

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p><i>(All Comments submitted on this regulation will appear on IRRC's website)</i></p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED IRRC</p> <p>2019 JUN -3 P 2:18</p>
<p>(1) Agency: Pennsylvania Liquor Control Board</p>		
<p>(2) Agency Number: 54 Identification Number: 90</p>		<p>IRRC Number: 3236</p>
<p>(3) PA Code Cite: 40 Pa. Code, Chapter 5</p>		
<p>(4) Short Title: Responsible Alcohol Management Program</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Norina Foster, Assistant Counsel (717) 783-9454 Pennsylvania Liquor Control Board 401 Northwest Office Building Harrisburg, Pennsylvania 17124 FAX: (717) 787-8820 Email: ra-lblegal@pa.gov</p> <p>Secondary Contact: Rodrigo Diaz, Chief Counsel Jason M. Worley, Deputy Chief Counsel (Same Contact Information)</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>In 2000, the Responsible Alcohol Management Program ("RAMP") was established in the Liquor Code (47 P.S. §§ 1-101—10-1001) to provide for training and certification of licensees as to safe and responsible service of alcoholic beverages. At that time, participation in RAMP was mostly voluntary. However, Liquor Code amendments have made RAMP training mandatory for managers and alcohol service personnel and certain licensees must get RAMP certification. This proposed rulemaking intends to clarify what constitutes RAMP certification, what is required of those impacted by the legislative changes and provide guidance to online training providers or classroom instructors of RAMP server/seller training.</p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p>		

Pennsylvania Liquor Code, sections 207(i) and 471.1 (47 P.S. §§ 2-207(i) and 4-471.1).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is not mandated by any federal or state law, court order or federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Amendments to the Liquor Code have made some components of RAMP mandatory for certain individuals and have expanded the circumstances under which full RAMP certification is required of licensees:

- Act 11 of 2011 created the off-premises catering permit and required that all servers at the off-premises catered site must have received RAMP server/seller training.
- Act 113 of 2011 amended the Liquor Code to require that managers of a restaurant, eating place retail dispenser, hotel, club, limited distillery, or distributor license must complete RAMP manager/owner training within 180 days of the PLCB's approval of the appointment.
- Act 39 of 2016 amended the Liquor Code to require all alcohol service personnel to complete RAMP server/seller training within six months of being hired by a licensee, unless the person had successfully completed the training prior to being hired.
- Act 39 also amended the Liquor Code to provide for wine expanded permits, authorizing the permit holder to sell wine to patrons for off-premises consumption. Permit holders must obtain RAMP certification and have a RAMP-trained cashier at the register when patrons are on the licensed premises.

The purpose of this proposed rulemaking is to clarify what constitutes RAMP certification, to clarify what is required of those impacted by the legislative changes, and to provide guidance to those who want to offer RAMP server/seller training as online training providers or classroom instructors.

The proposed rulemaking seeks to clarify the difference between RAMP training and RAMP certification, because members of the regulated community frequently misconstrue training for certification. A server/seller is required to receive server/seller training and a manager is required to receive owner/manager training. Sections 5.203 and 5.204 (relating to mandatory training for managers and mandatory training for alcohol service personnel) were added to provide clarity to the regulated community. Training is a component, a prerequisite for certification; it is not the equivalent of certification. Only licensees receive RAMP certification. Licensees may voluntarily obtain RAMP certification, or they may be required to obtain it as a result of an adjudicated citation, because of a conditional licensing agreement with the PLCB, or because it is necessary for a permit they seek to obtain, such as a wine expanded permit.

There are instances throughout Chapter 5, Subchapter I of the PLCB's Regulations where the term "certification" is used in a context other than the certification of a licensee. For example, the current section 5.231 is entitled "Instructor Certification;" section 5.243(a)(1) requires licensees to keep records on the "Certification status of its employees, managers and owners...." Current section 5.233 addresses the need to have an alternative curriculum "certified" by the PLCB's Bureau of Alcohol Education ("BAE"). The word "certification" has been used inconsistently, which has contributed to the confusion in the regulated community.

This proposed rulemaking intends to clarify that "certification" is available to licensees only and requires the fulfillment of four prerequisites and then the submission of an application for certification of the licensee. The confusion and need for clarity on this issue prompted the creation of sections 5.205 and 5.206 (relating to RAMP certification prerequisites and RAMP certification). In addition, throughout the proposed rulemaking, if the word "certification" or "certified" was used in a context other than licensee certification, it was replaced with a more appropriate word. For example, online training providers and classroom instructors are authorized or deauthorized, not certified. Server/sellers and owner/managers receive training, not certification. Curriculum is approved, not certified.

The proposed rulemaking edits section 5.201 (relating to purpose) by keeping the first sentence but deleting the remainder. The provisions in section 5.201(a), pertaining to the four-part RAMP program, are set forth in more detail at new section 5.205. The provisions in subsections (b) and (c) are set forth in more detail in new sections 5.205 and 5.206.

The proposed rulemaking expands the definitions listed in section 5.202 (relating to definitions) by adding terms that have been introduced in the new sections, such as alternative curriculum, designated employee, material change, online training provider, standard curriculum, and training voucher. Other definitions were edited to provide clarity and consistency within the regulation.

The proposed rulemaking adds section 5.203 (relating to mandatory training for managers), which stems from the provision of Act 113 of 2011 that requires managers, under section 471.1(g) of the Liquor Code, to obtain owner/manager training. The proposed regulation provides that the manager will be deemed to have met the training requirement if they have successfully completed the training within the two years prior to being appointed manager. Two years was chosen as the time frame because it corresponds with RAMP certification, which is also valid for two years.

The proposed rulemaking also adds section 5.204 (relating to mandatory training for alcohol service personnel), which stems from the provision of Act 39 of 2016 that requires alcohol service personnel, under section 471.1(h) of the Liquor Code, to obtain server/seller training. Like section 5.203, the alcohol service personnel will be deemed to have met the training requirement if they have successfully completed the training within two years prior to being hired by the licensee.

The proposed rulemaking adds section 5.205 (relating to RAMP certification prerequisites) which is intended to clarify that training alone does not constitute certification. The word "prerequisites" was deliberately chosen to signal that the four components were not synonymous with certification. The four prerequisites are (1) owner/manager training, which was formerly located in section 5.241 (relating to manager/owner training); (2) server/seller training, which was previously not explained in detail; (3) new

employee orientation, which was formerly located in section 5.242 (relating to new employee orientation); and (4) display of responsible alcohol service signage, which was previously located in section 5.261 (relating to signs).

Section 5.206 (relating to RAMP certification) incorporates text from former section 5.271 (relating to premises certification). Section 5.206 was deliberately set apart from section 5.205 to make clear that satisfying the prerequisites was not the equivalent of RAMP certification. Another step is required; a licensee must file an application with the PLCB for certification.

Section 5.207 (relating to records) is based on former section 5.243 (relating to records). The language in section 5.207(a)(1) was updated to reflect the information that the BAE wants licensees to keep.

Central to any course of instruction is the curriculum. The current language in section 5.211 was deleted and replaced with a sentence explaining that someone who wants to offer server/seller training may use either the PLCB's standard curriculum or an alternative curriculum that has been approved by the PLCB. The proposed rulemaking goes on to provide more information in section 5.212 (relating to standard curriculum) and section 5.213 (relating to alternative curriculum).

The proposed rulemaking adds section 5.212 (relating to standard curriculum), providing that a standard RAMP curriculum for server/seller training is electronically available, free of charge, to anyone who requests it. If someone requests that the information be provided in hard copy via mail, the PLCB will provide it for a flat fee.

The proposed rulemaking adds section 5.213 (relating to alternative curriculum) to explain, in greater detail, what is required of someone who wants to get an alternative curriculum approved for use in server/seller training. The rulemaking introduces a limit of two resubmissions to correct any deficiencies; that limit was chosen as a fair balance between the interests of the alternative curriculum offeror and the limited resources of the BAE.

Current section 5.211(b) requires a fee of \$250.00 to be paid by someone who chooses to use an alternative curriculum. The PLCB studied the cost it takes to evaluate and approve an alternative curriculum. It is estimated that the process takes 17.5 hours at a cost to the PLCB of \$515.00. Rounding the cost of evaluation down to the nearest hundred (\$500.00) and then dividing that figure in half results in a figure of \$250.00. Therefore, the proposed rulemaking includes no change to the fee assessed for approving an alternative curriculum.

The proposed rulemaking includes a new heading, Online Training Providers and Programs for Server/Seller Training. The increased demand for RAMP server/seller training can be met, in part, by online server/seller training.¹ The BAE has allowed a limited number of online training providers to offer server/seller training since November 2011. The section is based on the BAE's experience with existing online training providers and includes guidance for anyone wanting to become a new online training provider.

¹ As an aside, only the PLCB may offer owner/manager training. 47 P.S. § 4-471.1(c).

Section 5.221 (relating to online training provider application) also includes a limitation that the PLCB will only accept applications during scheduled open enrollment periods. The purpose behind this amendment is primarily to control the number of applications received by the BAE. To ensure that those seeking server/seller training receive a quality experience, online training providers must be thoroughly evaluated. Evaluating online training providers is a time-consuming process, which includes numerous deadlines for the applicant and the BAE, and the BAE has only nine staff members available to conduct the evaluations. Therefore, limiting the acceptance of applications to scheduled periods is an effective way to ensure that the BAE can evaluate and authorize qualified online training providers within a reasonable timeframe.

Section 5.221 establishes the procedure for someone applying to become a new online training provider. Currently, online training providers are assessed the same fee required of classroom instructors—\$250.00—because the regulations do not as yet provide for a fee for online training providers. To determine an appropriate fee for an online training provider application, the PLCB calculated the amount of time spent in evaluating the application and supporting the online training provider. The process includes, but is not limited to, reviewing the application and the online training content, providing feedback and evaluating resubmissions of training content, providing troubleshooting and records reconciliation, and course evaluation. It is estimated that the process takes 55 hours at a cost to the PLCB of \$1,772.50. The evaluation is extensive and time consuming, since every link and every digital functionality must be tested to ensure that the program works as it is supposed to. As a result, the proposed rulemaking establishes the nonrefundable application fee of an online training provider at \$850.00. This fee was calculated by rounding the cost of evaluation and support down to \$1,700.00 and then dividing that figure in half.

Given the number of people who need to obtain server/seller training, the PLCB believes that online training providers can easily recoup the fee from alcohol service personnel in need of training. During fiscal year 2017-2018, 55,811 people received server/seller training from an online training provider, of which there are currently ten. If the number of students who obtained training were equally divided among the ten online training providers, each online training provider would have 5,581.1 students. The online training provider could recoup the \$850.00 application fee by charging each of those students 15.23 cents ($5,581.1 \times \$0.1523 = \850.00). Put another way, an online training provider would only need \$1.00 from approximately 1.523% of the 55,811 students to recoup the application fee ($55,811 \times 1.523\% = 850.00$). Currently, online training providers charge from \$8.00 to \$40.00 per training, with most charging \$20.00 or \$25.00.

Section 5.222 (relating to online training program approval process) sets forth the approval process, which requires the evaluation of the online training program itself. An online training provider is allotted 120 days to give the PLCB access to the online training website. After receiving access to the website, the PLCB will determine whether the website meets the minimum standards that are set forth in section 5.223 (relating to minimum standards of the online training program). The minimum standards include certain program features, program availability, program functionality, and the PLCB's final examination. The minimum standards also set forth security and technology requirements, such as encrypting personally identifiable information and prohibiting the online training provider from selling or using such information for any purpose other than for identification by the online training provider and verification by the PLCB.

Assuming an online training provider is successful with its application, the proposed rulemaking sets forth the responsibilities of the online training provider in section 5.224 (relating to online training provider responsibilities).

