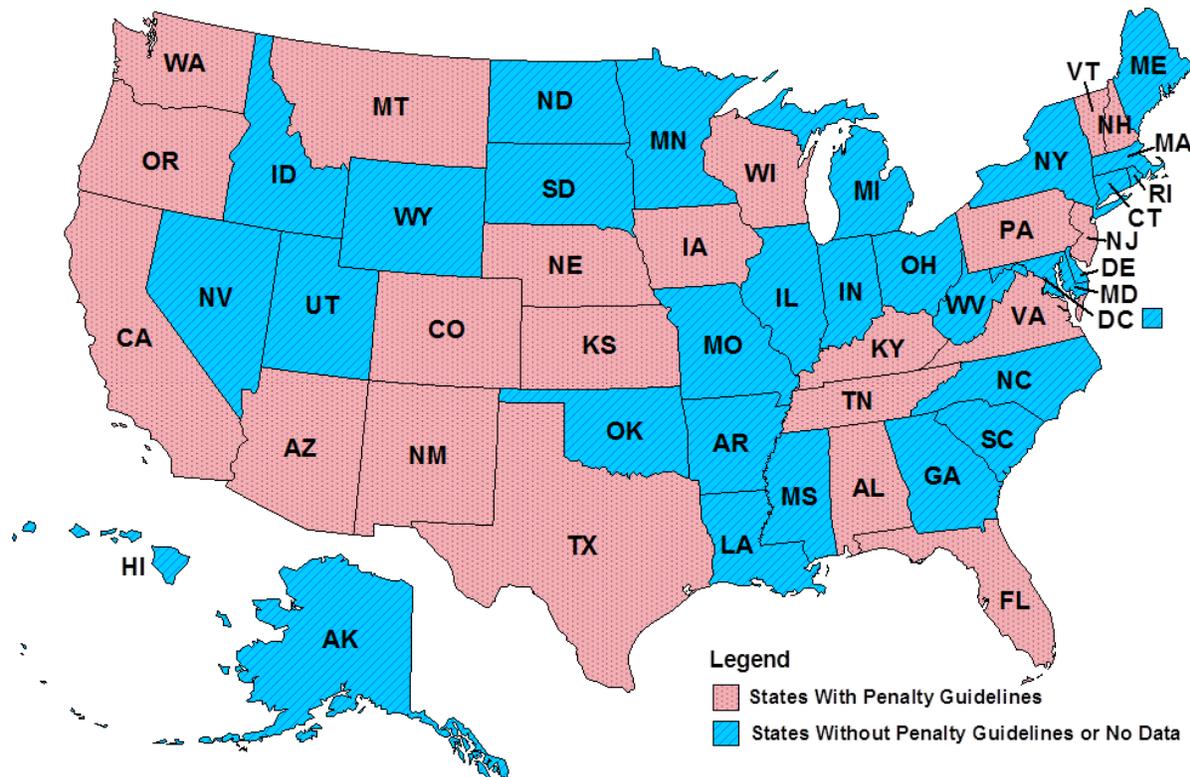


Exhibit 4.3.20: States with Penalty Guidelines as of January 1, 2011

References and Further Information

Legal research and data collection for this topic are planned and managed by SAMHSA and conducted under contract by The CDM Group, Inc. To see definitions of the variables for this policy, go to Appendix B. For further information and background see:

National Research Council, Institute of Medicine. (2003). *Reducing underage drinking: A collective responsibility*. Washington, DC: National Academies Press.

Ross, H. L. (1992). *Confronting drunk driving: Social policy for saving lives*. Binghamton, New York: Vail-Ballou Press.

10. RESPONSIBLE BEVERAGE SERVICE

Policy Description

Responsible beverage service training policies set requirements or incentives for retail alcohol outlet participation in programs that: (1) develop and implement policies and procedures for preventing alcohol sale and service to minors and intoxicated persons, and (2) train licensees, managers, and servers/sellers to implement RBS policies and procedures effectively.

Server/seller training focuses on serving and selling procedures, recognizing signs of intoxication, methods for checking age identification, and techniques for intervening with intoxicated patrons. Manager training includes server/seller training, policy and procedures

development, and staff supervision. RBS programs typically have distinct training curricula for on- and off-sale establishments because of the differing characteristics of these retail environments. All RBS programs focus on preventing sale and furnishing to minors.

Responsible beverage service training can be mandatory or voluntary. A program is considered mandatory if State provisions require at least one specified category of individual (e.g., servers/sellers, managers, or licensees) to attend training. States may have either mandatory programs, voluntary programs, or both. For example, a State may make training for new licenses mandatory while also offering voluntary programs for existing licensees. Alternatively, a State may have a basic mandatory program while also offering a more intensive voluntary program that provides additional benefits for licensees choosing to participate in both.

