

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 1030**

(As Passed the Senate June 10, 1998)

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 906.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 906. (1) AS USED IN THIS SECTION:

2 (A) "ADMINISTRATOR" MEANS A QUALIFYING COMPANY, POSTSECOND-
3 ARY EDUCATIONAL INSTITUTION, OR TRADE ASSOCIATION AUTHORIZED BY
4 THE COMMISSION TO OFFER SERVER TRAINING PROGRAMS AND INSTRUCTOR
5 CERTIFICATION CLASSES IN COMPLIANCE WITH THIS SECTION AND TO CER-
6 TIFY TO THE COMMISSION THAT THOSE PERSONS MEET THE REQUIREMENTS
7 OF THIS SECTION.

8 (B) "INSTRUCTOR" MEANS AN INDIVIDUAL CERTIFIED BY AN ADMIN-
9 ISTRATOR AND APPROVED BY THE COMMISSION TO TEACH SERVER TRAINING
10 PROGRAMS.

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1 (C) "PROHIBITED SALE" MEANS THE SALE OF ALCOHOLIC LIQUOR BY
2 AN EMPLOYEE OF A LICENSEE TO A VISIBLY INTOXICATED PERSON OR TO A
3 MINOR, OR BOTH.

4 (D) "RESPONSIBLE VENDOR" MEANS A DESIGNATION BY THE COMMIS-
5 SION OF A RETAIL LICENSEE MEETING THE STANDARDS OF THIS SECTION.

6 (E) "SERVER TRAINING PROGRAM" MEANS AN EDUCATIONAL PROGRAM
7 WHOSE CURRICULUM HAS BEEN APPROVED BY THE COMMISSION UNDER THE
8 STANDARDS DESCRIBED IN THIS SECTION AND IS OFFERED BY AN ADMINIS-
9 TRATOR TO A RETAIL LICENSEE FOR ITS EMPLOYEES.

10 (2) THE COMMISSION SHALL ESTABLISH A PROGRAM IN WHICH THE
11 COMMISSION DESIGNATES CERTAIN RETAIL LICENSEES AS RESPONSIBLE
12 VENDORS. THE COMMISSION MAY ADOPT THE EXISTING STANDARDS AND
13 PROGRAMMATIC FRAMEWORK OF PRIVATE ENTITIES AND MAY DELEGATE NON-
14 DISCRETIONARY ADMINISTRATIVE FUNCTIONS TO OUTSIDE PRIVATE
15 ENTITIES.

16 (3) THE COMMISSION SHALL DESIGNATE AS A RESPONSIBLE VENDOR A
17 RETAIL LICENSEE WHO MAKES AVAILABLE TO ALL FULL-TIME AND
18 PART-TIME RETAIL EMPLOYEES, WITHIN 60 DAYS AFTER BEING HIRED, A
19 SERVER TRAINING PROGRAM AND WHO IS ALSO FREE OF CONVICTIONS OR
20 ADMINISTRATIVE DETERMINATIONS INVOLVING PROHIBITED SALES FOR NOT
21 LESS THAN 12 MONTHS BEFORE APPLYING FOR THE DESIGNATION. THE
22 DESIGNATION CONTINUES UNTIL SUSPENDED BY THE COMMISSION.

23 (4) A PERSON MAY APPLY TO THE COMMISSION FOR QUALIFICATION
24 AS AN ADMINISTRATOR FOR THE OFFERING OF SERVER TRAINING PROGRAMS
25 AND INSTRUCTOR CERTIFICATION CLASSES.

26 (5) THE COMMISSION SHALL APPROVE A CURRICULUM FOR A SERVER
27 TRAINING PROGRAM PRESENTED BY A CERTIFIED INSTRUCTOR IN A MANNER

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1 CONSIDERED BY THE COMMISSION TO BE ADEQUATE THAT INCLUDES, BUT IS
2 NOT LIMITED TO, ALL OF THE FOLLOWING TOPICS:

3 (A) THE IDENTIFICATION OF PROGRESSIVE STAGES OF INTOXICATION
4 AND THE VISIBLE SIGNS ASSOCIATED WITH EACH STAGE.

