

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1512 Session of
2007

INTRODUCED BY BRENNAN, McCALL, MANN, M. O'BRIEN, FRANKEL,
MARKOSEK, PETRONE, SCAVELLO, KOTIK, CREIGHTON, DONATUCCI,
CURRY, KIRKLAND, BIANCUCCI, GEIST, FABRIZIO, MAHONEY,
GRUCELA, CLYMER, BELFANTI, HENNESSEY, YOUNGBLOOD, PAYTON,
HORNAMAN, McILVAINE SMITH AND PALLONE, JUNE 7, 2007

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JUNE 7, 2007

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for definitions and for the responsible
18 alcohol management program.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14), is amended by adding definitions to read:

24 Section 102. Definitions.--The following words or phrases,

1 unless the context clearly indicates otherwise, shall have the
2 meanings ascribed to them in this section:

3 "Age verification device" shall mean any instrument which is
4 approved by the Pennsylvania Liquor Control Board and the
5 Department of Transportation.

6 * * *

7 "Two-dimensional bar code driver's license" shall mean a
8 scannable strip on the back of a State driver's license which
9 carries up to 1.1 kilobytes of machine-readable data, which may
10 contain biometric data files such as photographs, fingerprints,
11 and signatures, as well as text, numbers and graphics.

12 * * *

13 Section 2. Section 471.1 of the act, added December 20, 2000
14 (P.L.992, No.141), is amended to read:

15 Section 471.1. Responsible Alcohol Management.--(a) The
16 board is authorized to offer a responsible alcohol [service]
17 management program (RAMP) to licensees. The program shall
18 consist of [four] five parts: new employe orientation, training
19 for alcohol service personnel, manager/owner training [and], the
20 displaying of responsible alcohol service signage and the use of
21 approved age verification device. New employe orientation shall
22 consist of orienting newly hired alcohol service personnel as to
23 Pennsylvania law relating to the sale, furnishing or serving of
24 alcoholic beverages to minors and visibly intoxicated persons.
25 It shall also mean orienting newly hired alcohol service
26 personnel to responsible server practices, as the term is
27 defined by the board, through regulation. Training for alcohol
28 service personnel shall be as set forth by the board, but at
29 minimum it shall consist of training to prevent service of
30 alcohol to minors and to visibly intoxicated persons.

1 Manager/owner training shall be as set forth by the board, but
2 at a minimum it shall consist of training on how to monitor
3 employes, proper service of alcohol and how to develop an
4 appropriate alcohol service policy. The responsible alcohol
5 service signage shall be as set forth by the board and shall
6 consist of signage dealing with the licensee's policy against
7 sales to minors and visibly intoxicated persons. Alcohol service
8 personnel training may be conducted by the board or by an entity
9 certified by the board to conduct such training. Regulations
10 relating to the specifications of age verification devices shall
11 be promulgated by the board in consultation with the Department
12 of Transportation. A list of approved devices will be posted in
13 the Pennsylvania Bulletin.

14 (b) The board shall be authorized to certify and decertify
15 entities that wish to offer training for alcohol service
16 personnel. The training entity and the board shall maintain
17 records establishing the names of individuals who have
18 successfully undergone alcohol service personnel training.

19 (c) Training for managers and owners must be conducted by
20 the board or its employes. The board shall maintain records
21 establishing the names of individuals who have successfully
22 undergone manager/owner training.

23 (d) In order to be considered in compliance with this
24 section for purposes of section 471, a restaurant, retail
25 dispenser, eating place, hotel, club, catering club, distributor
26 and importing distributor licensee shall:

27 (1) have at least fifty per centum of its alcohol service
28 personnel certified as having successfully completed an alcohol
29 beverage servers training;

30 (2) have its manager or owner certified as having

1 successfully completed manager/owner training;

2 (3) have all alcohol service personnel undergo new employe
3 orientation; [and]

4 (4) have appropriate responsible alcohol service signage
5 posted on the licensed premises[.]; and

6 (5) shall use an age verification device which:

7 (i) has ability to scan and capture information from
8 driver's licenses of all fifty states;

9 (ii) has capability to read two-dimensional bar code
10 driver's licenses; and

11 (iii) has time stamping and recording capabilities, but
12 shall not record or maintain information except the name, date
13 of birth, expiration date and the driver's license number or the
14 number contained on the identification card of the patron.

15 For purposes of this section, an owner is an individual who owns
16 at least twenty-five per centum of the licensed entity.

17 (e) Licensees ordered to comply with this act pursuant to
18 section 471 who change managers shall have sixty calendar days
19 to have the new manager trained as required by this section. If
20 a licensee ordered to comply with this act pursuant to section
21 471 hires additional alcohol service personnel, those additional
22 employes shall be deemed to have been certified from their date
23 of hire if they successfully complete an alcohol serving program
24 within sixty days of their date of hire.

25 (f) Upon completion of a certified alcohol service personnel
26 program or the board's owner/manager training program, the
27 participant will be certified by the training entity or the
28 board as having successfully completed the program. Said
29 certification will be valid for two years. The licensee shall
30 keep records of the certification status of its employes,

1 managers and owners, including the name of the employe, manager
2 or owner and the date of that individual's certification, in the
3 same manner as it keeps other business records pursuant to
4 section 493(12). The licensee shall also keep records of its new
5 employe orientation program and records of its responsible
6 alcohol service signage as set forth by the board by regulation.

7 (g) Any person who has been cited and found in violation of
8 section 493(1) shall pay the fine in full or obtain RAMP
9 certification and receive a fifty per centum rebate of the total
10 amount of the fine previously imposed.

11 (h) All licenses who are certified under this section in
12 RAMP on or after the effective date of this subsection who are
13 not included in those licensees described in subsection (g)
14 shall receive one hundred dollars (\$100) off their license
15 renewal fee.

16 (i) Those licensees who were certified in RAMP under this
17 section on the effective date of this subsection are not
18 required to obtain age verification devices until their current
19 certification expires.

20 (j) No person shall obtain, possess or use any information
21 obtained by an age verification device contrary to the use
22 permitted in this section, except upon order of a court of
23 record.

24 Section 2. This act shall take effect in one year.