Section 5.225 (relating to renewal of authorization) explains the time frame and procedures for renewing the authorization to serve as an online training provider. Through this rulemaking, the PLCB is establishing clear rules for the renewal of an online training provider's authorization. Currently, online training providers pay a renewal fee of \$250.00. This fee has not been changed since 2010. To determine an appropriate fee, the PLCB calculated the amount of time spent in renewing an online training provider. The process includes, but is not limited to, course evaluation, student records reconciliation, and troubleshooting. It is estimated that the process takes approximately 39 hours at a cost to the PLCB of \$1,222.50. As a result, section 5.225 of the proposed rulemaking increases the renewal fee of an online training provider from \$250.00 to \$300.00. This fee was calculated by rounding the cost of evaluation and support down to \$600.00 and then dividing that figure in half.

In addition, section 5.225 imposes late fees on online training providers if renewal applications are not timely filed. Because RAMP has only nine staff members, requiring an online training provider to submit a renewal application thirty days before expiration allows sufficient time for the RAMP staff to process the request. This ensures that the online training provider's authorization is renewed in a timely fashion, without interruption of the provider's business. Renewals that are submitted shortly before expiration or after expiration tend to disrupt the work of the RAMP office; further, the late-submitting provider will often ask for expedited service for what is truly an avoidable crisis. Towards that end, additional late fees of \$100.00 and \$250.00 are imposed to compel the timely submission of the application for renewal. These fees were adopted because they are the same fees that licensees must pay if they are untimely with their license renewal applications. See 47 P.S. § 4-470(a). In addition, the proposed rulemaking establishes a deadline whereby late renewal applications will not be accepted; the online training provider will have to wait for open enrollment to submit a new application instead of a renewal.

Section 5.226 (relating to training vouchers) addresses a practice whereby online training providers issue training vouchers in bulk quantities to licensees with many employees, such as chain restaurants or casinos. The licensee may then give the training vouchers to its employees to obtain the server/seller training. Once these vouchers are sold, however, there is no guarantee that the online training provider will still be authorized to provide such training by the time the last voucher is redeemed and training is completed. To balance a licensee's need to provide server/seller training to numerous employees and to protect the licensee from the possibility of having a large quantity of vouchers from a training provider who is no longer authorized to provide training, the proposed rulemaking provides that the training vouchers are only valid for sixty days from the date of purchase. In this way, the risk to the licensee is limited and the training provider is still able to offer bulk training to licensees who are interested.

An online training provider who does not meet the minimum standards, who does not meet its responsibilities, or who engages in prohibited conduct may be deauthorized from providing online training. Proposed section 5.227 (relating to deauthorization of online training providers) sets forth the procedure that will be followed when an online training provider does not adhere to regulations.

The proposed rulemaking also includes, in section 5.231 (relating to classroom instructor application), updates to the regulations that pertain to classroom instructors of server/seller training. One of the changes to the regulation was to require the applicant to have had, within the past five years, two years of experience as a trainer or in giving presentations. The purpose behind this change was to ensure that the applicant's skills in this area are still relatively fresh, not, for example, based on an experience from twenty years ago. In addition, hospitality experience has been clarified to be related to hotel/restaurant management, to ensure that the applicant has ample experience.

Section 5.231 (relating to classroom instructor application) also includes a limitation that the PLCB will only accept applications during scheduled open enrollment periods. The purpose behind this amendment is primarily to control the number of applications received by the BAE. To ensure that those seeking server/seller training receive a quality experience, the classroom instructors must be thoroughly evaluated. Evaluating instructors is a time-consuming process, which includes numerous deadlines for the applicant and the BAE, and the BAE has only nine staff members available to conduct the evaluations. Therefore, limiting the acceptance of applications to scheduled periods is an effective way to ensure that the BAE can evaluate and authorize qualified classroom instructors within a reasonable timeframe.

Currently, new classroom instructors pay a fee of \$250.00. This fee has not been changed since 2010. To determine an appropriate fee, the PLCB calculated the amount of time spent in evaluating and training a new classroom instructor. The process includes, but is not limited to, two days of instruction as well as on-site training evaluation. It is estimated that the process takes approximately 50 hours at a cost to the PLCB of \$1,083.80. As a result, section 5.231 of the proposed rulemaking increases the nonrefundable application fee of a new classroom instructor from \$250.00 to \$500.00. This fee was calculated by rounding the cost of evaluation and support down to \$1,000.00 and then dividing that figure in half.

During fiscal year 2017-2018, 22,648 people obtained server/seller training in a classroom setting. There are currently thirty-six classroom instructors; if the people taking server/seller training were evenly distributed among the thirty-six classroom instructors, each instructor would teach 629.11 people per year. The authorized classroom instructor can recoup the \$500.00 authorization fee by charging each student an additional eighty cents ($629.11 \times \$0.80 = \503.29). Put another way, a classroom instructor would only need \$1.00 from approximately 2.3% of the 22,468 students to recoup the application fee ($22,468 \times 2.3\% = 516.764$). It is estimated that currently, classroom instructors charge from \$15.00 to \$50.00 per training, with most charging \$25.00 to \$40.00.

The proposed rulemaking amends section 5.232 (relating to classroom instructor approval process) to address the classroom instructor approval process instead of classroom instructor responsibilities, which will be addressed in newly added section 5.234 (relating to classroom instructor responsibilities). The most significant change to the approval process is the institution of a probationary period. The probationary period allows the BAE to evaluate classroom instructors "in action," to ensure that the classroom instructor can actually teach the material. If a classroom instructor does not achieve a rating of "Outstanding," "Commendable," or "Satisfactory," the PLCB will terminate the classroom instructor's authorization.

Section 5.233 (relating to minimum standards of classroom training) amends the existing regulation in small ways to provide greater clarity to the regulated community. For example, because the proposed rulemaking introduces the category of online training providers, this section is amended to refer to "classroom instructors," to clearly distinguish them from online training providers.

Additionally, in section 5.233, a classroom instructor is required to notify the PLCB immediately when cancelling a training session or making a change to the training schedule. Previously, the methods of communication between the classroom instructor and the PLCB in these circumstances included first class United States mail, other delivery or express service, facsimile, or e-mail. The proposed rulemaking amends the methods of communication to reflect the actual practice, which is by telephone or e-mail, eliminating all other methods.

In the proposed rulemaking, new section 5.234 (relating to classroom instructor responsibilities) includes the existing content of section 5.232 (relating to instructor responsibilities). The section has been expanded to include a subsection requiring the classroom instructor on probationary status to adhere to the PLCB's Regulations and Probationary Status Instructor policies that will be provided by the PLCB. The section also adds responsibilities of classroom instructors about making changes to the curriculum, about acknowledging communications from the PLCB, getting PLCB approval on marketing correspondence, and keeping contact information up to date with the PLCB.

The proposed rulemaking adds new section 5.235 (relating to renewal of authorization). Through this rulemaking, the PLCB is establishing clear rules for the renewal of a classroom instructor's authorization. Currently, classroom instructors pay a renewal fee of \$250.00. This fee has not been changed since 2010. To determine an appropriate fee, the PLCB calculated the amount of time spent in renewing a classroom instructor. The process includes, but is not limited to, travelling to locations for on-site training evaluation. It is estimated that the process takes approximately 22.5 hours at a cost to the PLCB of \$655.00. As a result, section 5.235 of the proposed rulemaking increases the renewal fee of a classroom instructor from \$250.00 to \$300.00. This fee was calculated by rounding the cost of evaluation and support down to \$600.00 and then dividing that figure in half.

In addition, section 5.235 imposes late fees on classroom instructors if renewal applications are not timely filed. Because RAMP has only nine staff members, requiring a classroom instructor to submit a renewal application thirty days before expiration allows sufficient time for the RAMP staff to process the request. This ensures that the instructor's authorization is renewed in a timely fashion, without interruption of the instructor's business. Renewals that are submitted shortly before expiration or after expiration tend to disrupt the work of the RAMP office; further, the late-submitting instructor will often ask for expedited service for what is truly an avoidable crisis. Towards that end, additional late fees of \$100.00 and \$250.00 are imposed to compel the timely submission of the application for renewal. These fees were adopted because they are the same fees that licensees must pay if they are untimely with their license renewal applications. See 47 P.S. § 4-470(a). In addition, the proposed rulemaking establishes a deadline whereby late renewal applications will not be accepted; instead, the classroom instructor will have to wait for open enrollment to submit a new application.

The last new section added by this proposed rulemaking is section 5.236 (relating to deauthorization of

classroom instructors). This section is nearly identical to section 5.227 (relating to deauthorization of online training providers) except for the fact that it does not include provisions that are unique to online training providers: the invalidation of training that is completed after deauthorization and the invalidation of previously issued training vouchers. Neither of these scenarios is at issue with classroom instructors and, therefore, these provisions were not included in section 5.236.

The proposed rulemaking deletes the text in section 5.241 (relating to manager/owner training). This information can now be found in section 5.205(b)(1), relating to RAMP certification prerequisites. The proposed rulemaking also deletes the text in section 5.242 (relating to new employee orientation). This information has been restated with more detail and can now be found in section 5.205(b)(3) (relating to RAMP certification prerequisites). The proposed rulemaking deletes the text in section 5.243 (relating to records). This information can now be found in section 5.207 (relating to records).

The proposed rulemaking amends section 5.251 (relating to additional prohibited conduct). Two new sections – section 5.227 (relating to deauthorization of online training providers) and section 5.236 (relating to deauthorization of classroom instructors) – identify the conduct that will lead to deauthorization. To eliminate repetition, the text in subsections 5.251(a)(9), (b) and (c) have been deleted. The remainder of the text in section 5.251 was edited to include minor updates in vernacular, to be consistent with the rest of the proposed rulemaking. The only significant change is the incorporation of a reference to the Pennsylvania Human Relations Act, 43 P.S. §§ 951—963 (“PHRA”); discrimination or harassment based on age, race, sex, disability, national origin or religion or any other protected class under the PHRA is prohibited conduct.

The proposed rulemaking deletes the text of section 5.271 (relating to premises certification). This information can now be found in section 5.206 (relating to RAMP certification).

The affected parties include licensees and their employees, including managers and server/sellers, as well as entities that are offering RAMP server/seller training. For Fiscal Year 2017-2018, 5,902 people enrolled in owner/manager training and 78,459 people enrolled in server/seller training. As of February 28, 2019, there were thirty-six classroom instructors of server/seller training and ten online training providers of server/seller training.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

The proposed rulemaking is not known to be more stringent than federal regulations.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania’s ability to compete with other states?

Alcohol service training and the associated requirements for such training programs are regulated by neighboring states in accordance with their unique and individual systems of alcoholic beverage control. Because of this, the proposed rulemaking does not play a role in Pennsylvania’s ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect any other existing or proposed regulations of the Liquor Control Board or any other state agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The PLCB has developed this proposed rulemaking, in part, in response to requests from members of the public regarding how they may offer online server/seller training. The PLCB will carefully consider any comments, recommendations or objections to the proposed rulemaking received during the statutory public comment period and will respond as required.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

As of March 4, 2019, there are approximately 15,000 active licensees in Pennsylvania that may sell and serve alcohol for on-premises consumption and approximately 1,300 licensed distributors and importing distributors of malt or brewed beverages that sell alcohol exclusively for off-premises consumption. Also, there were 914 licensees with a wine expanded permit, for which they must have RAMP certification. There were also 318 off premises catering permits, whose servers must have received server/seller training.

As of March 4, 2019, there were 36 classroom instructors and 10 online training providers. This rulemaking will also affect those applicants who wish to become authorized as RAMP classroom instructors or offer an online training program. It is unknown how many people are included in this class.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Pursuant to amendments in the Liquor Code, managers are required to receive owner/manager training within 180 days of being appointed manager, and alcohol service personnel are required to receive server/seller training within six months of being hired by a licensee. In both cases, training is only excused if the individual has received the training within the past two years. For Fiscal Year 2017-2018, 5,902 people enrolled in owner/manager training and 78,459 people enrolled in server/seller training.

It is unknown how many licensees are required to obtain RAMP certification, either as a result of an adjudicated citation or because of the terms of a conditional licensing agreement required by the PLCB's Bureau of Licensing. However, as of March 4, 2019, approximately 3,300 licensees have current RAMP certification.

