

TITLE 4

Alcoholic Liquors

CHAPTER 12. DELAWARE RESPONSIBLE ALCOHOLIC BEVERAGE SERVER TRAINING PROGRAM

§ 1201 Findings and declaration of policy.

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

- (1) The irresponsible service and consumption of alcoholic beverages has had a significant adverse impact on highway safety, personal health and individual welfare and is not in the best interests of the citizens of this State;
- (2) Commercial servers of alcoholic beverages who are licensed by the State have a responsibility to ensure that their customers are served alcoholic beverages in a responsible and appropriate manner;
- (3) Responsible server training programs have proven to be an effective means of addressing, in a positive and constructive manner, the irresponsible and inappropriate service of alcoholic beverages by commercial establishments;
- (4) The voluntary responsible alcoholic beverage server training program which has been conducted by the Delaware Division of Alcohol and Tobacco Enforcement staff has been well received by those licensed commercial servers of alcoholic beverages who have undergone the training;
- (5) A voluntary server training program cannot be as effective as a mandatory program which would reach all licensed commercial servers of alcoholic beverages;
- (6) Such a mandatory training program should be provided to licensees and their employees at a reasonable cost so as to encourage their full support and participation while creating an incentive for the employees to take the program seriously; and
- (7) 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 Delaware.

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.

[68 Del. Laws, c. 168, § 1](#); [70 Del. Laws, c. 602, § 6](#); [72 Del. Laws, c. 486, §§ 15, 21](#); [75 Del. Laws, c. 80, §§ 1, 2](#);

§ 1202 Implementation.

- (a) It shall be the responsibility of the Division of Alcohol and Tobacco Enforcement to establish training courses and materials, examinations and examination procedures with respect to the implementation of a mandatory responsible alcoholic beverage server training program in Delaware.
- (b) It shall be permissible for any person or entity to establish a responsible alcoholic beverage server training program that conforms to the requirements of § 1204 of this title.
- (c) In establishing, implementing, certifying or otherwise approving any training program, the Alcoholic Beverage Control Commissioner and the Division of Alcohol and Tobacco Enforcement shall consult with and seek comment from industry groups affected by the program as well as other interested state agencies.
- (d) For the purposes of § 1203(a) and (c) of this title, the term "employees" means persons who have been employed by the holder of a license for at least 30 days and who work in a licensed establishment at least 10 hours a week.
- (e) The Commissioner may grant new licenses or renew valid licenses conditional upon the certification required by § 1203(b) and (d) of this title being provided to the Commissioner within 30 days of the granting or renewal of such license.

[68 Del. Laws, c. 168, § 1](#); [70 Del. Laws, c. 186, § 1](#); [70 Del. Laws, c. 602, §§ 4, 5](#); [72 Del. Laws, c. 486, §§ 15, 21](#); [74 Del. Laws, c. 250, § 2](#); [75 Del. Laws, c. 80, § 3](#);

§ 1203 Applicability; on-premises licenses.

- (a) Effective July 1, 1992, every person who holds any valid license issued by the Alcoholic Beverage Control Commissioner pursuant to this title which authorizes the sale of alcoholic beverages for on-premises consumption shall, upon request, be required to demonstrate that his or her employees who

as part of their employment responsibilities sell, prepare, dispense, serve or otherwise deliver alcoholic beverages directly to patrons of the licensed establishment for on-premises consumption, or who manage employees who do, have successfully completed a responsible alcoholic beverage server training program recognized and approved by the Commissioner in accordance with the provisions of this chapter. Each licensee who participates directly in the management of the licensed establishment shall also be required to successfully complete a responsible alcoholic beverage server training program recognized and approved by the Commissioner.

(b) Following July 1, 1992, every person who makes application for any license or for renewal of any valid license issued by the Alcoholic Beverage Control Commissioner pursuant to this title, which authorizes the sale of alcoholic beverages for on-premises consumption shall, as part of the application process, certify to the Commissioner that his or her employees who as part of their employment responsibilities sell, prepare, dispense, serve or otherwise deliver alcoholic beverages directly to patrons of the licensed establishment for on-premises consumption, or who manage employees who do, have successfully completed a responsible alcoholic beverage server training program recognized and approved by the Commissioner in accordance with the provisions of this chapter. Each applicant who intends to participate directly in the management of the licensed establishment shall also be required to successfully complete a responsible alcoholic beverage server training program recognized and approved by the Commissioner.

