



MEMORANDUM

TO: Robert Klein, Chair, and
Members of the ABC Board

DATE: July 11, 2017

FROM: Erika McConnell
Director, ABC Board

RE: Server Education Course
Reviews

AS 04.21.025 and 3 AAC 304.465 govern alcohol server education courses. At some point in the past, the 3-year review of server education courses (3 AAC 304.465(h)) was delegated to staff. The board chair has requested a discussion of server education course reviews.

Sec. 04.21.025. Alcohol server education course.

(a) As a condition of issuance or renewal of a license and selling alcoholic beverages under a license, the board shall require a licensee who sells or serves alcoholic beverages and a licensee's agents and employees who sell or serve alcoholic beverages or check the identification of a patron to complete an alcohol server education course approved by the board, if the license is for a

- (1) beverage dispensary;
- (2) restaurant or eating place;
- (3) club;
- (4) package store;
- (5) recreational site;
- (6) pub;
- (7) distillery;
- (8) conditional contractor.

(b) The subjects that are included in an approved alcohol server education course shall be determined under regulations adopted by the board. In approving alcohol server education courses, the board shall consider the needs of both urban and rural licensees regarding access to an approved alcohol server education course. A licensee, agent, or employee who sells or serves alcoholic beverages shall keep the card described in (c) of this section or other proof acceptable to the board of successful completion of an approved alcohol server education course on the licensed premises during working hours.

(c) A licensee, agent, or employee shall complete the course required under (a) of this section and pass a written test demonstrating an understanding of the course subjects not more than 30 days after being licensed or employed. The course provider shall issue a card to each individual who completes the course and passes the written test. A card issued under this subsection is valid for three years from

the date of issue. A licensee, agent, or employee may renew a card issued under this section; to renew the card, the licensee, agent, or employee must pass a written test demonstrating an understanding of the course subjects.

(d) The board shall review an approved alcohol server education course at least once every three years.

(e) A person licensed as a common carrier dispensary shall train agents and employees who sell or serve alcoholic beverages or who check the identification of a patron on provisions of state law regarding sale of alcoholic beverages, including AS 04.16.015, 04.16.020, 04.16.030, 04.16.051, 04.16.052, 04.16.120, 04.16.125, AS 04.21.030, and 04.21.050. The training must include the subjects of the effects of alcohol consumption, identifying a drunken person, determining valid identification, intervention to prevent unlawful alcohol consumption, and penalties for unlawful acts by agents and employees of licensees. A common carrier licensee shall, once every three years, provide the board with a description of its training program including the subjects taught, teaching method, and testing required.

3 AAC 304.465. Alcohol server education course

(a) While selling or serving alcoholic beverages, a person required under AS 04.21.025 to complete an alcohol server education course and the person's on-duty supervisor shall carry or have available to show a current course card or a photocopy of the card certifying completion of an approved alcohol server education course. The card is effective for three years from the date of issuance during which time the person shall complete another approved course or successfully complete a written test demonstrating an understanding of the course subjects as required by AS 04.21.025(c). The card must include the name and date of birth of the card holder, the name of the course, and the date of expiration of the card. If the card does not include a photograph of the holder, the person shall also carry a valid identification under 3 AAC 304.425(b). The card or a photocopy of the card must be shown upon request of a peace officer or board representative.

If the person cannot show a current card or a copy of it on file on the premises, or show a date of hire less than 30 days earlier, the person shall immediately cease selling or serving alcoholic beverages.

(b) State or nationally recognized organizations or associations that address the subject of responsible alcoholic beverage service may obtain approval of an alcohol server education course by making written application on forms provided by the board. The application must include the course book to be provided to students, any video or audio presentations that will be used, the written test required under (d) of this section, detailed lesson plans, and a description of the qualifications of and training provided to course instructors. The application must identify the communities where the course will be presented and the frequency of the presentation. The applicant shall explain how rural premises will be served under (e) of this section.