As of March 4, 2019, there were 36 classroom instructors of server/seller training and 10 online training providers of server/seller training. It is unknown how many people or entities want to become authorized as RAMP classroom instructors or offer an online training program.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The financial impact of the regulation is primarily on those individuals or entities who are seeking to offer server/seller training, either as an online training provider or as a classroom instructor. The current fee for becoming a classroom instructor has been in place since 2010. Since that time, online training providers have been assessed the same fee, even though the process of evaluating an online training provider is far more time consuming. The PLCB re-evaluated the time spent when evaluating applicants and estimated the cost for each type of evaluation. Those costs were rounded down to the nearest hundred and then halved, which figure became the new fee. As a result, the fees have been increased except for the evaluation of an alternative curriculum, which remains at \$250. The fee increases are appropriate because they are directly tied to the costs incurred by the PLCB when an applicant requests the authority to provide server/seller training. Moreover, these expenses may be recouped from the fees charged to those individuals who sign up for the server/seller course offered by the online training provider or classroom instructor.

The economic and social impact of the regulation is difficult to quantify. Although the fees are being increased, it is anticipated that the classroom instructor and online training provider can readily offset the cost from the fees they charge students, given the tens of thousands of people who need to receive server/seller training.

The expected benefits of this proposed rulemaking are: an increased awareness of what is required of managers and alcohol service personnel, an increased awareness of what is required for a licensee to become RAMP certified, increased numbers of licensees becoming RAMP certified, and an increase in the number of online training providers and classroom instructors.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The current regulations have not been updated in nearly 10 years. During that time, the Liquor Code has been amended in ways that increase the demand for RAMP training and RAMP certification. The proposed rulemaking adds definitions, reorganizes content to improve clarity, and clarifies language to reduce confusion. There are increased costs to online training providers and classroom instructors, but they are less than half of the costs incurred by the PLCB in the process of evaluating the online training providers and classroom instructors. Moreover, these costs can be recouped from tens of thousands of individuals who must take RAMP server/seller training.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulated community for this question is the online training provider or classroom instructor. They incur costs when they apply to become an authorized provider or instructor of server/seller training or when they seek to renew that authorization. They may incur additional costs if they decide to use an alternative curriculum instead of RAMP's curriculum, or if they request that a hard copy of RAMP curriculum be mailed to them.

The PLCB estimated that the process involved in approving and supporting an online training provider takes 55 hours of work by individuals with salaries of \$25 to \$35 dollars per hour. The total cost to approve and support an online training provider is \$1,772.50, which was rounded down to \$1,700.00 and then halved to reach the fee of \$850.00 for the authorization of a new online training provider.

The renewal of an online training provider takes 39 hours of work by individuals with salaries of \$25 to \$35 dollars per hour. The total cost to renew and support an online training provider is \$1,222.50, which was rounded down to \$1,200.00 and then halved to reach the fee of \$600.00 for the renewal of an online training provider.

The PLCB estimated that the process involved in approving and supporting a classroom instructor takes 50.5 hours of work by individuals with salaries of \$25 to \$35 dollars per hour. The total cost to approve and support a classroom instructor is \$1,083.80, which was rounded down to \$1,000.00 and then halved to reach the fee of \$500.00 for the authorization of a new classroom instructor.

The renewal of a classroom instructor takes 22.5 hours of work by individuals with salaries of \$25 to \$35 dollars per hour. The total cost to renew and support a classroom instructor is \$655.00, which was rounded down to \$600.00 and then halved to reach the fee of \$300.00 for the renewal of a classroom instructor.

The PLCB estimated that the process involved in approving an alternative curriculum takes 17.5 hours of work by individuals with salaries of \$25 to \$35 dollars per hour. The total cost to approve an alternative curriculum is \$515.00, which was rounded down to \$500.00 and then halved to reach the fee of \$250.00 for the approval of an alternative curriculum.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed rulemaking is not expected to result in costs or savings for local governments. No legal, accounting or consulting procedures are required.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The costs to the PLCB stem from reviewing and approving alternative curriculums, and reviewing and approving online training programs, online training providers, and classroom instructors (see the answer to Question 19). The required fees are expected to cover about half of these costs. Thus, these

regulations are expected to reduce the cost to state government.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The proposed rulemaking is not expected to affect legal, accounting or consulting procedures and should not require any additional reporting, recordkeeping or other paperwork. Similarly, the regulation is not expected to require any additional governmental measures in order to implement the regulation.

(22a) Are forms required for implementation of the regulation?

Yes; see below.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Hard copies are attached; below are the electronic links to the following forms:

Application for Approval of RAMP Classroom Curriculum:

<https://www.lcb.pa.gov/Education/RAMP/Documents/003268.pdf>

Application for Approval of RAMP Classroom Instructor:

<https://www.lcb.pa.gov/Education/RAMP/Documents/003263.pdf>

Application for Approval of RAMP Online Provider:

https://www.lcb.pa.gov/Education/RAMP/Documents/Application_Online_Provider.pdf

Alcohol Education Criminal Record Check:

<https://www.lcb.pa.gov/Education/RAMP/Documents/003145.pdf>

Licensee New Employee Orientation Form:

<https://www.lcb.pa.gov/Education/RAMP/Documents/000339.pdf>

Application for RAMP Certification:

[https://www.lcb.pa.gov/Education/RAMP/Documents/Owner%20Manager%20Functionality%202013-17%20\(002\).pdf](https://www.lcb.pa.gov/Education/RAMP/Documents/Owner%20Manager%20Functionality%202013-17%20(002).pdf)

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$16,800	\$16,800	\$16,800	\$16,800	\$16,800
Total Savings	\$0	\$16,800	\$16,800	\$16,800	\$16,800	\$16,800
COSTS:	No costs for the regulated community are included here, because it is expected that the online training providers and classroom instructors will pass the cost along to individuals taking server/seller training.					
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE LOSSES:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue Losses	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2015-2016	FY -2 2016-2017	FY -1 2017-2018	Current FY 2018-2019
RAMP	\$1,157,437.49	\$1,203,018.57	\$1,180,009.30	\$611,538.54*

*As of January 2019.

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Federal regulation (relating to small business size standards) provides the following measurements for

determining whether a business may be considered to be a "small" business: a full-service restaurant with annual receipts of less than \$7.5 million; a drinking place (alcoholic beverages) with annual receipts of less than \$7.5 million; hotels with annual receipts of less than \$32.5 million; and all other amusement and recreation industries with annual receipts of less than \$7.5 million. (13 C.F.R. § 121.201).

This proposed rulemaking is not anticipated to have adverse impacts on small business. Although the fees for the online training provider and the classroom instructor have been increased, these fees will be recouped by passing along the cost to the attendees of the training, of which there are tens of thousands across the Commonwealth. As a result, it cannot be said that the proposed rulemaking has an adverse impact on small business.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The PLCB has not identified any group that may need any special provisions or accommodations.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Alternative regulatory provisions were not considered. The proposed rulemaking consists of the least burdensome acceptable regulations that balance the interests of the individuals seeking authorization or approval of an online training program with BAE's desire to maintain and exceed the standards of RAMP training.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Because the proposed rulemaking does not adversely impact small businesses, the PLCB did not conduct a regulatory flexibility analysis.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a

searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The PLCB has not relied on data to justify this regulation.

(29) Include a schedule for review of the regulation including:

- | | |
|---|-----------------------|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>July 2019</u> |
| C. The expected date of delivery of the final-form regulation: | <u>September 2019</u> |
| D. The expected effective date of the final-form regulation: | <u>October 2019</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>October 2019</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

Review of the regulations is ongoing, and any changes will be through the rulemaking process.

Commonwealth of Pennsylvania Pennsylvania Liquor Control Board 1/16	APPLICATION FOR APPROVAL OF RAMP CLASSROOM CURRICULUM	BUREAU OF ALCOHOL EDUCATION
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TYPE OR PRINT LEGIBLY WITH BLUE OR BLACK INK

1. PERSONAL INFORMATION

FIRST NAME _____ MI _____ LAST NAME _____

HOME ADDRESS _____ (STREET, P.O. BOX NO.) _____ (STATE) _____ (ZIP) _____

COUNTY _____

DAYTIME PHONE _____ EVENING PHONE _____

EMAIL ADDRESS _____

2. CURRICULUM INFORMATION

Length of Course: _____ hours _____ minutes **not including breaks, reviews, or exam

INSTRUCTIONAL METHODS: Check All That Apply

PowerPoint Video Role Play

Other: _____

A copy of all training materials must accompany this application. This includes complete copies of the course curriculum, instructor guide, participant manual, classroom handouts, PowerPoint presentations, videos, or any other material you plan to use when teaching the course.

PLCB Use Only

Application/Curriculum Received: ____ / ____ / ____ Fee Received: ____ / ____ / ____

Training Documents/Resources Received:

Date Approved: ____ / ____ / ____

3. REQUIRED TOPICS

Please indicate the page where each required topic is covered in your curriculum and the approximate time required to cover each topic.

Topics	Instructor Page	Trainee Page	Approx. Teach Time (Mins.)	COMMENTS Board Use Only
RAMP Certification				
Liability Concerns				
Documentation				
Liquor Code				
PLCB Regulations				
House Policies				
Club Bylaws				
What is Alcohol?				
Absorption Rate Factors				
Drug and Alcohol Interactions				
Alcohol and Energy Drinks				
Drink Equivalency				
How Alcohol is Eliminated				
Measuring Intoxication				
Explanation of BAC				
Tolerance				
Alcohol and the Brain				
Visible Intoxication Defined				
Preventing Intoxication				
Refusing Service				
Minors				
Who and When to Card				
Legally Acceptable ID				
How to Card				
Proof of Carding				
Minors Frequenting				
Total Course Length	Hours:	Mins:		
Appendix A, Contact Ref. Guide			N/A	
Appendix B, Advisory Opinion			N/A	
Appendix C, CIAA			N/A	

4. REQUIRED TEST QUESTIONS

Please indicate where each test question is covered in your curriculum.

Question	Page	Paragraph	Board Use
When confronted with a suspected fake ID, you should confiscate it.			
All patrons must vacate a licensed premise by 2:30am (retail) and/or 3:30am (clubs)			
When Checking ID's servers should hold the ID until completion of the carding process.			
You may continue to serve alcohol to a visibly intoxicated patron as long as they are not driving.			
Given equal variables, women generally will have higher blood alcohol concentrations than males.			
An establishment can lose its liquor license if a minor consumes alcohol on the premises.			
Generally, healthy people metabolize alcohol at a fairly consistent rate.			
According to the Liquor Code, an expired photo ID is considered an acceptable form of ID.			
A 24 year old husband is considered proper supervision for his 20 year old wife.			
When not part of a school-endorsed function, the proper ratio for supervising minors is one supervisor per 20 minors except in cities of the first class (Philadelphia) where it is one (1) supervisor per 5 minors.			
Visible intoxication is determined by a patron's behavior and appearance.			
A person's BAC can only be determined by blood, breath, or urine tests.			
The PLCB is the agency responsible for enforcing the Liquor Code.			
When monitoring the number of drinks consumed by a guest, a mixed drink containing two shots should be counted as more than one standard drink.			
Any type or amount of food in the stomach helps slow down the absorption rate of alcohol into the bloodstream.			
A patron with high tolerance can be considered legally intoxicated for driving even if the employee sees no visible signs of impairment.			
The licensee and/or employee can be sued for any death, injury, or damage caused by a minor or a VIP who was served alcohol.			
When using a transaction scanning device to check ID, there is no need to compare the ID with the customer.			
Records such as Incident Documentation Forms and Proof of Carding should be kept for 2 years.			
Only the licensee and not the server can be charged criminally for serving a minor.			
Which of the following is not considered a valid ID to purchase alcohol in Pennsylvania?			
Which of the following has the highest amount of alcohol?			
Which of the following best helps lower a person's BAC?			
If a guest permits a minor to drink alcohol at a licensed establishment, who is responsible administratively under the Liquor Code?			
Which of the following best determines BAC?			
Together at a Pizza Hut exempt restaurant are friends ages 24, 22, 21, 19. When ordering their food & drinks...			
The most important information to be included on an Incident Documentation Form is...			
Possible signs of an alcohol/drug interaction could include:			
The PLCB recommends the F.E.A.R. method to check IDs, what does the A stand for?			