(c) Effective January 1, 1997, every person who holds any valid license issued by Alcoholic Beverage Control Commissioner pursuant to this title which authorizes the sale of alcoholic beverages for off-premises consumption shall, upon request, be required to demonstrate that any employees who, as part of their employment responsibilities, sell, serve or otherwise deliver alcoholic beverages directly to patrons of the licensed establishment for off-premises consumption or who manage employees who do, have successfully completed a responsible alcoholic beverage server training program recognized and approved by the Commissioner in accordance with the provisions of this chapter. Each licensee who participates directly in the management of the licensed establishment shall also be required to successfully complete a responsible alcoholic beverage server training program recognized and approved by the Commissioner.

(d) Following January 1, 1997, every person who makes application for any license or renewal of any valid license issued by the Alcoholic Beverage Control Commissioner pursuant to this title which authorizes the sale of alcoholic beverages for off-premises consumption shall, as part of the

application process, certify to the Commissioner that any employees who, as part of their employment responsibilities, sell, serve or otherwise deliver alcoholic beverages directly to patrons of the license establishment for off-premises consumption or who manage employees who do, have successfully completed a responsible alcoholic beverage server training program recognized and approved by the Commissioner in accordance with the provisions of this chapter. Each applicant who intends to participate directly in the management of the licensed establishment shall also be required to complete a responsible alcoholic beverage server training program recognized and approved by the Commissioner.

(e) The provisions of subsections (a) through (d) of this section shall not apply to licenses issued pursuant to §§ 514 and 525 of this title.

[68 Del. Laws, c. 168, § 1](#); [68 Del. Laws, c. 327, § 1](#); [70 Del. Laws, c. 186, § 1](#); [70 Del. Laws, c. 602, §§ 1-3](#); [72 Del. Laws, c. 486, §§ 15, 21](#);

§ 1204 Training standards and curriculum.

(a) In order to be recognized and approved by the Alcoholic Beverage Control Commissioner, a responsible alcoholic beverage server training program shall include, but need not be limited to, providing information related to the following:

- (1) Alcohol as a drug and its effects on the body and behavior, especially as to driving ability;
- (2) Effects of alcohol in combination with commonly used legal prescription or nonprescription drugs and illegal drugs;
- (3) Recognizing the problem drinker and the identification of community treatment programs and agencies;
- (4) Applicable Delaware alcoholic beverage control laws and Alcoholic Beverage Control Commissioner rules;
- (5) Delaware laws related to drinking and driving;
- (6) Intervention techniques, involving methods of dealing with the problem customer who has had, or is approaching the point of having had, too much to drink;

(7) Advertising, promotion and marketing of alcoholic beverages for safe and responsible drinking patterns and standard operating procedures for dealing with customers.

(b) The Commissioner may by regulation provide additional training standards and curricula to be included within any responsible alcoholic beverage server training program as a condition to its being recognized and approved by the Commissioner.

(c) The Division of Alcohol and Tobacco Enforcement shall provide a responsible alcoholic beverage server training program through its trained personnel for a course approved by the Commissioner and the Commissioner may approve and certify such a training program or programs to be provided through independent contractors, private persons or educational institutions.

(d) Anyone required to undergo training in accordance with the provisions of this chapter, who has within the previous 4 years successfully completed a responsible alcoholic beverage server training program which satisfies the requirements of the Commissioner, and is approved by the Commissioner, shall not be obligated to undertake additional training until such time as the person is required to undergo renewal training in accordance with § 1205 of this title.

[68 Del. Laws, c. 168, § 1](#); [72 Del. Laws, c. 486, §§ 15, 21](#); [74 Del. Laws, c. 250, § 2](#); [75 Del. Laws, c. 80, § 4](#);

§ 1205 Certification and renewal training.