(c) In addition to written materials and audio and video presentations provided to students, an instructor shall be available during an alcohol server education course to answer questions from students. Subjects covered by alcohol server education courses must include:

- (1) function of Alcoholic Beverage Control Board, licensing procedures, and types of licenses;

- (2) server responsibilities to the employer, patron, and law;
 - (3) criminal and civil liability, including discussion of criminal negligence standard;
 - (4) effects of alcohol consumption, including
 - (A) effect of food on alcohol consumption;
 - (B) blood alcohol levels;
 - (C) identifying a drunken person; and
 - (D) fetal alcohol syndrome and fetal alcohol effect;
 - (5) drunken persons and intervention;
 - (6) underage persons;
 - (A) checking identification;
 - (B) identifying valid identification; and
 - (C) obtaining "statement of proof of age";
 - (7) state and local hours of service and cutting off service;
 - (8) "happy hour" laws;
 - (9) restaurant designation;
 - (10) other permits;
 - (11) local option provisions;
 - (12) warning signs;
 - (13) gambling, drugs, and prostitution;
 - (14) adulteration;
 - (15) penalties for licensees and their agents and employees; and
 - (16) sale by package stores in response to written orders.
- (d) A provider of an alcohol server education course shall issue a card as described under (a) of this section to a student who successfully completes the course. Before issuing the card, the course provider shall require the student to pass a written test that demonstrates that the student understands the course subjects.
- (e) Rural premises are those licensed premises not on a statewide road system or further than 50 miles on a road system from a community where a course is offered at least once every month. For the purpose of training for rural premises, course providers may provide video or audiotapes and written materials to a licensee that cover all topics required under (c) of this section, and conduct telephonic question and answer sessions for the students. A course provider may present training for rural premises by means of an Internet-based program. An Internet-based program must include steps that the course provider takes to verify the identity of the persons receiving the instruction, testing, and certification of alcohol server training. The verification process must be approved by the board and may be reviewed and reevaluated on an annual basis to determine its validity and effectiveness. The students shall, under the supervision of the licensee or licensee's manager, take the test required under (d) of this section. The licensee or licensee's manager, whoever supervises the test, shall certify to the course provider that the student did not receive outside help in taking the test and that no copies of the test have been kept.

- (f) The board will issue a certificate of approval for each alcohol server education course the board approves. Certificates of approval may not be transferred.
- (g) A course provider shall
- (1) maintain records of each student's participation, and completion of server training, including rural training;
 - (2) use, at a minimum, the course approved by the board; and
 - (3) make its records available to peace officers or board investigators.
- (h) An organization or association that has received board approval for an alcohol server education course shall apply for board reapproval within 33 months of last board approval. Application must be made on a form provided by the board. If application for reapproval is not approved by the board within 36 months after last board approval, training must cease. The application for reapproval must state the following for training provided since the last application:
- (1) the number and names of students trained;
 - (2) the locations and dates of training; and
 - (3) the names of instructors.
- (i) The board will, in its discretion, terminate approval of a course if the board determines that the course is not being presented as approved, that records are not being maintained as required, that students are being certified who have not successfully completed the course, or for other reasons in the public interest. The board will, in its discretion, make its termination of approval effective immediately, if the board determines that immediate termination is in the public interest.
- (j) For the purposes of this section and AS 04.21.025, a person who, before 4/1/94, successfully completed:
- (1) Techniques of Alcohol Management (Alaska Cabaret, Hotel, Restaurant and Retailers Association);
 - (2) Training In Intervention Procedures for Servers (Health Communications, Inc.);
 - (3) Come of Age (Tesoro Northstar Co.);
 - (4) Serve Safe (Alaska Professional Bartender School);
 - (5) Providing Alcohol With Care and Empathy (Stuart Anderson Cattle Co.);
 - (6) Responsible Establishments Alcohol Consumption Trained Servers (Bartenders Against Drunk Driving); or
 - (7) Alcohol Servers Knowledge (Alaska Training Academy), has completed an approved course, but shall complete a course approved under (f) of this section within 36 months of 4/1/93.
- (k) A provider of an alcohol server education course approved by the board under this section shall advise the board of the methods used to train and certify the instructors providing the training.