INSTRUCTIONS

This application is for the approval of a Responsible Alcohol Management Program (RAMP) server/seller classroom curriculum only. Any person who wishes to use this curriculum must submit a separate application to seek approval as a RAMP classroom instructor.

1. A nonrefundable application fee of \$250.00 is required by any individual submitting a curriculum for review and approval as a RAMP server/seller course. Please make a check or money order payable to "Commonwealth of PA." **Do not send cash.**
2. Submit completed application, fee, curriculum, and all training resources to the Pennsylvania Liquor Control Board (PLCB), RAMP, 990 Briarsdale RD, Unit A Harrisburg, PA, 17109.

If you require assistance in completing this application, call the RAMP office at 866.275.8237.

ACKNOWLEDGEMENT

I UNDERSTAND THAT I MUST SUBMIT A COMPLETE COPY OF THE COURSE CURRICULUM AND ALL REQUIRED MATERIALS FOR REVIEW AND APPROVAL.

I UNDERSTAND THAT ONCE THE COURSE IS APPROVED, I AM NOT PERMITTED TO MAKE ANY CHANGES WITHOUT APPROVAL FROM THE PLCB, BUREAU OF ALCOHOL EDUCATION.

I UNDERSTAND THAT THE PLCB MAY REQUIRE A PILOT DEMONSTRATION OF MY PROPOSED COURSE BEFORE GRANTING APPROVAL.

I UNDERSTAND THAT I HAVE THE BURDEN OF PROVIDING THAT THIS CURRICULUM MEETS ALL OF THE REQUIREMENTS SET FORTH BY THE PLCB.

I SWEAR OR AFFIRM, SUBJECT TO THE PENALTIES PROVIDED BY 18 PA. C.S. 4904, THAT THE FOREGOING ANSWERS AND STATEMENTS PROVIDED HEREIN ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE

DATE

PLCB Use Only

FIRST REVIEW:

Date of Review: ___ / ___ / ___ Approved: Yes No

SECOND REVIEW:

Received: ___ / ___ / ___ Date of Review: ___ / ___ / ___ Approved: Yes No

THIRD REVIEW:

Received: ___ / ___ / ___ Date of Review: ___ / ___ / ___ Approved: Yes No

Date Approved: ___ / ___ / ___

PLCB-2440 7/18 Commonwealth of Pennsylvania Pennsylvania Liquor Control Board	APPLICATION FOR APPROVAL OF RAMP CLASSROOM INSTRUCTOR	BUREAU OF ALCOHOL EDUCATION
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TYPE OR PRINT LEGIBLY WITH BLUE OR BLACK INK

1. PERSONAL INFORMATION

FIRST NAME	MI	LAST NAME
HOME ADDRESS	(STREET, P.O. BOX NO.)	(STATE) (ZIP)
COUNTY		
DAYTIME PHONE	EVENING PHONE	
E-MAIL ADDRESS	WEBSITE ADDRESS (IF APPLICABLE)	
DATE AND PLACE OF BIRTH	SOCIAL SECURITY NUMBER	

2. CURRICULUM INFORMATION

A STANDARD CURRICULUM IS AVAILABLE FROM THE PENNSYLVANIA LIQUOR CONTROL BOARD (PLCB) HOWEVER, YOU MAY CHOOSE TO USE ANOTHER CURRICULUM PROVIDED THAT IT HAS BEEN APPROVED BY THE PLCB.

1. WHICH CURRICULUM DO YOU PLAN TO USE? PLCB OTHER BOTH

IF OTHER, PLEASE INDICATE NAME OF CURRICULUM _____

Please attach Resume and at least three (3) Professional References.

Board Use Only

Date Application Received:	Date Fee Received:	Date Certified:
____ / ____ / ____	____ / ____ / ____	____ / ____ / ____

3. EXPERIENCE

MINIMUM QUALIFICATIONS: POSSESS A MINIMUM OF 2 YEARS EXPERIENCE, FULL TIME, IN THE FIELD OF EDUCATION, LAW, LAW ENFORCEMENT, SUBSTANCE ABUSE PREVENTION, HOSPITALITY OR ALCOHOL SERVICE TRAINING.

PLEASE INCLUDE MOST RELEVANT WORK EXPERIENCE THAT BEST HELPS TO QUALIFY YOU FOR THIS POSITION BASED ON THE MINIMUM QUALIFICATIONS DESCRIBED ABOVE. (SUBMITTING A RESUME IS NOT A SUBSTITUTE FOR THIS SECTION)

1. FROM (DATE)

TO (DATE)

NAME OF EMPLOYER

PHONE

EMPLOYER ADDRESS

TYPE OF BUSINESS

TITLE

NUMBER OF HOURS WORKED/WEEK

DESCRIPTION OF DUTIES. PLEASE BE SPECIFIC AS POSSIBLE.

2. FROM (DATE)

TO (DATE)

NAME OF EMPLOYER

PHONE

EMPLOYER ADDRESS

TYPE OF BUSINESS

TITLE

NUMBER OF HOURS WORKED/WEEK

DESCRIPTION OF DUTIES. PLEASE BE SPECIFIC AS POSSIBLE.

4. OTHER

1. PLEASE ENTER THE DATE YOU COMPLETED THE PLCB RAMP OWNER/MANAGER TRAINING. (MUST BE COMPLETED IN-CLASS, ONCE IN THE YEAR PRECEDING THE DATE THE APPLICATION FOR INSTRUCTOR CERTIFICATION IS FILED). COMPLETING THIS TRAINING ONLINE DOES NOT SATISFY THIS REQUIREMENT.

DATE ____ / ____ / ____

1. ARE YOU AT LEAST 21 YEARS OF AGE? YES ____ NO ____

2. HAVE YOU GRADUATED FROM HIGH SCHOOL OR OBTAINED A GED?
YES ____ NO ____ IF YES, DATE ____ / ____ / ____

3. ARE YOU WILLING TO TRAVEL THROUGHOUT THE COMMONWEALTH TO CONDUCT TRAINING?
YES ____ NO ____

4. CAN YOU COMMUNICATE IN A LANGUAGE OTHER THAN ENGLISH? YES ____ NO ____
IF YES, WHAT LANGUAGE(S)? _____

5. HAVE YOU OWNED OR BEEN AFFILIATED WITH A LIQUOR LICENSED ESTABLISHMENT WITHIN THE PAST FIVE YEARS?
YES ____ NO ____
IF YES, PLEASE PROVIDE THE LICENSE NAME _____, LID NUMBER _____
AND AFFILIATION _____

5. CRIMINAL HISTORY

CRIMINAL OFFENSE INCLUDES FELONIES, MISDEMEANORS AND SUMMARY OFFENSES.
CONVICTION IS AN ADJUDICATION OF GUILT AND INCLUDES DETERMINATIONS BEFORE A COURT, A DISTRICT JUSTICE OR MAGISTRATE AND PLEAS OF NOLO CONTENDERE (NO CONTEST) THAT RESULT IN A FINE, SENTENCE OR PROBATION.

FOR THIS QUESTION DISREGARD: MINOR TRAFFIC VIOLATIONS (NO POINTS), OFFENSES COMMITTED BEFORE YOUR 18TH BIRTHDAY WHICH WERE ADJUDICATED IN JUVENILE COURT UNDER A YOUTH OFFENDER LAW, AND ANY CHARGES WHICH HAVE BEEN EXPUNGED BY A COURT OR FOR WHICH YOU SUCCESSFULLY COMPLETED AN ACCELERATED REHABILITATIVE DISPOSITION PROGRAM.

1. WERE YOU EVER CONVICTED OF A CRIMINAL OFFENSE? OR ARE YOU NOW UNDER CHARGES FOR A CRIMINAL OFFENSE? OR HAVE YOU EVER FORFEITED BOND OR COLLATERAL IN CONNECTION WITH A CRIMINAL OFFENSE?
YES ____ NO ____ IF YES, PLEASE EXPLAIN:

ACKNOWLEDGEMENT

I SWEAR OR AFFIRM, SUBJECT TO THE PENALTIES PROVIDED BY 18 PA. C.S. 4904, THAT THE FOREGOING ANSWERS AND STATEMENTS PROVIDED HEREIN ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE _____ DATE _____

INSTRUCTIONS

This application is for the approval of a Responsible Alcohol Management Program (RAMP) server/seller classroom instructor.

1. A non-refundable fee of \$250.00 is required by any individual seeking approval as a RAMP server/seller classroom instructor. Please make a check or money order payable to "Commonwealth of PA." **Do not send cash.** Submit completed application and fee to the Pennsylvania Liquor Control Board, RAMP, 990 Briarsdale RD, Unit A Harrisburg, PA, 17109.

2. A Request for Criminal Record Check, Form PLCB - 2391, **MUST** be submitted for the applicant seeking approval as a RAMP instructor. Please make a separate check or money order payable to "Commonwealth of Pennsylvania" in the amount indicated on the form. **Do not send cash.**

If you require assistance in completing this application, call the RAMP office at 866.275.8237.

12/18 Commonwealth of Pennsylvania Pennsylvania Liquor Control Board	APPLICATION FOR APPROVAL OF RAMP ONLINE TRAINING PROVIDER	BUREAU OF ALCOHOL EDUCATION
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TYPE OR PRINT LEGIBLY WITH INK

1. PROVIDER INFORMATION

FIRST NAME	MI	LAST NAME	SUFFIX
HOME ADDRESS (STREET, P.O. BOX NO.)		CITY	STATE ZIP
DAYTIME PHONE (INCLUDING AREA CODE)		EVENING PHONE (INCLUDING AREA CODE)	
()		()	
EMAIL ADDRESS		WEBSITE ADDRESS (IF APPLICABLE)	

2. CURRICULUM INFORMATION

A STANDARD CURRICULUM IS AVAILABLE FROM THE PENNSYLVANIA LIQUOR CONTROL BOARD (PLCB) HOWEVER, YOU MAY CHOOSE TO USE AN ALTERNATIVE CURRICULUM PROVIDED THAT IT HAS BEEN APPROVED BY THE PLCB.

1. WHICH CURRICULUM DO YOU PLAN TO USE? PLCB _____ ALTERNATIVE _____

IF ALTERNATIVE, LIST DATE APPROVED ____/____/____

*PLEASE NOTE, IF USING AN ALTERNATIVE CURRICULUM, THAT CURRICULUM MUST BE APPROVED BY THE PLCB BEFORE SUBMITTING AN APPLICATION FOR APPROVAL OF AN ONLINE TRAINING PROVIDER.

Board Use Only

Date Received: ____/____/____	Fee Received: ____/____/____	Date Certified: ____/____/____
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3. EMPLOYMENT EXPERIENCE

MINIMUM QUALIFICATIONS: POSSESS A MINIMUM OF 2 YEARS EXPERIENCE, FULL TIME, IN THE FIELD OF EDUCATION, LAW, LAW ENFORCEMENT, SUBSTANCE ABUSE PREVENTION, HOSPITALITY OR ALCOHOL SERVICE TRAINING.