Every person who successfully completes an approved responsible alcoholic beverage server training program shall be certified by the instructor as having met the requirements of this chapter. The course taught shall be either the Division of Alcohol and Tobacco Enforcement course or any other Commissioner approved course. The instructor shall provide the names of the persons who successfully complete the approved class, as well as such additional information that is required by the Commissioner, to the Commissioner and the Division of Alcohol and Tobacco Enforcement. Such certification shall be valid for a period of 4 years at which time the person must undergo renewal training in order to obtain recertification which shall also be valid for a period of 4 years. Renewal training shall include the information described in § 1204 of this title and/or such other information as the Commissioner may by regulation require.

[68 Del. Laws, c. 168, § 1](#); [72 Del. Laws, c. 486, § 15](#); [75 Del. Laws, c. 80, § 5](#);

§ 1206 Violations; penalties.

- (a) The Commissioner may reprimand or impose an administrative fine against any licensee who intentionally violates any provision of this chapter or any regulation promulgated by the Commissioner pursuant thereto.
- (b) The Commissioner may preclude any employee of a licensee who fails to comply with the applicable training requirements contained in this chapter or any regulation promulgated by the Commissioner pursuant thereto from working in any capacity in a licensed establishment until such time as it is provided with proof that the employee has successfully completed the applicable training requirements.
- (c) The Commissioner may suspend or revoke the server training card of any person who the Commission determines, after a hearing, has violated this title or the Commissioner's rules. If a person's card is suspended or revoked, that person shall not be permitted to serve alcohol in Delaware during the period of suspension or, if revoked, for such period of time as stated by the Commissioner in the order of revocation. In addition, the Commissioner may require that a person that has completed the course attend and successfully complete either the full course or the recertification course.

[68 Del. Laws, c. 168, § 1](#); [72 Del. Laws, c. 486, § 15](#); [75 Del. Laws, c. 80, § 6](#);

§ 1207 Enforcement.

The Division of Alcohol and Tobacco Enforcement shall be responsible for enforcement of this chapter and shall bring charges of violations of this chapter against a licensee or a certified trained server before the Commissioner. The Commissioner shall have exclusive original jurisdiction over all alleged violations of the provisions of this chapter.

[68 Del. Laws, c. 168, § 1](#); [72 Del. Laws, c. 486, §§ 15, 21](#); [75 Del. Laws, c. 80, § 7](#);

§ 1208 Training program costs.

- (a) All costs associated with the implementation, administration and enforcement of the requirements of this chapter shall be paid from a special fund entitled the "Delaware Responsible Alcoholic Beverage Server Training Program Fund."

(b) The Commissioner shall deposit \$300 from each application process fee, collected pursuant to § 554(x) of this title, into the Delaware Responsible Alcoholic Beverage Server Training Program Fund.

(c) Any person that takes the course offered by the Division of Alcohol and Tobacco Enforcement after January 1, 2006, shall pay a fee, in the amount determined by the Commissioner, not to exceed \$15 for the full course and \$10 for the recertification course. Said fee shall be deposited into the Delaware Responsible Alcoholic Beverage Server Training Program Fund to pay for the costs associated with the program. Any person that is approved by the Commissioner to offer a responsible alcoholic beverage server training course may be required to remit a fee determined by the Commissioner, not to exceed \$15, to offset any costs associated with creating an identification card for the server.

(d) The Fund shall be a revolving fund and no funds deposited therein shall revert to the General Fund of the State Treasury.

(e) The Alcoholic Beverage Control Commissioner and Division of Alcohol and Tobacco Enforcement shall, on or before December 31 of each year, make a report to the Governor of all income and expenditures made from said Fund. A copy of said reports shall be given biennially on or before December 31 to any member of the General Assembly who requests a copy.

(f) The Commissioner shall deposit \$200 from each application process fee, collected pursuant to § 554(x) of this title, into an account designated by the Department of Finance for the General Fund of the State Treasury.

[68 Del. Laws, c. 168, § 1; 68 Del. Laws, c. 327, § 2; 72 Del. Laws, c. 486, §§ 15, 21; 75 Del. Laws, c. 80, § 8.](#)