Article 6. Alcohol Server Education Course.

Section

700. Alcohol server education course.

3 AAC 305.700. Alcohol server education course. (a) Unless exempt under AS 04.21.025(f), a licensee, employee, or agent of a licensee selling or serving alcoholic beverages shall successfully complete an alcohol server education course. The person or the on-duty supervisor shall carry or have available to show current course cards or photocopies of the cards 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 305.800(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 or checking identification.

(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 or digital materials to be provided to students, any video or audio presentations that will be used, the written test required, or online 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.

(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, administrative, 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 spectrum disorder and fetal alcohol effects;

(5) drunken persons and intervention;

(6) underage persons;

(A) checking identification;

(B) identifying valid identification; and

(C) obtaining "statement of proof;

(7) state and local hours of service and cutting off service;

(8) pricing, marketing, and trade practice prohibition laws;

(9) endorsements;

(10) 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. The test may be an online written test if the course is in an Internet-based webinar or video teleconference format as provided in (j) of this section.

(e) The board will issue a certificate of approval for each alcohol server education course the board approves. Certificates of approval may not be transferred.

(f) 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.

(g) 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 location and dates of training, and

(3) the names of instructors.

(h) 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.

(i) 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.

(j) A provider of an alcohol server education course may obtain approval from the board to provide its course to students in an Internet-based webinar or video teleconference format by making a request with an application required under (b) of this section. An Internet-based or video teleconference alcohol server education course provider shall:

(1) have a live instructor present the approved alcohol server education course material and be available throughout the course to answer questions from students;

(2) check the identity of each student while maintaining the confidentiality of personally identifiable information;

(3) provide a printable certificate of completion to each student who passes the written test required under (d) of this section to be used as temporary proof of completion until the student receives the course card described under (a) of this section;

(4) mail the course card not later than five business days after the date the student passed the test; in this paragraph, "business day" means a day other than Saturday, Sunday, or a federal or state holiday;

(5) certify that each instructor has maintained knowledge of current alcoholic beverage statutes and regulations in the state;

(6) update the course material with any applicable change to AS 04 and this chapter not later than 10 days after the effective date of the change; and

(7) provide a printable digital copy of the written course materials to each student.

(k) For purposes of this section, "licensee, employee, or agent of a licensee" includes every permittee, employee, or agent of permittees who will serve or sell alcohol or check identification of a patron during the following permitted events:

(1) a beverage dispensary caterer's permit issued under AS 04.09.610;

(2) a restaurant caterer's dining permit issued under AS 04.09.620;

(3) a club caterer's permit issued under AS 04.09.630;

(4) an art exhibit event permit issued under AS 04.09.640;

(5) a music festival permit issued under AS 04.09.645;

(6) a nonprofit organization event permit issued under AS 04.09.650;

(7) an alcoholic beverage auction permit issued under AS 04.09.660;

(8) a package store tasting event permit issued under AS 04.09.670;

(9) an inventory resale permit issued under AS 04.09.680;

(10) a live music or entertainment permit issued under AS 04.09.685; and

(11) a conditional contractor's permit issued under AS 04.09.690.

(*l*) The fee for a new alcohol server education course and the fee for review of an existing alcohol server education course are set out in 3 AAC 305.165. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.110 AS 04.21.025

AS 04.06.100