PLEASE INCLUDE MOST RELEVANT WORK EXPERIENCE THAT BEST HELPS TO QUALIFY YOU FOR THIS POSITION BASED ON THE MINIMUM QUALIFICATIONS DESCRIBED ABOVE. ATTACH SEPARATE SHEET IF NECESSARY. (SUBMITTING A RESUME IS NOT A SUBSTITUTE FOR THIS SECTION)

1. FROM (DATE) _____ TO (DATE) _____

NAME OF EMPLOYER _____ PHONE (INCLUDING AREA CODE) _____
()

EMPLOYER ADDRESS (STREET, P.O. BOX NO.) _____ CITY _____ STATE _____ ZIP _____

TYPE OF BUSINESS _____ TITLE _____

DESCRIPTION OF DUTIES _____

2. FROM (DATE) _____ TO (DATE) _____

NAME OF EMPLOYER _____ PHONE (INCLUDING AREA CODE) _____
()

EMPLOYER ADDRESS (STREET, P.O. BOX NO.) _____ CITY _____ STATE _____ ZIP _____

TYPE OF BUSINESS _____ TITLE _____

DESCRIPTION OF DUTIES _____

4. OTHER

1. ARE YOU AT LEAST 21 YEARS OF AGE?
YES NO

2. HAVE YOU GRADUATED FROM HIGH SCHOOL OR OBTAINED A GED?
YES NO IF YES, DATE ____/____/____

3. ARE YOU WILLING TO OFFER YOUR ONLINE TRAINING PROGRAM TO THE GENERAL PUBLIC?
YES NO

4. HAVE YOU OWNED OR BEEN AFFILIATED WITH A LIQUOR LICENSED ESTABLISHMENT LOCATED IN PENNSYLVANIA WITHIN THE PAST FIVE YEARS?
YES NO

IF YES, PLEASE PROVIDE THE LICENSE NAME _____

LID NUMBER _____ YOUR AFFILIATION _____

5. CRIMINAL HISTORY

CRIMINAL OFFENSE INCLUDES FELONIES, MISDEMEANORS AND SUMMARY OFFENSES.
CONVICTION IS AN ADJUDICATION OF GUILT AND INCLUDES DETERMINATIONS BEFORE A COURT, A DISTRICT JUSTICE OR
MAGISTRATE AND PLEAS OF NOLO CONTENDERE (NO CONTEST) THAT RESULT IN A FINE, SENTENCE OR PROBATION.

FOR THIS QUESTION DISREGARD: MINOR TRAFFIC VIOLATIONS (NO POINTS), OFFENSES COMMITTED BEFORE YOUR 18TH BIRTHDAY
WHICH WERE ADJUDICATED IN JUVENILE COURT UNDER A YOUTH OFFENDER LAW, AND ANY CHARGES WHICH HAVE BEEN
EXPUNGED BY A COURT OR FOR WHICH YOU SUCCESSFULLY COMPLETED AN ACCELERATED REHABILITATIVE DISPOSITION
PROGRAM.

WERE YOU EVER CONVICTED OF A CRIMINAL OFFENSE? OR ARE YOU NOW UNDER CHARGES FOR A CRIMINAL OFFENSE? OR HAVE
YOU EVER FORFEITED BOND OR COLLATERAL IN CONNECTION WITH A CRIMINAL OFFENSE?

YES NO IF YES, PLEASE EXPLAIN:

6. TECHNICAL SUPPORT CONTACT INFORMATION

FIRST NAME	MI	LAST NAME	SUFFIX
HOME ADDRESS (STREET, P.O. BOX NO.)	CITY	STATE	ZIP
DAYTIME PHONE (INCLUDING AREA CODE)	EVENING PHONE (INCLUDING AREA CODE)		
()	()		
EMAIL ADDRESS	WEBSITE ADDRESS (IF APPLICABLE)		

7. AFFIRMATION AND SIGNATURE

I SWEAR OR AFFIRM, SUBJECT TO THE PENALTIES PROVIDED BY 18 PA. C.S. 4904, THAT THE FOREGOING ANSWERS AND
STATEMENTS PROVIDED HEREIN ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PROVIDER SIGNATURE _____ DATE _____

INSTRUCTIONS

This form is for the approval of a Responsible Alcohol Management Program (RAMP) online training provider.

1. Provider information - Enter personal information for person seeking approval as an online training provider.
2. Curriculum - Indicate which curriculum you plan to use. Please note that if you plan to use an alternative curriculum, you must submit a separate application and fee to the PLCB for the approval of that curriculum before submitting an application for approval as an online training provider.
3. Employment experience - Enter employment experience for person seeking approval as an online training provider.
4. Other - Answer each of the statements by placing an (x) in the appropriate response box.
5. Criminal History - Place an (x) in the appropriate response box.
6. Technical support contact information - Enter personal information for the person who will be responsible for providing technical support.
7. Affirmation and signature - Person seeking approval as an online training provider must sign and date.
8. Fees –
 - a. A non-refundable fee of \$250.00 is required by any individual seeking approval as a RAMP online training provider. Please make a separate check or money order payable to "Commonwealth of Pennsylvania." **Do not send cash.**
 - b. A Request for Criminal Record Check, Form PLCB - 2391, **MUST** be submitted for the applicant seeking approval as a RAMP online training provider. Please make a separate check or money order payable to "Commonwealth of Pennsylvania" in the amount indicated on the form. **Do not send cash.**
9. Submit completed application, criminal record check form and fees to: Pennsylvania Liquor Control Board, RAMP, 990 Briarsdale RD, Unit A Harrisburg, PA, 17109.

If you require assistance in completing this application, call the RAMP office at 866.275.8237.

**ALCOHOL EDUCATION
CRIMINAL RECORD CHECK**

TYPE OR PRINT LEGIBLY WITH INK or COMPLETE ONLINE, PRINT, AND SIGN

1. DATE OF REQUEST

2. FULL NAME (SUBJECT OF RECORD CHECK)

(LAST) (FIRST) (MIDDLE) (SUFFIX)

3. ADDRESS

(STREET, RURAL ROUTE, P.O. BOX NO.)

(CITY)

(STATE)

(ZIP)

4. PRIMARY PHONE # (INCLUDING AREA CODE)

() -

5. MAIDEN NAME AND/OR ALIASES

6. SOCIAL SECURITY NO. (SOC)

7. DATE OF BIRTH

8. SEX - check M or F box

M

F

9. RACE

10. SIGNATURE

11. DATE

REQUESTER CHECKLIST

AFTER COMPLETION MAIL TO:

- DID YOU ENTER THE FULL NAME, DOB, AND SOC?
- DID YOU ENTER YOUR COMPLETE ADDRESS INCLUDING ZIP CODE AND TELEPHONE NUMBER IN THE SPACES PROVIDED?
- DID YOU ENCLOSE THE \$22.00 FEE (CHECK/MONEY ORDER) PAYABLE TO "PLCB" OR "COMMONWEALTH OF PA"? DO NOT SEND CASH.

**PENNSYLVANIA LIQUOR CONTROL BOARD
RAMP CENTRAL REGIONAL OFFICE
990 BRIARSDALE RD., UNIT A
HARRISBURG PA 17109-5905**

FOR OFFICIAL USE ONLY

CONTROL NO.

INFORMATION DISSEMINATED

NO RECORD CRIMINAL RECORD

INQUIRY BY

DATE INQUIRED

THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED SOLELY ON THE FOLLOWING IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER

CERTIFIED BY

NAME DATE OF BIRTH RACE
 SOC MAIDEN/ALIAS NAME SEX

INSTRUCTIONS

A records check is required in order to be considered for approval as a RAMP Server/Seller Instructor AND a \$22.00 fee must be submitted. Upon receipt, the records check will be conducted via a direct link with the Pennsylvania State Police. Should you have any questions, contact the Bureau of Alcohol Education at (866)275-8237.

**NEW EMPLOYEE
 LICENSEE ORIENTATION**

Establishment Name _____ Name of Employee _____

LID # _____ Employee Identification # (Use last 4 digits of SSN and date of birth) _____
EXAMPLE: 0000-12/07/79 FOR DECEMBER 7, 1979

FURNISHING OR SELLING ALCOHOL TO MINORS EMPLOYEE INITIALS

Pennsylvania Liquor Code (Administrative Liability)
 Fines for licensees or employees for serving alcohol to a minor
 \$1,000 to \$5,000 fine and/or suspension or revocation of license and mandatory compliance with RAMP for the first offense.....

Pennsylvania Crimes Code (Criminal Liability)
 Fines for anyone furnishing or selling to a minor
 Minimum \$1,000 for the first offense and \$2,500 for each subsequent offense and possible imprisonment up to 1 year.....

Dram Shop Laws (Civil Liability)
 Civil lawsuits for furnishing or selling alcohol to minors
 Licensees or employees can be sued for death, injury, or damage caused by a minor who is served alcohol.....

ACCEPTABLE FORMS OF IDENTIFICATION

A valid photo driver's license issued by the Pennsylvania Department of Transportation or by any other state
 Must have photo and be valid (cannot be expired).....

A valid photo identification card issued by the Pennsylvania Department of Transportation or by any other state
 Must have photo and be valid (cannot be expired).....

A valid armed forces identification card containing the holder's photograph
 Must have photo and be valid (cannot be expired).....

A valid passport, passport card, or travel visa containing the holder's photograph
 Must have photo and be valid (cannot be expired).....

CARDING PRACTICES

It is recommended that anyone who appears to be under the age of 30 be considered a potential underage drinker and be asked to provide proper identification.....

To defend yourself against citations for serving minors, you should document your age verification method. The Pennsylvania Liquor Code allows the following methods to be used in defense: photographs, photocopies, videos, ID swipe machines, or a completed Declaration of Age Card.....

House policies have been discussed regarding managing potential fake IDs.....

SELLING ALCOHOL TO VISIBLY INTOXICATED CUSTOMERS

Pennsylvania Liquor Code (Administrative Liability)
 Fines for licensees or employees for selling or serving alcohol to a visibly intoxicated person
 \$1,000 to \$5,000 fine, and/or suspension or revocation of license and mandatory compliance with RAMP for the first offense.....

Any violation of Chapter 4 section 493(1) of the Liquor Code can be the basis of a criminal charge under the Liquor Code (misdemeanor)
 Fines up to \$5,000 and/or imprisonment for 3 months to 1 year.....

Dram Shop Laws (Civil Liability)
 Civil lawsuits for furnishing or selling alcohol to a visibly intoxicated person
 Licensees or employees can be sued for death, injury, or damage caused by a person who is served alcohol while visibly intoxicated.....

SERVICE OF ALCOHOL TO VISIBLY INTOXICATED CUSTOMERS

House policies have been discussed related to slowing down service of alcohol to customers when there is a concern that the customer is going to become visibly intoxicated.....

House policies have been discussed related to refusing service or "cutting someone off" when the customer is visibly intoxicated.....

House policies have been discussed related to designated driver program or alternative transportation for customers who appear to be visibly intoxicated.....

CRIMINAL ACTIVITY ON PREMISE

House policies have been discussed as to how to handle situations when criminal activity is known to be occurring on the premises.....

ESTABLISHMENT SPECIFIC ORIENTATION FOR NEW EMPLOYEE (OPTIONAL)

.....

EMPLOYEE SIGNATURE	DATE	OWNER/MANAGER SIGNATURE	DATE
--------------------	------	-------------------------	------

NEW EMPLOYEE LICENSEE ORIENTATION INSTRUCTIONS

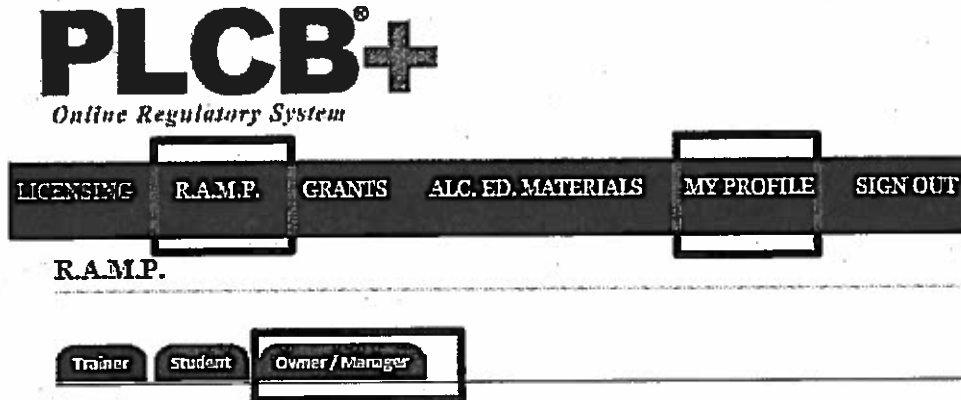
1. Each member of the alcohol service staff must complete a New Employee Licensee Orientation (NEO) form. This includes anyone who serves alcohol or checks identification, including owners and managers, regardless of whether or not they have been trained in a RAMP server/seller course.
2. The NEO must be completed in its entirety.
3. Alcohol service staff must complete the top section, which includes Establishment Name, Name of Employee, LID #, and Employee Identification Number.
4. Alcohol service staff must read and initial all of the statements listed under each topic on the NEO form.
5. Please make sure that both the owner/manager and employee sign and date the form.
6. Completed forms must be maintained as part of the licensee's operating records, required to be kept for two (2) years in accordance with section 493(12) of the Liquor Code.
7. Keep the original, completed forms for the duration of the employee's employment.
8. This form needs to be completed only one (1) time by each member of the alcohol service staff. If you wish to review this information again in the future with an employee who previously completed the form, simply review the information and have the employee sign and date on the back of the form.