States with voluntary programs usually provide incentives for retailers to participate in RBS training but do not impose penalties for those who decline involvement. Incentives vary by State and include (1) a defense in dram shop liability lawsuits (cases filed by injured persons against retail establishments that provided alcohol to minors or intoxicated persons who later caused injuries to themselves or third parties); (2) discounts for dram shop liability insurance; (3) mitigation of fines or other administrative penalties for sales to minors or sales to intoxicated persons; and (4) protection against license revocation for sales to minors or intoxicated persons.

See the “[Dram Shop Liability](#)” section of this Report for further discussion of this policy. The “[Furnishing of Alcohol to Minors](#)” section has additional information regarding prevention of alcohol sales to minors, and the “[False Identification](#)” section includes materials related to age identification policies.

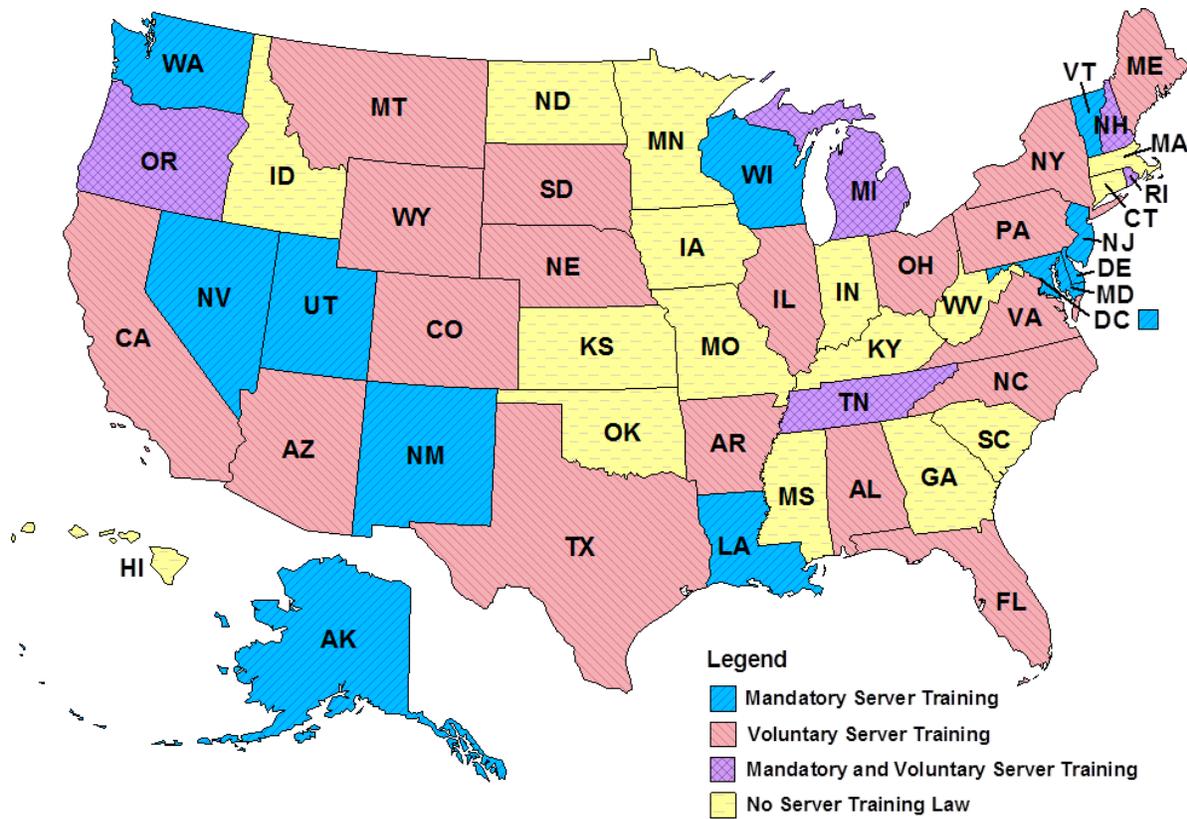
Status of Responsible Beverage Service Training Policies

As of January 1, 2011, 35 States and the District of Columbia have some type of RBS training provision (see Exhibit 4.3.21). Out of these, 17 States and the District of Columbia have some form of mandatory provision and 23 States provide for voluntary training. Of the 17 mandatory States, 12 States and the District of Columbia apply their RBS training provisions to both on- and off-sale establishments; 4 States (Michigan, Rhode Island, Tennessee, and Washington) apply them to on-premises establishments only; and New Jersey limits its provisions to off-sale establishments. Twelve of the mandatory States and the District of Columbia apply their provisions to both new and existing establishments, while four States (Michigan, New Hampshire, New Jersey, and Wisconsin) apply them to new establishments only. Five States (Michigan, New Hampshire, Oregon, Rhode Island, and Tennessee) have both mandatory and voluntary provisions:

- Michigan: The mandatory provisions apply to new on-premises establishments; the voluntary provisions apply to existing on-premises establishments.
- New Hampshire: The mandatory provisions apply to new on- and off-premises establishments; the voluntary provisions provide incentives available to all types of establishments.
- Oregon: Both the voluntary and mandatory provisions apply to all types of establishments, with the voluntary provisions offering incentives for participation in both.

