

# HOUSE BILL No. 6167

June 12, 2018, Introduced by Reps. Sabo, Cochran, Chang, Lasinski, Brinks, Guerra, Geiss, Greig, Love, Green, Pagan, Yancey, Gay-Dagnogo, Wittenberg, Rabhi and Jones and referred to the Committee on Law and Justice.

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 906 (MCL 436.1906), as amended by 2008 PA 218.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 906. (1) As used in this section:

2           (a) "Administrator" means a qualifying company, postsecondary  
3 educational institution, or trade association authorized by the  
4 commission to offer server training programs and instructor  
5 certification classes in compliance with this section and to  
6 certify to the commission that those persons meet the requirements  
7 of this section.

8           (b) "Instructor" means an individual certified by an  
9 administrator and approved by the commission to teach server  
10 training programs. An instructor may be a licensee or an employee  
11 of a licensee.

1 (c) "Prohibited sale" means the sale of alcoholic liquor by an  
2 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 commission  
5 of a retail licensee meeting the standards of this section.

6 (e) "Server training program" means an educational program  
7 ~~whose~~**THE** curriculum **OF WHICH** has been approved by the commission  
8 under the standards described in this section and is offered by an  
9 administrator or instructor to a retail licensee, or a licensee  
10 operating a tasting room or providing samples of alcoholic liquor,  
11 for its employees.

12 (2) The commission shall approve the establishing of a server  
13 training program designed for all new on premises licensees or  
14 transferees of more than a 50% interest in an on premises license  
15 on or after the commencement of the mandatory server training  
16 program, and for any existing retail licensees the commission  
17 determines to be in need of training due to the frequency or types  
18 of violations of this act involving the serving of alcoholic  
19 liquor. This subsection does not apply to special licenses except  
20 that the commission may require server training for certain special  
21 licensees based upon the size and nature of the licensed event. The  
22 commission may adopt the existing standards and programmatic  
23 framework of private entities and may delegate nondiscretionary  
24 administrative functions to outside private entities.

25 (3) The commission shall establish a program in which the  
26 commission designates certain retail licensees, except special  
27 licenses, as responsible vendors. The commission may adopt the

1 existing standards and programmatic framework of private entities  
2 and may delegate nondiscretionary administrative functions to  
3 outside private entities.

4 (4) The commission shall designate as a responsible vendor a  
5 retail licensee who makes available to all full-time and part-time  
6 retail employees, within 60 days after being hired, a server  
7 training program and who is also free of convictions or  
8 administrative determinations involving prohibited sales for not  
9 less than 12 months before applying for the designation. The  
10 designation continues until suspended by the commission.

11 (5) A person may apply to the commission for qualification as  
12 an administrator for the offering of server training programs and  
13 instructor certification classes.

14 (6) The commission shall approve a curriculum for a server  
15 training program presented by a certified instructor in a manner  
16 considered by the commission to be adequate that includes, but is  
17 not limited to, all of the following topics:

18 (a) The identification of progressive stages of intoxication  
19 and the visible signs associated with each stage.

20 (b) The identification of the time delay between consumption  
21 and visibility of signs of progressive intoxication.

22 (c) Basic alcohol content among different types of measured  
23 drinks containing alcoholic liquor.

24 (d) Variables associated with visible intoxication, including  
25 the rate of drinking, experience, weight, food consumption, sex,  
26 and use of other drugs.

27 (e) Personal skills to handle slow-down of service and

1 intervention procedures.

2 (f) Procedures for monitoring consumption and maintaining  
3 incident reports.

4 (g) The understanding of acceptable forms of personal  
5 identification, techniques for determining the validity of  
6 identification, and procedures for dealing with fraudulent  
7 identification.

8 (h) Assessment of the need to ask for identification based on  
9 appearance or company policy.

10 (i) The identification of potential second-party sales and  
11 furnishing of alcoholic liquor to minors by persons 21 years of age  
12 or over.

13 (j) The understanding of possible legal, civil, and  
14 administrative consequences of violations of this act, the rules of  
15 the commission, and other pertinent state laws.

16 (k) The understanding of Michigan laws pertaining to minors  
17 attempting to purchase, minors in possession, and second-party  
18 sales or furnishing of alcoholic liquor from adults to minors.