Please note: Failure to accurately maintain these records may void your current RAMP certification.

PLCB+ (RAMP Owner/Manager Functionality)

To begin, you must first request the premises manager access code from RAMP at ra-lbramp@pa.gov or 866-275-8237. Once this code has been linked with your account, an owner or manager of a premises can manage their staff roster and apply for RAMP certification via PLCB+. If you already have an account created in PLCB+ you must click on the My Profile tab and enter the access code at the bottom of the screen. If you have not yet created an account, you can add this code during registration. Once your account has been created and the code has been added, proceed to step 1.

1. Log onto PLCB+ and navigate to the R.A.M.P. menu.
2. Select the Owner / Manager tab.



3. Once you click on the Owner/Manager tab you should see a listing of all the premises that you own or manage. NOTE: If you have not requested the access code from RAMP, this page will be blank.

Managing Your Staff Roster

1. Select the Manage Staff/Roster link for the premises you wish to manage.

LID # (License Type)	Licensee	Premises	Certification Status	Certification Date	Certification Application Status
82943 (Hotel (Liquor))	Bobbi's Hotel Inc	Bobbi's Hotel	Not Certified		Apply for Certification

2. Anyone trained under your LID number should appear. You will be able to update staff employment information, remove a staff member from the current active roster, and add staff members that do not appear.

Bobbi's Hotel [Need Help?](#) ?

Address: 123 MAIN ST
HARRISBURG PA 15555

Operator: BOBBI PEIFER

Below is a list of individuals who have been trained under your LID. Your staff roster must include the names of all current staff, including any owners and managers who serve alcohol or check identification regardless if they have been trained. Please review your roster and add and remove staff as necessary. This roster should be updated and maintained and kept in the same manner in which you keep other business records.

STAFF ROSTER

Name	Hire Date	New Employee Orientation Date	Roster Activation Date	Owner/Manager Date Trained	Server/Seller Date Trained	Separation Date	
Betty White			Feb 7, 2017	mmm dd, yyyy	Feb 7, 2017	mmm dd, yyyy	<input type="button" value="Remove"/>
Tom Cruise	Oct 20, 1999	Feb 7, 2017	Feb 7, 2017	mmm dd, yyyy	Feb 7, 2017	mmm dd, yyyy	<input type="button" value="Remove"/>
BOBBI PEIFER	Oct 31, 2016		Nov 10, 2016	Aug 31, 2016	Feb 7, 2017	mmm dd, yyyy	<input type="button" value="Remove"/>

3. To update employees that appear on the roster, click on the employees' name. A detailed page of the employee's information will appear. You will need to enter their hire date and New Employee Orientation completion date, if those fields are blank.

STAFF MEMBER DETAILS

* First Name: Betty
 * Last Name: White

Phone Number: (717) 777 7777

Email Address:

Address Line 1: 4444 South George Street

Address Line 2:

City: Harrisburg

State: Pennsylvania

Zip Code: 15555

EMPLOYMENT INFORMATION

Hire Date:

New Employee Orientation Date:

Roster Activation Date: Feb 7, 2017

Separation Date:

TRAINING RECORD

Course Name (Course Dates)	Attendance	Exam Result	Course Type	Training Status	Training Expiration
RAMP - Server/Seller Training (Feb 07, 2017 10.00 AM)	Attended	Pass	Server/Seller	Active	Feb 07, 2019

4. To remove employees that appear on the roster, that are no longer employed at your licensed establishment or are no longer part of the alcohol service staff, enter the separation date and click the Remove button. This will remove the individual from your active staff roster.

Bobbi's Hotel

Address: 123 MAIN ST
 HARRISBURG PA 15555

Operator: BOBBI PEIFER

Below is a list of individuals who have been trained under your LID. Your staff roster must include the names of all current staff, including any owners and managers who serve alcohol or check identification regardless if they have been trained. Please review your roster and add and remove staff as necessary. This roster should be updated and maintained and kept in the same manner in which you keep other business records.

STAFF ROSTER

Name	Hire Date	New Employee Orientation Date	Roster Activation Date	Owner/Manager Date Trained	Server/Seller Date Trained	Separation Date
<u>Betty White</u>	Jan 3, 2017	Jan 6, 2017	Feb 7, 2017	mmm dd, yyyy	Feb 7, 2017	<input type="text" value="mmm dd, yyyy"/> <input type="button" value="Remove"/>
<u>BOBBI PEIFER</u>	Oct 31, 2016	Dec 13, 2016	Nov 10, 2016	Aug 31, 2016	Feb 7, 2017	<input type="text" value="mmm dd, yyyy"/> <input type="button" value="Remove"/>
<u>Tom Cruise</u>	Dec 20, 2016	Feb 7, 2017	Feb 7, 2017	mmm dd, yyyy	Feb 7, 2017	<input type="text" value="mmm dd, yyyy"/> <input type="button" value="Remove"/>

5. To add employees that do not appear on your roster, click on **Add Staff Member**. Read the instructions provided on that screen to add a new staff member. NOTE: You will be required to enter their first name, last name, birth date, and the last 4 digits of their social security number. Everyone that works at your establishment serving alcohol or checking identification needs to be included on your staff roster.

Bobbi's Hotel

Address: 123 MAIN ST
 HARRISBURG PA 15555
 Operator: BOBBI PEIFER

Below is a list of individuals who have been trained under your LID. Your staff roster must include the names of all current staff, including any owners and managers who serve alcohol or check identification regardless if they have been trained. Please review your roster and add and remove staff as necessary. This roster should be updated and maintained and kept in the same manner in which you keep other business records.

STAFF ROSTER

+ Add Staff Member

Name	Hire Date	New Employee Orientation Date	Roster Activation Date	Owner/Manager Date Trained	Server/Seller Date Trained	Separation Date	
<u>Betty White</u>	Jan 3, 2017	Jan 6, 2017	Feb 7, 2017	mmm dd, yyyy	Feb 7, 2017	mmm dd, yyyy	Remove
<u>BOBBI PEIFER</u>	Oct 31, 2016	Dec 13, 2016	Nov 10, 2016	Aug 31, 2016	Feb 7, 2017	mmm dd, yyyy	Remove
<u>Tom Cruise</u>	Dec 20, 2016	Feb 7, 2017	Feb 7, 2017	mmm dd, yyyy	Feb 7, 2017	mmm dd, yyyy	Remove

Applying for RAMP Certification

1. From the Owner / Manager tab, select the **Apply for Certification** link.

LID # (License Type)	Licensee	Premises	Certification Status	Certification Date	Certification Application Status
82948 (Hotel (Liquor))	Bobbi's Hotel Inc	Bobbi's Hotel	<u>Manage Staff/Roster</u>	Not Certified	Apply for Certification

2. You will be presented with a notice that you are about to start the certification application process. Select **Next** to continue.

3. On the following screen you must review your current active staff roster and make any necessary updates.

- If you need to make any changes to the hire dates or New Employee Orientation dates you can do so by clicking on the employees' name.
- If you need to add or remove an individual from the roster you may do so by clicking on your premises name as shown below.

RAMP Certification Application

[Need Help?](#)

Below is a list of individuals who appear on your alcohol service staff roster. Your staff roster must include the names of all current staff, including any owners and managers who serve alcohol or check identification regardless if they have been trained. Please review the information below for each member listed. To make any changes to the information listed or to add or remove staff, please click on the Update Roster Information link. If there are no changes to be made, click Next.

License to be certified: 82948 - Hotel (Liquor) - Bobbi's Hotel Inc (Bobbi's Hotel)

REVIEW ACTIVE ROSTER

Update Roster Information for: **Bobbi's Hotel**

Name	Server/Seller Training	Owner/Manager Training	Hire Date	New Employee Orientation Date	Roster Activation Date	Owner/Manager Date Trained	Server/Seller Date Trained
<u>Tom Cruise</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dec 20, 2016	Feb 7, 2017	Feb 7, 2017	mmm dd, yyyy	Feb 7, 2017
<u>Betty White</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jan 3, 2017	Jan 6, 2017	Feb 7, 2017	mmm dd, yyyy	Feb 7, 2017
<u>BOBBI PEIFER</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Oct 31, 2016	Dec 13, 2016	Nov 10, 2016	Aug 31, 2016	Feb 7, 2017

Save Draft

→ Next

4. When all information has been updated select the Next button.

5. On the next page of the application you are presented with a series of questions that you are required to answer. After these have been answered select the Next button.

RAMP Certification Application

[Need Help?](#)

QUESTIONS

Below are the requirements to achieve RAMP certification. Please read each statement and check the box you are affirming to. Click Next to proceed.

- 1 OWNER/MANAGER TRAINING Has either an owner or the PLCB-approved manager attended owner/manager training within the previous two (2) years? Yes No
- 2 SERVER/SELLER TRAINING Have at least fifty percent (50%) of the alcohol service personnel completed a PLCB-approved server/seller course within the previous two (2) years? Yes No

[← Back](#)

[Save Draft](#)

[→ Next](#)

6. On the final page of the application you are required to agree to a disclosure before submission of the application. Select the certification checkbox and select the Submit Application button.

RAMP Certification Application

DECLARATION



I SWEAR OR AFFIRM, SUBJECT TO THE PENALTIES PROVIDED UNDER 18 PA. C.S.A. §4904 (UNSWORN FALSIFICATION TO AUTHORITIES), THAT THE FOREGOING ANSWERS AND STATEMENTS HEREIN ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

[→ Submit Application](#)

[← Back](#)

[Save Draft](#)

7. After successful submission of the RAMP certification application you will be presented with a confirmation page that summarizes the application details. Your application has now been sent to the PLCB to process.

8. From the Owner / Manager tab, you will see the details of the application under My Certification Applications Under Review until it is fully processed by the PLCB.

9. Once the application is approved, from the Owner / Manager tab, you can print your RAMP certificate found under My Approved Certification Applications.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

RECEIVED
IRRC

DO NOT WRITE IN THIS SPACE 2:18

<p>Copy below is hereby approved as to form and legality.</p> <p>Attorney General:</p> <p>BY: <u><i>Kevin</i></u> (DEPUTY ATTORNEY GENERAL) <u>5/28/19</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>Pennsylvania Liquor Control Board</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. 54-90</p> <p>DATE OF ADOPTION: <u>March 13, 2019</u></p> <p>BY: <u><i>Tom</i></u></p> <p>TITLE: <u>Chairman</u> (Executive Officer, Chairman or Secretary)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies:</p> <p>BY: <u><i>Rob</i></u> Chief Counsel</p> <p><u>March 13, 2019</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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TITLE 40—LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

SUBCHAPTER I. RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM

PROPOSED RULEMAKING

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 5]

Responsible Alcohol Management Program

The Liquor Control Board ("PLCB"), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to amend §§ 5.201—5.271 (relating to the Responsible Alcohol Management Program) and add §§ 5.203—5.207, 5.212-5.213, 5.221-5.227, and 5.234-5.236 to read as set forth in Annex A.

Summary

In 2000, the Responsible Alcohol Management Program ("RAMP") was established in the Liquor Code (47 P.S. §§ 1-101—10-1001) to provide for training and certification of licensees as to safe and responsible service of alcoholic beverages. At that time, participation in RAMP was mostly voluntary, except for licensees who were ordered to participate as a result of an adjudicated citation or because they were compelled to participate under the terms of a conditional licensing agreement. However, amendments to the Liquor Code have made RAMP training mandatory for managers and servers and have required RAMP certification of certain licensees:

- Act 11 of 2011 created the off-premises catering permit and required that all servers at the off-premises catered site must have received RAMP server/seller training.
- Act 113 of 2011 amended the Liquor Code to require that managers of a restaurant, eating place retail dispenser, hotel, club, limited distillery, or distributor license must complete RAMP manager/owner training within 180 days of the PLCB's approval of the appointment.
- Act 39 of 2016 amended the Liquor Code to require all alcohol service personnel to complete RAMP server/seller training within six months of being hired by a licensee, unless the person had successfully completed the training prior to being hired.
- Act 39 also amended the Liquor Code to provide for wine expanded permits, authorizing the permit holder to sell wine to patrons for off-premises consumption. Permit holders must obtain RAMP certification and have a RAMP-trained cashier at the register when patrons are on the licensed premises.