- Rhode Island: The mandatory provisions apply to existing, on-premises establishments. The voluntary provisions offer dram shop liability defense incentives and do not specify which types of establishments may participate.
- Tennessee: The mandatory provisions apply to new and existing on-premises establishments. The voluntary provisions offer incentives available to off-premises establishments but do not specify whether the incentives are available to new and/or existing establishments.

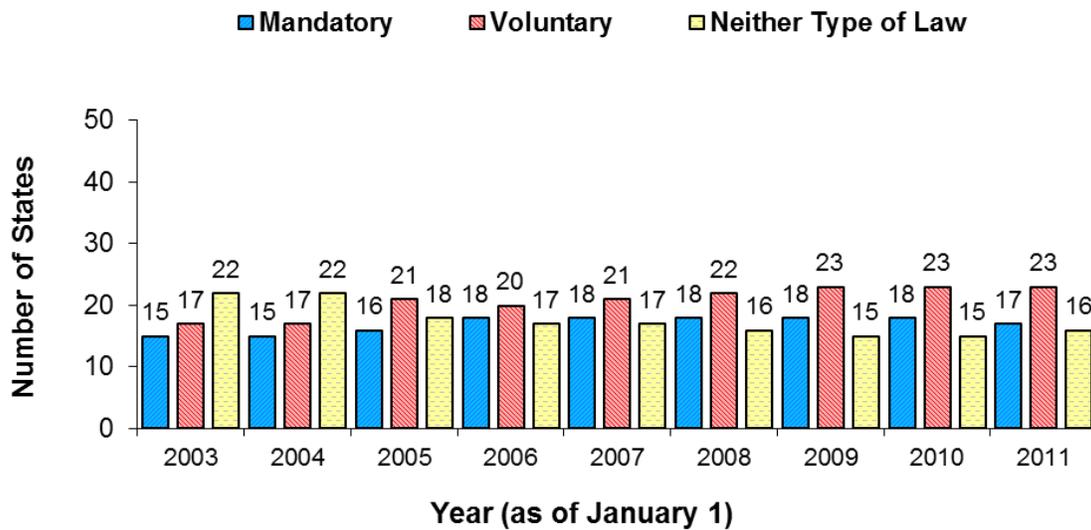
Exhibit 4.3.21: Beverage Service Training and Related Practices as of January 1, 2011



Trends in Responsible Beverage Service Policies

Between 2003 and 2011, the number of States with mandatory policies increased from 15 to 17, and the number of States with voluntary policies rose from 17 to 23 (see Exhibit 4.3.22). The number of States with no RBS training policy decreased from 22 to 16.

Exhibit 4.3.22: Number of States with Beverage Server Training Laws, January 1, 2003, through January 1, 2011



Note: Some Jurisdictions have both types of laws

References and Further Information

All data for this policy were obtained from APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Beverage Service Training and Related Practices.” APIS provides further descriptions of this policy and its variables, details regarding State policies, and a review of the limitations associated with the reported data. To see definitions of the variables for this policy, go to Appendix B.

11. MINIMUM AGES FOR ON-PREMISES SERVERS AND BARTENDERS

Policy Description

All States specify a minimum age for employees who serve or dispense alcoholic beverages. Generally, the term “servers” refers to waitpersons, and “bartenders” refers to individuals who dispense alcoholic beverages. These restrictions recognize that underage employees, particularly those who are unsupervised, may lack the maturity and experience to conduct adequate checks of age identification and resist pressure from underage peers to complete illegal sales.

States vary widely in terms of minimum age requirements for servers and bartenders. In some States, the minimum age for both types of employee is 21, but others set lower minimum ages, particularly for servers. No State permits underage bartenders while prohibiting underage servers. Some States permit servers or bartenders younger than 21 to work only in certain types of on-premises establishments, such as restaurants, or to serve only certain beverage types, such as beer or wine. Underage servers and bartenders may be allowed only if legal-age managers or supervisors are present when underage persons are serving alcoholic beverages or tending bar.

State laws setting a minimum age for employees who sell alcohol at off-premises establishments are described in the “Minimum Ages for Off-Premises Sellers” section of this Report.