19 (l) Knowledge of the legal hours of alcoholic liquor service  
20 and occupancy.

21 (m) The identification of signs of prohibited activities, such  
22 as gambling, solicitation for ~~prostitution,~~ **COMMERCIAL SEX**, and  
23 drug sales.

24 (n) Any other pertinent laws as determined by the commission.

25 (7) The commission shall issue an instructor certification to  
26 an individual presenting evidence acceptable to the commission of  
27 having successfully completed instructor certification classes and

1 shall issue an identification card indicating that certification by  
2 the commission.

3 (8) Upon approval by the commission of a server training  
4 program, the commission shall appoint the person sponsoring the  
5 server training program as an administrator of that program. The  
6 administrator shall provide a certification to the commission that  
7 a retail licensee has successfully completed the server training  
8 program offered by a certified instructor and approved by the  
9 commission and shall recommend that the commission designate the  
10 licensee as a responsible vendor.

11 (9) A certified instructor who is a licensee or an employee of  
12 a licensee may offer server training programs approved by the  
13 commission to the employees of the licensee and certify to the  
14 commission those persons who successfully completed the program.

15 (10) An on premises licensee whose license was issued or who  
16 was the transferee of more than a 50% interest in an on premises  
17 license on or after the commencement of the mandatory server  
18 training program or an on premises licensee determined by the  
19 commission to be in need of training due to the frequency or types  
20 of violations of this act involving the serving of alcoholic liquor  
21 must have employed or present on the licensed premises, at a  
22 minimum, supervisory personnel who have successfully completed a  
23 server training program on each shift and during all hours in which  
24 alcoholic liquor is served. An on premises licensee must keep a  
25 copy of the responsible vendor designation or proof of completion  
26 of server training on the licensed premises to facilitate the  
27 verification of such designation by the commission, agent of the

1 commission, or law enforcement officer. An on premises licensee  
2 determined by the commission to have violated this subsection is  
3 subject to revocation, suspension, or other sanction as provided  
4 for in section 903. A violation of this subsection is not a  
5 violation of section 909.

6 (11) As a condition of the designation of a licensee as a  
7 responsible vendor, the licensee shall make available to the  
8 administrator in not less than 60-day time increments records  
9 sufficient to verify the names and ~~social security~~ **SOCIAL SECURITY**  
10 numbers of his or her employees. The administrator shall provide to  
11 the commission a list of names and ~~social security~~ **SOCIAL SECURITY**  
12 numbers of individuals who have successfully completed the server  
13 training program and shall monitor the licensee in a manner  
14 approved by the commission in order to verify continued compliance  
15 of the licensee's status as a responsible vendor. The administrator  
16 shall notify the commission in writing as soon as it determines  
17 that the licensee has failed to maintain the standards for server  
18 training or has failed to cooperate with the administrator's  
19 verification procedure. Upon receipt of such a notice from the  
20 administrator, the commission shall suspend the licensee's  
21 designation as a responsible vendor.

22 (12) The commission may suspend the designation of a retail  
23 licensee as a responsible vendor upon a conviction or  
24 administrative determination of a prohibited sale on the licensee's  
25 licensed premises. The retail licensee losing such a designation  
26 may reapply for designation as a responsible vendor upon the  
27 passage of 12 months from the date of the conviction or

1 administrative determination of a prohibited sale if the licensee  
2 is not convicted or administratively determined to have engaged in  
3 a prohibited sale on the licensed premises. After the first  
4 instance of a retail licensee losing its designation as a  
5 responsible vendor, that retail licensee is not eligible to reapply  
6 for such a designation until an additional 3 months for each  
7 subsequent conviction or determination. The 3-month time periods  
8 are to be in addition to the 12-month period described in this  
9 subsection.

10 (13) A responsible vendor is not considered to be in violation  
11 of the prohibition contained in section 707(4) regarding allowing  
12 an intoxicated person to frequent or loiter on the licensed  
13 premises unless the facts demonstrate otherwise.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect  
17 unless Senate Bill No. \_\_\_\_ or House Bill No. 6169 (request no.  
18 02879'17) of the 99th Legislature is enacted into law.