The purpose of this proposed rulemaking is to clarify what constitutes RAMP certification, to clarify what is required of those impacted by the legislative changes, and to provide guidance to those who want to offer RAMP server/seller training as online training providers or classroom instructors.

The proposed rulemaking seeks to clarify the difference between RAMP training and RAMP certification, because members of the regulated community frequently misconstrue training for certification. A server/seller is required to receive server/seller training and a manager is required to receive owner/manager training. Sections 5.203 and 5.204 (relating to mandatory training for managers and

mandatory training for alcohol service personnel) were added to provide clarity to the regulated community. Training is a component, a prerequisite for certification; it is not the equivalent of certification. Only licensees receive RAMP certification. Licensees may voluntarily obtain RAMP certification, or they may be required to obtain it as a result of an adjudicated citation, because of a conditional licensing agreement with the PLCB, or because it is necessary for a permit they seek to obtain, such as a wine expanded permit.

There are instances throughout Chapter 5, Subchapter I of the PLCB's Regulations where the term "certification" is used in a context other than the certification of a licensee. For example, the current section 5.231 is entitled "Instructor Certification;" section 5.243(a)(1) requires licensees to keep records on the "Certification status of its employees, managers and owners...." Current section 5.233 addresses the need to have an alternative curriculum "certified" by the PLCB's Bureau of Alcohol Education ("BAE"). The word "certification" has been used inconsistently, which has contributed to the confusion in the regulated community.

This proposed rulemaking intends to clarify that "certification" is available to licensees only and requires the fulfillment of four prerequisites and then the submission of an application for certification of the licensee. The confusion and need for clarity on this issue prompted the creation of sections 5.205 and 5.206 (relating to RAMP certification prerequisites and RAMP certification). In addition, throughout the proposed rulemaking, if the word "certification" or "certified" was used in a context other than licensee certification, it was replaced with a more appropriate word. For example, online training providers and classroom instructors are authorized or deauthorized, not certified. Server/sellers and owner/managers receive training, not certification. Curriculum is approved, not certified.

The proposed rulemaking edits section 5.201 (relating to purpose) by keeping the first sentence but deleting the remainder. The provisions in section 5.201(a), pertaining to the four-part RAMP program, are set forth in more detail at new section 5.205. The provisions in subsections (b) and (c) are set forth in more detail in new sections 5.205 and 5.206.

The proposed rulemaking expands the definitions listed in section 5.202 (relating to definitions) by adding terms that have been introduced in the new sections, such as alternative curriculum, designated employee, material change, online training provider, standard curriculum, and training voucher. Other definitions were edited to provide clarity and consistency within the regulation.

The proposed rulemaking adds section 5.203 (relating to mandatory training for managers), which stems from the provision of Act 113 of 2011 that requires managers, under section 471.1(g) of the Liquor Code, to obtain owner/manager training. The proposed regulation provides that the manager will be deemed to have met the training requirement if they have successfully completed the training within the two years prior to being appointed manager. Two years was chosen as the time frame because it corresponds with RAMP certification, which is also valid for two years.

The proposed rulemaking also adds section 5.204 (relating to mandatory training for alcohol service personnel), which stems from the provision of Act 39 of 2016 that requires alcohol service personnel, under section 471.1(h) of the Liquor Code, to obtain server/seller training. Like section 5.203, the alcohol service personnel will be deemed to have met the training requirement if they have successfully completed the training within two years prior to being hired by the licensee.

The proposed rulemaking adds section 5.205 (relating to RAMP certification prerequisites) which is intended to clarify that training alone does not constitute certification. The word "prerequisites" was deliberately chosen to signal that the four components are not synonymous with certification. The four prerequisites are (1) owner/manager training, which was formerly located in section 5.241 (relating to manager/owner training); (2) server/seller training, which was previously not explained in detail; (3) new employee orientation, which was formerly located in section 5.242 (relating to new employee orientation); and (4) display of responsible alcohol service signage, which was previously located in section 5.261 (relating to signs).

Section 5.206 (relating to RAMP certification) incorporates text from former section 5.271 (relating to premises certification). Section 5.206 was deliberately set apart from section 5.205 to make clear that satisfying the prerequisites was not the equivalent of RAMP certification. Another step is required; a licensee must file an application with the PLCB for certification.

Section 5.207 (relating to records) is based on former section 5.243 (relating to records). The language in section 5.207(a)(1) was updated to reflect the information that the BAE wants licensees to keep.

Central to any course of instruction is the curriculum. The current language in section 5.211 was deleted and replaced with a sentence explaining that someone who wants to offer server/seller training may use either the PLCB's standard curriculum or an alternative curriculum that has been approved by the PLCB. The proposed rulemaking goes on to provide more information in section 5.212 (relating to standard curriculum) and section 5.213 (relating to alternative curriculum).

The proposed rulemaking adds section 5.212 (relating to standard curriculum), providing that a standard RAMP curriculum for server/seller training is electronically available, free of charge, to anyone who requests it. If someone requests that the information be provided in hard copy via mail, the PLCB will provide it for a flat fee.

The proposed rulemaking adds section 5.213 (relating to alternative curriculum) to explain, in greater detail, what is required of someone who wants to get an alternative curriculum approved for use in server/seller training. The rulemaking introduces a limit of two resubmissions to correct any deficiencies; that limit was chosen as a fair balance between the interests of the alternative curriculum offeror and the limited resources of the BAE.

Current section 5.211(b) requires a fee of \$250.00 to be paid by someone who chooses to use an alternative curriculum. The PLCB studied the cost it takes to evaluate and approve an alternative curriculum. It is estimated that the process takes 17.5 hours at a cost to the PLCB of \$515.00. Rounding the cost of estimation down to the nearest hundred (\$500.00) and then dividing that figure in half results in a figure of \$250.00. Therefore, the proposed rulemaking includes no change to the fee assessed for approving an alternative curriculum.

The proposed rulemaking includes a new heading, Online Training Providers and Programs for Server/Seller Training. The increased demand for RAMP server/seller training can be met, in part, by online server/seller training.¹ The BAE has allowed a limited number of online training providers to offer

¹ As an aside, only the PLCB may offer owner/manager training. 47 P.S. § 4-471.1(c).

server/seller training since November 2011. The section is based on the BAE's experience with existing online training providers and includes guidance for anyone wanting to become a new online training provider.

Section 5.221 (relating to online training provider application) also includes a limitation that the PLCB will only accept applications during scheduled open enrollment periods. The purpose behind this amendment is primarily to control the number of applications received by the BAE. To ensure that those seeking server/seller training receive a quality experience, online training providers must be thoroughly evaluated. Evaluating online training providers is a time-consuming process, which includes numerous deadlines for the applicant and the BAE, and the BAE has only nine staff members available to conduct the evaluations. Therefore, limiting the acceptance of applications to scheduled periods is an effective way to ensure that the BAE can evaluate and authorize qualified online training providers within a reasonable timeframe.

Section 5.221 establishes the procedure for someone applying to become a new online training provider. Currently, online training providers are assessed the same fee required of classroom instructors—\$250.00—because the regulations do not as yet provide for a fee for online training providers. To determine an appropriate fee for an online training provider application, the PLCB calculated the amount of time spent in evaluating the application and supporting the online training provider. The process includes, but is not limited to, reviewing the application and the online training content, providing feedback and evaluating resubmissions of training content, providing troubleshooting and records reconciliation, and course evaluation. It is estimated that the process takes 55 hours at a cost to the PLCB of \$1,772.50. The evaluation is extensive and time consuming, since every link and every digital functionality must be tested to ensure that the program works as it is supposed to. As a result, the proposed rulemaking establishes the nonrefundable application fee of an online training provider at \$850.00. This fee was calculated by rounding the cost of evaluation and support down to \$1,700.00 and then dividing that figure in half.

Given the number of people who need to obtain server/seller training, the PLCB believes that online training providers can easily recoup the fee from alcohol service personnel in need of training. During fiscal year 2017-2018, 55,811 people received server/seller training from an online training provider, of which there are currently ten. If the number of students who obtained training were equally divided among the ten online training providers, each online training provider would have 5,581.1 students. The online training provider could recoup the \$850.00 application fee by charging each of those students 15.23 cents ($5,581.1 \times \$0.1523 = \850.00). Put another way, an online training provider would only need \$1.00 from approximately 1.523% of the 55,811 students to recoup the application fee ($55,811 \times 1.523\% = 850.00$). Currently, online training providers charge from \$8.00 to \$40.00 per training, with most charging \$20.00 or \$25.00.

Section 5.222 (relating to online training program approval process) sets forth the approval process, which requires the evaluation of the online training program itself. An online training provider is allotted 120 days to give the PLCB access to the online training website. After receiving access to the website, the PLCB will determine whether the website meets the minimum standards that are set forth in section 5.223 (relating to minimum standards of the online training program). The minimum standards include certain program features, program availability, program functionality, and the PLCB's final examination. The minimum standards also set forth security and technology requirements, such as encrypting personally

identifiable information and prohibiting the online training provider from selling or using such information for any purpose other than for identification by the online training provider and verification by the PLCB.

Assuming an online training provider is successful with its application, the proposed rulemaking sets forth the responsibilities of the online training provider in section 5.224 (relating to online training provider responsibilities).

Section 5.225 (relating to renewal of authorization) explains the time frame and procedures for renewing the authorization to serve as an online training provider. Through this rulemaking, the PLCB is establishing clear rules for the renewal of an online training provider's authorization. Currently, online training providers pay a renewal fee of \$250.00. This fee has not been changed since 2010. To determine an appropriate fee, the PLCB calculated the amount of time spent in renewing an online training provider. The process includes, but is not limited to, course evaluation, student records reconciliation, and troubleshooting. It is estimated that the process takes approximately 39 hours at a cost to the PLCB of \$1,222.50. As a result, section 5.225 of the proposed rulemaking increases the renewal fee of an online training provider from \$250.00 to \$300.00. This fee was calculated by rounding the cost of evaluation and support down to \$600.00 and then dividing that figure in half.

In addition, section 5.225 imposes late fees on online training providers if renewal applications are not timely filed. Because RAMP has only nine staff members, requiring an online training provider to submit a renewal application thirty days before expiration allows sufficient time for the RAMP staff to process the request. This ensures that the online training provider's authorization is renewed in a timely fashion, without interruption of the provider's business. Renewals that are submitted shortly before expiration or after expiration tend to disrupt the work of the RAMP office; further, the late-submitting provider will often ask for expedited service for what is truly an avoidable crisis. Towards that end, additional late fees of \$100.00 and \$250.00 are imposed to compel the timely submission of the application for renewal. These fees were adopted because they are the same fees that licensees must pay if they are untimely with their license renewal applications. See 47 P.S. § 4-470(a). In addition, the proposed rulemaking establishes a deadline whereby late renewal applications will not be accepted; the online training provider will have to wait for open enrollment to submit a new application instead of a renewal.

Section 5.226 (relating to training vouchers) addresses a practice whereby online training providers issue training vouchers in bulk quantities to licensees with many employees, such as chain restaurants or casinos. The licensee may then give the training vouchers to its employees to obtain the server/seller training. Once these vouchers are sold, however, there is no guarantee that the online training provider will still be authorized to provide such training by the time the last voucher is redeemed and training is completed. To balance a licensee's need to provide server/seller training to numerous employees and to protect the licensee from the possibility of having a large quantity of vouchers from a training provider who is no longer authorized to provide training, the proposed rulemaking provides that the training vouchers are only valid for sixty days from the date of purchase. In this way, the risk to the licensee is limited and the training provider is still able to offer bulk training to licensees who are interested.