5 (B) THE IDENTIFICATION OF THE TIME DELAY BETWEEN CONSUMPTION
6 AND VISIBILITY OF SIGNS OF PROGRESSIVE INTOXICATION.

7 (C) BASIC ALCOHOL CONTENT AMONG DIFFERENT
8 TYPES OF MEASURED DRINKS CONTAINING ALCOHOLIC LIQUOR.

9 (D) VARIABLES ASSOCIATED WITH VISIBLE INTOXICATION, INCLUD-
10 ING THE RATE OF DRINKING, EXPERIENCE, WEIGHT, FOOD CONSUMPTION,
11 SEX, AND USE OF OTHER DRUGS.

12 (E) PERSONAL SKILLS TO HANDLE SLOW-DOWN OF SERVICE AND
13 INTERVENTION PROCEDURES.

14 (F) PROCEDURES FOR MONITORING CONSUMPTION AND MAINTAINING
15 INCIDENT REPORTS.

16 (G) THE UNDERSTANDING OF ACCEPTABLE FORMS OF PERSONAL IDEN-
17 TIFICATION, TECHNIQUES FOR DETERMINING THE VALIDITY OF IDENTIFI-
18 CATION, AND PROCEDURES FOR DEALING WITH FRAUDULENT
19 IDENTIFICATION.

20 (H) ASSESSMENT OF THE NEED TO ASK FOR IDENTIFICATION BASED
21 ON APPEARANCE OR COMPANY POLICY.

22 (I) THE IDENTIFICATION OF POTENTIAL SECOND-PARTY SALES AND
23 FURNISHING ALCOHOL TO MINORS BY PERSONS 21 YEARS OF AGE OR OVER.

24 (J) THE UNDERSTANDING OF POSSIBLE LEGAL, CIVIL, AND ADMINIS-
25 TRATIVE CONSEQUENCES OF VIOLATIONS OF THIS ACT, THE RULES OF THE
26 COMMISSION, AND OTHER PERTINENT STATE LAWS.

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1 (K) THE UNDERSTANDING OF MICHIGAN LAWS PERTAINING TO MINORS
2 ATTEMPTING TO PURCHASE, MINORS IN POSSESSION, AND SECOND-PARTY
3 SALES OR FURNISHING OF ALCOHOL FROM ADULTS TO MINORS.

4 (L) KNOWLEDGE OF THE LEGAL HOURS OF ALCOHOL SERVICE AND
5 OCCUPANCY.

6 (M) THE IDENTIFICATION OF SIGNS OF PROHIBITED ACTIVITIES,
7 SUCH AS GAMBLING, SOLICITATION FOR PROSTITUTION, AND DRUG SALES.

8 (N) ANY OTHER PERTINENT LAWS AS DETERMINED BY THE
9 COMMISSION.

10 (6) THE COMMISSION SHALL ISSUE AN INSTRUCTOR CERTIFICATION
11 TO AN INDIVIDUAL PRESENTING EVIDENCE ACCEPTABLE TO THE COMMISSION
12 OF HAVING SUCCESSFULLY COMPLETED INSTRUCTOR CERTIFICATION CLASSES
13 AND SHALL ISSUE AN IDENTIFICATION CARD INDICATING THAT CERTIFICA-
14 TION BY THE COMMISSION.

15 (7) UPON APPROVAL BY THE COMMISSION OF A SERVER TRAINING
16 PROGRAM, THE COMMISSION SHALL APPOINT THE PERSON SPONSORING THE
17 SERVER TRAINING PROGRAM AS AN ADMINISTRATOR OF THAT PROGRAM. THE
18 ADMINISTRATOR SHALL PROVIDE A CERTIFICATION TO THE COMMISSION
19 THAT A RETAIL LICENSEE HAS SUCCESSFULLY COMPLETED THE SERVER
20 TRAINING PROGRAM OFFERED BY A CERTIFIED INSTRUCTOR AND APPROVED
21 BY THE COMMISSION AND SHALL RECOMMEND THAT THE COMMISSION DESIG-
22 NATE THE LICENSEE AS A RESPONSIBLE VENDOR.

