**A** **BILL**

TO AMEND TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, SO AS TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM; TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO OBTAIN ALCOHOL SERVER CERTIFICATES; TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS; TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES; TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT; TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS; TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; AND TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS NECESSARY TO ESTABLISH, IMPLEMENT, AND ENFORCE THESE PROVISIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is determined and declared as a matter of legislative findings that:

(1) Service and consumption of alcoholic beverages in an irresponsible manner has a significant adverse impact on highway safety, personal health, and individual welfare, and is not in the best interests of the citizens of South Carolina;

(2) Responsible alcoholic beverage server training programs have proven to be an effective means of addressing, in a positive and constructive manner, inappropriate service of alcoholic beverages by permitted and licensed establishments;

(3) Any mandatory training program should be provided to licensees and permittees and their employees at a reasonable cost so as to encourage their full support and participation while creating an incentive for the program to be taken seriously; and

(4) The establishment of a mandatory responsible alcoholic beverage server training program will promote highway safety and the public health and welfare of the citizens of South Carolina.

Therefore, it is declared to be the policy of this state to promote the safety, health, and welfare of its citizens by the establishment and operation of a mandatory responsible alcoholic beverage server training program pursuant to the provisions of this chapter.

SECTION 2. Title 61 of the 1976 Code is amended by adding:

“Chapter 3

South Carolina Mandatory Alcohol Server Training Act

Section 61‑3‑100. This chapter shall be referred to as ‘Alli’s Law’ or the South Carolina Alcohol Server Training Act.

Section 61‑3‑110. For purposes of this chapter, the following definitions apply:

(1) ‘Alcohol’ means beer, wine, alcoholic liquors, or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

(2) ‘Alcohol server’ means an individual who sells, serves, transfers, or dispenses alcohol for on-premises consumption at permitted or licensed premises, and may include a permittee, licensee, manager, or other employee of a permittee or licensee. ‘Alcohol server’ shall not include an individual employed or volunteering on a temporary basis for a one‑time special event, such as a banquet.

(3) ‘Alcohol Server Certificate’ means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on‑premises consumption.

(4) ‘Department’ means the South Carolina Department of Revenue.

(5) ‘Division’ means the South Carolina Law Enforcement Division.

(6) ‘Employee’ means a person who is employed for at least ten hours a week by the holder of a permit or license to sell alcohol for on‑premises consumption.

(7) ‘Licensee’ means a person issued a license by the department pursuant to Title 61 to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on‑premises consumption.

(8) ‘Manager’ means an individual employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on-premises consumption at the permitted or licensed premises.

(9) ‘Permittee’ means a person issued a permit by the department pursuant to Title 61 to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on‑premises consumption.

(10) ‘Program’ means an alcohol server training and education course and examination approved by the department that is administered by authorized providers.

(11) ‘Provider’ means an individual, partnership, corporation, or other legal entity authorized by the department that offers and administers a program.

Section 61‑3‑120. (A) No individual shall be employed as a manager or alcohol server on permitted or licensed premises unless and until that individual obtains, within sixty calendar days of employment, an alcohol server certificate pursuant to the provisions of this chapter. If a permittee or licensee is a manager or alcohol server on the permitted or licensed premises, then the permittee or licensee must also complete training on mandatory alcohol server education and obtain an alcohol server certificate pursuant to the provisions of this chapter.

(B) Each permittee or licensee shall maintain at all times on its permitted or licensed premises copies of the alcohol server certificates of the permittee or licensee, if applicable, and the alcohol server certificates of each manager and each alcohol server then employed by the permittee or licensee. Copies of the alcohol server certificate must be made available, upon request, to the department or the division, or to the agents and employees of each.

(C) Failure to produce a copy of an alcohol server certificate is prima facie evidence that an alcohol server certificate has not been issued and shall subject the permittee or licensee to fines and penalties in accordance with this chapter.

(D) Administrative fines, not to exceed one thousand dollars, may be imposed by the department against any person that violates the provisions of this chapter or related regulations.

(E) The department may issue an administrative order to suspend or revoke the alcohol server certificate of any person whom the department determines has violated the provisions of this chapter. In lieu of suspension or revocation of an alcohol server certificate, the department may require that the individual who has violated the provisions of this chapter attend and successfully complete either the full program or a recertification program.

(F) If an individual’s alcohol server certificate is suspended or revoked, that individual is prohibited from serving in a South Carolina business permitted or licensed pursuant to Title 61 during the period of suspension or revocation, for such period as stated in the suspension or revocation order.

Section 61‑3‑130. (A) The department is authorized to approve alcohol server training programs offered by providers. A provider shall not charge an individual more than fifty dollars for a training program.

