

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 234 By Senator Gary Smith**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

ALCOHOLIC BEVERAGES. Creates server permits for security personnel for purposes of the Louisiana Responsible Vendor Program. (8/1/12)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Adds a provision to exempt persons employed by hotels or motels from being considered "security personnel", unless the employee works in an area on the licensed premises of the hotel or motel where the principal commodity sold is alcoholic beverages for consumption on the premises.
2. Makes technical amendments.
3. Changes definition of "server permit".
4. Changes requirements to be a "responsible vendor".

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Present law defines "approved provider" as an individual, unincorporated association, partnership, or corporation approved by the program administrator to provide server training courses.

Proposed law retains present law but also requires the program administrator to provide servers with security personnel training courses.

Proposed law defines "security personnel" as any person, other than a server, who monitors the entrance and other areas of an establishment for purposes of identifying underage and intoxicated persons, enforcing establishment rules and regulations and otherwise providing security for the establishment and its customers where alcoholic beverages are the principal commodity sold for consumption on the premises.

Proposed law exempts from the definition of "security personnel" any person employed by a hotel or motel which consists of sleeping rooms, cottages or cabins unless the person works primarily in an area on the licensed premises of a hotel or motel where the principal commodity sold is alcoholic beverages for consumption on the licensed premises.

Present law defines "server" as any employee of a vendor who is authorized to sell or serve alcoholic beverages or tobacco products in the normal course of his or her employment or deals with customers who purchase or consume alcoholic beverages or tobacco products. "Server" shall not include individuals employed on a temporary or casual basis by a bona fide hotel or motel for banquets, catering, or other special events.

Proposed law retains present law but excludes security personnel from the definition of "server".

Present law defines "server permit" as the permit issued to a server upon completion of a server training course and all required refresher courses provided for in present law.

Proposed law changes definition to the permit issued to a server or security personnel upon completion of all required server or security personnel training courses and all required refresher courses provided for in present law.

Present law provides that the program administrator shall approve a Louisiana Responsible Vendor Program, designed to educate vendors and their employees and customers about selling, serving, and consuming alcoholic beverages in a responsible manner and selling and serving tobacco products.

Present law provides that the program shall include all of the following:

- (1) Enrollment and certification of the vendor in the program.
- (2) Server training courses for servers.
- (3) Review of the requirements for the issuance and renewal of server permits. Such permits shall be the property of the server and, if not expired, suspended, or revoked, valid in connection with his employment by any vendor in the state of Louisiana.

Proposed law retains present law but also includes security personnel training courses in the responsible vendor program.

Proposed law provides that security personnel training courses shall include training on the subject matter as required in a server training course set forth in present law as well as specific curriculum approved by the program administrator including, but not limited to, handling disruptive customers and customer altercations.

Present law, regarding certification as a responsible vendor, requires successful completion of a server training course offered by an approved provider by each server within 45 days after commencing employment and the securing and maintaining of a valid server permit.

Proposed law retains present law but also requires the vendor to successfully complete all required server or security personnel training courses to qualify for and maintain certification as a responsible vendor.

Present law provides that attendance at a refresher course by each server at least once every two years as scheduled by any approved provider, which course shall include the dissemination of new information relating to the program subject areas as set forth in present law.

Proposed law requires each security personnel and server to attend a refresher course at least once every four years as scheduled by any approved provider which course shall include the dissemination of new information relating to the program subject areas as set forth in present law.

Present law provides that the commissioner may suspend or revoke a server's permit or impose a fine on the server for noncompliance with present law or for any violation, attributable to the server, of the provisions of present law or related tobacco product laws, rules, and regulations. The procedure for the suspension or revocation of a server's permit or for the imposition of fines shall be the same as are otherwise set forth in present law for the suspension or revocation of permits of, or imposition of fines against, holders of Class "A" General, Class "A" Restaurant, Class "B" permits, or Retail Dealer Registration Certificates or Retail Dealer Permits.

Proposed law retains present law but also provides that the commissioner may suspend or revoke a security personnel's permit or impose a fine on the security personnel for noncompliance with present law or for any violation, attributable to the security personnel, of the provisions of present law or related tobacco product laws, rules, and regulations. The procedure for the suspension or revocation of a security personnel's permit or for the imposition of fines shall be the same as are otherwise set forth in present law for the suspension or revocation of permits of, or imposition of fines against, holders of Class "A" General, Class "A" Restaurant, Class "B" permits, or Retail Dealer Registration Certificates or Retail Dealer Permits.

Present law provides that the alcoholic beverage or tobacco products permit of a vendor certified as a responsible vendor in accordance with the provisions of present law shall not be suspended or revoked on the ground that the first illegal sale or service of an alcoholic beverage by any server to an underage or intoxicated person or the first illegal sale or service of a tobacco product by any server to an underage person in any 12-month period.

Proposed law retains present law but also includes that the alcoholic beverage or tobacco products permit of a vendor certified as a responsible vendor in accordance with the provisions of present law shall not be suspended or revoked on the first illegal sale or service

of an alcoholic beverage by any security personnel to an underage or intoxicated person or the first illegal sale or service of a tobacco product by any security personnel to an underage person in any 12-month period.

Present law provides that certification under present law as a responsible vendor shall be considered in mitigation of a vendor's administrative penalties or fines for a server's illegal sale or service of an alcoholic beverage to an underage or intoxicated person, or consumption of alcoholic beverages by a customer on the premises of a Class "B" vendor or for a server's illegal sale or service of a tobacco product to an underage person.

Proposed law retains present law but also considers in mitigation of a vendor's administrative penalties or fines for a security personnel's illegal sale or service of an alcoholic beverage to an underage or intoxicated person, or consumption of alcoholic beverages by a customer on the premises of a Class "B" vendor or for a server's illegal sale or service of a tobacco product to an underage person.

Present law provides that approved providers may charge fees for the cost of conducting the server training courses provided for in present law. Such fees shall be approved by the program administrator and the commissioner. The fee for the server training course provided for by present law shall not exceed \$50.00.

Proposed law retains present law but also authorizes approved providers to charge fees for the cost of conducting the security personnel training courses provided for in present law. Such fees shall be approved by the program administrator and the commissioner. The fee for each security personnel training course provided for by present law shall not exceed \$50.00.

Present law provides that any vendor or server subject to a local ordinance requiring participation by the vendor or its employees in a server training or licensing program shall be exempt from local server training and licensing regulation if the vendor is certified as a responsible vendor under the provisions of present law. Nothing in present law shall be construed to apply to any local seller or server licensing requirements in effect on June 1, 1997.

Proposed law retains present law but also provides that any vendor or server subject to a local ordinance requiring participation by the vendor or its employees in a security personnel training or licensing program shall be exempt from local security personnel training and licensing regulation if the vendor is certified as a responsible vendor under the provisions of present law.

Effective August 1, 2012.

(Amends R.S. 26:932(1) and (5)-(9), 933(B)(2), (D) and (E), 934(2) and (3), 935(A), (B)(1)(a) and (C), 936(B), and 937; adds R.S. 26:932(10) and 933(F))

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