23 (8) AS A CONDITION OF THE DESIGNATION OF A LICENSEE AS A
24 RESPONSIBLE VENDOR, THE LICENSEE SHALL MAKE AVAILABLE TO THE
25 ADMINISTRATOR IN NOT LESS THAN 60-DAY TIME INCREMENTS RECORDS
26 SUFFICIENT TO VERIFY THE NAMES AND SOCIAL SECURITY NUMBERS OF HIS
27 OR HER EMPLOYEES. THE ADMINISTRATOR SHALL PROVIDE TO THE

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1 COMMISSION A LIST OF NAMES AND SOCIAL SECURITY NUMBERS OF
2 INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE SERVER TRAINING
3 PROGRAM AND SHALL MONITOR THE LICENSEE IN A MANNER APPROVED BY
4 THE COMMISSION IN ORDER TO VERIFY CONTINUED COMPLIANCE OF THE
5 LICENSEE'S STATUS AS A RESPONSIBLE VENDOR. THE ADMINISTRATOR
6 SHALL NOTIFY THE COMMISSION IN WRITING AS SOON AS IT DETERMINES
7 THAT THE LICENSEE HAS FAILED TO MAINTAIN THE STANDARDS FOR SERVER
8 TRAINING OR HAS FAILED TO COOPERATE WITH THE ADMINISTRATOR'S VER-
9 IFICATION PROCEDURE. UPON RECEIPT OF SUCH A NOTICE FROM THE
10 ADMINISTRATOR, THE COMMISSION SHALL SUSPEND THE LICENSEE'S DESIG-
11 NATION AS A RESPONSIBLE VENDOR.

12 (9) THE COMMISSION MAY SUSPEND THE DESIGNATION OF A RETAIL
13 LICENSEE AS A RESPONSIBLE VENDOR UPON A CONVICTION OR ADMINISTRA-
14 TIVE DETERMINATION OF A PROHIBITED SALE ON THE LICENSEE'S
15 LICENSED PREMISES. THE RETAIL LICENSEE LOSING SUCH A DESIGNATION
16 MAY REAPPLY FOR DESIGNATION AS A RESPONSIBLE VENDOR UPON THE PAS-
17 SAGE OF 12 MONTHS FROM THE DATE OF THE CONVICTION OR ADMINISTRA-
18 TIVE DETERMINATION OF A PROHIBITED SALE IF THE LICENSEE IS NOT
19 CONVICTED OR ADMINISTRATIVELY DETERMINED TO HAVE ENGAGED IN A
20 PROHIBITED SALE ON THE LICENSED PREMISES. AFTER THE FIRST
21 INSTANCE OF A RETAIL LICENSEE LOSING ITS DESIGNATION AS A RESPON-
22 SIBLE VENDOR, THAT RETAIL LICENSEE IS NOT ELIGIBLE TO REAPPLY FOR
23 SUCH A DESIGNATION UNTIL AN ADDITIONAL 3 MONTHS FOR EACH SUBSE-
24 QUENT CONVICTION OR DETERMINATION. THE 3-MONTH TIME PERIODS ARE
25 TO BE IN ADDITION TO THE 12-MONTH PERIOD DESCRIBED IN THIS
26 SUBSECTION.

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1 (10) A RESPONSIBLE VENDOR IS NOT CONSIDERED TO BE IN
2 VIOLATION OF THE PROHIBITION CONTAINED IN R 436.1005(4) OF THE
3 MICHIGAN ADMINISTRATIVE CODE REGARDING ALLOWING AN INTOXICATED
4 PERSON TO FREQUENT OR LOITER ON THE LICENSED PREMISES UNLESS THE
5 FACTS DEMONSTRATE OTHERWISE.