 1 hour for employees who provide for off-premises consumption within 60 days of hire and at renewal.

(C) Each certification expires after 3 years.

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

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