(B) The curricula of each program must include the following subjects:

(1) state laws and regulations pertaining to:

(a) the sale and service of alcoholic beverages,

(b) the permitting and licensing of sellers of alcoholic beverages,

(c) impaired driving or driving under the influence of alcohol or drugs,

(d) liquor liability issues, and

(e) carrying of concealed weapons by authorized permit holders into businesses selling and serving alcoholic beverages;

(2) the effect that alcohol has on the body and human behavior, including, but not limited to the effect on an individual’s ability to operate a motor vehicle when intoxicated;

(3) the effect that alcohol has on an individual when taken in combination with commonly used prescription or nonprescription drugs or with illegal drugs;

(4) methods of recognizing problem drinkers and techniques for intervening with and refusing to serve problem drinkers;

(5) methods of identifying and refusing to serve or sell alcoholic beverages to an underage or intoxicated person; and

(6) methods for properly and effectively checking the identification of an individual, for identifying an illegal identification of an individual, and for handling situations involving individuals who have provided illegal identification;

(C) The department shall approve only online or classroom designed training programs that meet each of the following criteria:

(1) A program must cover the content specified in subsection (B). If a program does not include law enforcement information in its general course material, specific South Carolina law enforcement information must be provided in a South Carolina training supplement document.

(2) The content in a program must clearly identify and focus on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and is developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible.

(3) A program may be offered online or through classroom instruction.

(4) Classroom training must be at least four hours, be available in English and Spanish, and include a test.

(5) Online or computer based training programs shall be forced linear, with no content omitted, be interactive, have audio for content, and include a test.

(6) Training and testing is conducted by any means available, including, but not limited to, online, computer, classroom and live trainers. All tests must be monitored by a manager or proctor. A passing grade is seventy percent or above correctly answered.

(7) Training certificates are issued by the provider only after training is complete and the test has been passed successfully.

(8) Each provider must provide to the department a report of all individuals who have successfully completed training and testing within ten business days after the training is completed. The provider must also maintain these records for at least three years following the end of the training program for purposes of verifying certification validity by the department or the division.

(D) The department may suspend or revoke the authorization of a program provider that the department determines has violated the provisions of this chapter. If a provider’s authorization is suspended or revoked, that provider must cease operations in this state immediately and refund any money paid to it by individuals who are enrolled in that provider’s program at the time of the suspension or revocation.

Section 61‑3‑140. (A) A provider of a program that is authorized by the department shall pay a fee, in an amount to be determined by the department, not to exceed five hundred dollars. Each fee shall be deposited into the South Carolina Mandatory Alcohol Server Training Program Fund to assist in the costs associated with implementation and enforcement of the provisions of this chapter.

(B) The Fund is a revolving fund and no funds deposited therein shall revert to the General Fund of the state treasury.

(C) The department, with the assistance of the division, shall, on or before the second Tuesday of each year, make a report of all income and expenditures made from the South Carolina Mandatory Alcohol Server Training Program Fund as of December thirty‑one of the previous year. A copy of the report shall be given to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, placed on the websites of the department and the division, and recorded in the journals of each body of the General Assembly at the beginning of each legislative year.

Section 61‑3‑150. (A) The department shall issue an alcohol server certificate to each applicant that completes an approved mandatory alcohol server training program or a recertification program and who provides other information as may be required by the department, in an application form that is available on the department’s website. A person must apply for an alcohol server certificate within six months of completing a program. The department, if circumstances warrant the issuance of a temporary server certificate, may issue a temporary server certificate that is valid for a period of not more than thirty calendar days.

(B) Alcohol server certificates shall not be issued to graduates of programs that are not approved by the department.

(C) An alcohol server certificate is the property of the individual to whom it is issued, and is transferrable among employers.

(D) Alcohol server certificates shall be valid for a period of three years from the date that the alcohol server certificate was issued. After that date, a new alcohol server certificate must be obtained in order for the holder to be employed as a server.

(E) Upon expiration of an alcohol server certificate, the individual to whom the alcohol server certificate was issued may obtain recertification in accordance with regulations promulgated by the department and approved by the General Assembly.

(F) The department may charge a fee, not to exceed fifteen dollars, for the issuance of an alcohol server certificate.

Section 61‑3‑160. As a requirement for application or renewal of a permit or license under Chapter 4, Title 61 or Chapter 6, Title 61, a permittee or licensee must submit to the department proof that the permittee or licensee, if applicable, and each manager and alcohol server employed by the permittee or licensee during the upcoming or prior permit or license period have or have held valid alcohol server certificates at all times that alcoholic beverages were sold, served, or dispensed.

Section 61‑3‑170. The department is authorized to promulgate regulations necessary to carry out the duties imposed upon them by this chapter, including, but not limited to, regulations governing the establishment, implementation, and enforcement of responsible alcoholic beverage server training programs.

Section 61‑3‑180. The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61‑2‑260 and the South Carolina Administrative Procedures Act.”

SECTION 3. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of Chapter 3, Title 61 of the 1976 Code as added by this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the chapter, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect on January 1, 2018, and any person applying for a new permit or license under Title 61 after this date must comply with the provisions of this act at the time of the application. A person renewing a permit or license under Title 61 after this date must comply with the provisions of this act at the time of the renewal.

‑‑‑‑XX‑‑‑‑