An online training provider who does not meet the minimum standards, who does not meet its responsibilities, or who engages in prohibited conduct may be deauthorized from providing online training. Proposed section 5.227 (relating to deauthorization of online training providers) sets forth the procedure that will be followed when an online training provider does not adhere to regulations.

The proposed rulemaking also includes, in section 5.231 (relating to classroom instructor application), updates to the regulations that pertain to classroom instructors of server/seller training. One of the changes to the regulation was to require the applicant to have had, within the past five years, two years of experience as a trainer or in giving presentations. The purpose behind this change was to ensure that the applicant's skills in this area are still relatively fresh, not, for example, based on an experience from twenty years ago. In addition, hospitality experience has been clarified to be related to hotel/restaurant management, to ensure that the applicant has ample experience.

Section 5.231 (relating to classroom instructor application) also includes a limitation that the PLCB will only accept applications during scheduled open enrollment periods. The purpose behind this amendment is primarily to control the number of applications received by the BAE. To ensure that those seeking server/seller training receive a quality experience, the classroom instructors must be thoroughly evaluated. Evaluating instructors is a time-consuming process, which includes numerous deadlines for the applicant and the BAE, and the BAE has only nine staff members available to conduct the evaluations. Therefore, limiting the acceptance of applications to scheduled periods is an effective way to ensure that the BAE can evaluate and authorize qualified classroom instructors within a reasonable timeframe.

Currently, new classroom instructors pay a fee of \$250.00. This fee has not been changed since 2010. To determine an appropriate fee, the PLCB calculated the amount of time spent in evaluating and training a new classroom instructor. The process includes, but is not limited to, two days of instruction as well as on-site training evaluation. It is estimated that the process takes approximately 50 hours at a cost to the PLCB of \$1,083.80. As a result, section 5.231 of the proposed rulemaking increases the nonrefundable application fee of a new classroom instructor from \$250.00 to \$500.00. This fee was calculated by rounding the cost of evaluation and support down to \$1,000.00 and then dividing that figure in half.

During fiscal year 2017-2018, 22,648 people obtained server/seller training in a classroom setting. There are currently thirty-six classroom instructors; if the people taking server/seller training were evenly distributed among the thirty-six classroom instructors, each instructor would teach 629.11 people per year. The authorized classroom instructor can recoup the \$500.00 authorization fee by charging each student an additional eighty cents ($629.11 \times \$0.80 = \503.29). Put another way, a classroom instructor would only need \$1.00 from approximately 2.3% of the 22,468 students to recoup the application fee ($22,468 \times 2.3\% = 516.764$). It is estimated that currently, classroom instructors charge from \$15.00 to \$50.00 per training, with most charging \$25.00 to \$40.00.

The proposed rulemaking amends section 5.232 (relating to classroom instructor approval process) to address the classroom instructor approval process instead of classroom instructor responsibilities, which will be addressed in newly added section 5.234 (relating to classroom instructor responsibilities). The most significant change to the approval process is the institution of a probationary period. The probationary period allows the BAE to evaluate classroom instructors "in action," to ensure that the classroom instructor can actually teach the material. If a classroom instructor does not achieve a rating of "Outstanding," "Commendable," or "Satisfactory," the PLCB will terminate the classroom instructor's authorization.

Section 5.233 (relating to minimum standards of classroom training) amends the existing regulation in small ways to provide greater clarity to the regulated community. For example, because the proposed

rulemaking introduces the category of online training providers, this section is amended to refer to "classroom instructors," to clearly distinguish them from online training providers.

Additionally, in section 5.233, a classroom instructor is required to notify the PLCB immediately when cancelling a training session or making a change to the training schedule. Previously, the methods of communication between the classroom instructor and the PLCB in these circumstances included first class United States mail, other delivery or express service, facsimile, or e-mail. The proposed rulemaking amends the methods of communication to reflect the actual practice, which is by telephone or e-mail, eliminating all other methods.

In the proposed rulemaking, new section 5.234 (relating to classroom instructor responsibilities) includes the existing content of section 5.232 (relating to instructor responsibilities). The section has been expanded to include a subsection requiring the classroom instructor on probationary status to adhere to the PLCB's Regulations and Probationary Status Instructor policies that will be provided by the PLCB. The section also adds responsibilities of classroom instructors about making changes to the curriculum, about acknowledging communications from the PLCB, getting PLCB approval on marketing correspondence, and keeping contact information up to date with the PLCB.

The proposed rulemaking adds new section 5.235 (relating to renewal of authorization). Through this rulemaking, the PLCB is establishing clear rules for the renewal of a classroom instructor's authorization. Currently, classroom instructors pay a renewal fee of \$250.00. This fee has not been changed since 2010. To determine an appropriate fee, the PLCB calculated the amount of time spent in renewing a classroom instructor. The process includes, but is not limited to, travelling to locations for on-site training evaluation. It is estimated that the process takes approximately 22.5 hours at a cost to the PLCB of \$655.00. As a result, section 5.235 of the proposed rulemaking increases the renewal fee of a classroom instructor from \$250.00 to \$300.00. This fee was calculated by rounding the cost of evaluation and support down to \$600.00 and then dividing that figure in half.

In addition, section 5.235 imposes late fees on classroom instructors if renewal applications are not timely filed. Because RAMP has only nine staff members, requiring a classroom instructor to submit a renewal application thirty days before expiration allows sufficient time for the RAMP staff to process the request. This ensures that the instructor's authorization is renewed in a timely fashion, without interruption of the instructor's business. Renewals that are submitted shortly before expiration or after expiration tend to disrupt the work of the RAMP office; further, the late-submitting instructor will often ask for expedited service for what is truly an avoidable crisis. Towards that end, additional late fees of \$100.00 and \$250.00 are imposed to compel the timely submission of the application for renewal. These fees were adopted because they are the same fees that licensees must pay if they are untimely with their license renewal applications. See 47 P.S. § 4-470(a). In addition, the proposed rulemaking establishes a deadline whereby late renewal applications will not be accepted; instead, the classroom instructor will have to wait for open enrollment to submit a new application.

The last new section added by this proposed rulemaking is section 5.236 (relating to deauthorization of classroom instructors). This section is nearly identical to section 5.227 (relating to deauthorization of online training providers) except for the fact that it does not include provisions that are unique to online training providers: the invalidation of training that is completed after deauthorization and the invalidation

of previously issued training vouchers. Neither of these scenarios is at issue with classroom instructors and, therefore, these provisions were not included in section 5.236.

The proposed rulemaking deletes the text in section 5.241 (relating to manager/owner training). This information can now be found in section 5.205(b)(1), relating to RAMP certification prerequisites. The proposed rulemaking also deletes the text in section 5.242 (relating to new employee orientation). This information has been restated with more detail and can now be found in section 5.205(b)(3) (relating to RAMP certification prerequisites). The proposed rulemaking deletes the text in section 5.243 (relating to records). This information can now be found in section 5.207 (relating to records).

The proposed rulemaking amends section 5.251 (relating to additional prohibited conduct). Two new sections – section 5.227 (relating to deauthorization of online training providers) and section 5.236 (relating to deauthorization of classroom instructors) – identify the conduct that will lead to deauthorization. To eliminate repetition, the text in subsections 5.251(a)(9), (b) and (c) have been deleted. The remainder of the text in section 5.251 was edited to include minor updates in vernacular, to be consistent with the rest of the proposed rulemaking. The only significant change is the incorporation of a reference to the Pennsylvania Human Relations Act, 43 P.S. §§ 951—963 (“PHRA”); discrimination or harassment based on age, race, sex, disability, national origin or religion or any other protected class under the PHRA is prohibited conduct.

The proposed rulemaking deletes the text of section 5.271 (relating to premises certification). This information can now be found in section 5.206 (relating to RAMP certification).

Affected Parties

The affected parties include licensees and their employees, including managers and server/sellers, as well as entities that are offering RAMP server/seller training. For Fiscal Year 2017-2018, 5,902 people enrolled in owner/manager training and 78,459 people enrolled in server/seller training. As of February 28, 2019, there were thirty-six classroom instructors of server/seller training and ten online training providers of server/seller training.

Paperwork Requirements

This proposed rulemaking does not impose any new paperwork requirements on licensees, alcohol service personnel, managers, online training providers, or classroom instructors.

Fiscal Impact

The fee for a classroom instructor has increased from \$250.00 to \$500.00, with a renewal fee of \$300.00. In addition, the fee for an online training provider is established as \$850.00, with a renewal fee of \$600.00. Moreover, these fees are less than half of the costs incurred by RAMP to train and authorize classroom instructors or to review the content of an online training provider as well as test every link and every digital functionality. However, as explained above, these fees can readily be offset from the fees that online training providers and classroom instructors already charge to the tens of thousands of people who need server/seller training.

Effective Date

This proposed rulemaking will become effective upon final-form publication in the Pennsylvania Bulletin.

Public Comments

Interested persons are invited to submit written comments about this proposed rulemaking to Rodrigo Diaz, Chief Counsel, Jason M. Worley, Deputy Chief Counsel, or Norina Foster, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001, within 30 days after publication of this proposed rulemaking in the Pennsylvania Bulletin. When commenting, individuals should indicate if they wish to be apprised of future developments regarding this proposed rulemaking, and include a name, address and e-mail address. Comments submitted by facsimile will not be accepted.

Public comments will be posted on the Independent Regulatory Review Commission's (IRRC) website. Personal information will not be redacted from the public comments received.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on _____, the PLCB submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the PLCB, the General Assembly and the Governor.

TIM HOLDEN,
Chairperson

ANNEX A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

Chapter 5 – DUTIES AND RIGHTS OF LICENSEES

Subchapter I. RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM

GENERAL

Sec.

- 5.201. Purpose.
- 5.202. Definitions.
- 5.203. Mandatory training for managers.
- 5.204. Mandatory training for alcohol service personnel.
- 5.205. RAMP certification prerequisites.
- 5.206. RAMP certification.
- 5.207. Records.

[COURSE OF STUDY] CURRICULUM FOR SERVER/SELLER TRAINING

- 5.211. [Course of study for alcohol service personnel]. Curriculum for server/seller training.
- 5.212. Standard curriculum.
- 5.213. Alternative curriculum.

ONLINE TRAINING PROVIDERS AND PROGRAMS FOR SERVER/SELLER TRAINING

- 5.221. Online training provider application.
- 5.222. Online training program approval process.
- 5.223. Minimum standards of the online training program.
- 5.224. Online training provider responsibilities.
- 5.225. Renewal of authorization.
- 5.226. Training vouchers.
- 5.227. Deauthorization of online training providers

CLASSROOM INSTRUCTORS OF SERVER/SELLER TRAINING

- 5.231. [Instructor application] Classroom instructor application.
- 5.232. [Instructor responsibilities] Classroom instructor approval process.
- 5.233. Minimum standards of classroom training.
- 5.234. Classroom instructor responsibilities.
- 5.235. Renewal of authorization.
- 5.236. Deauthorization of classroom instructors.

[TRAINING/ORIENTATION]

- 5.241. [Manager/owner training.] Reserved.
- 5.242. [New employee orientation] Reserved.
- 5.243. [Records] Reserved.

ADDITIONAL PROHIBITED CONDUCT

- 5.251. [Prohibited] Additional prohibited conduct.

[SIGNS]

- 5.261. [Signs] Reserved.

[CERTIFICATION]

- 5.271. [Premises certification] Reserved.

GENERAL

§ 5.201. Purpose.

[(a) This subchapter implements the [program] provisions authorized under section 471.1 of the Liquor Code (47 P. S. § 4-471.1)[, regarding responsible alcohol management]. [This provision authorizes the Board to establish a four-part program including:

- (1) New employee orientation.
- (2) Training for alcohol service personnel.
- (3) Manager/owner training.
- (4) Display of responsible alcohol service signage.]

[(b) Under section 471.1(f) of the Liquor Code, licensees are to obtain certification upon the completion of a certified alcohol service personnel program or the Board's owner/manager training program. Certification will be valid for 2 years.]

[(c) Licensees and their managers and employees may enter the Responsible Alcohol Management Program voluntarily, may commit to participation as part of a conditional licensing agreement entered into with the Board or may be required to participate by order of one of the Board's administrative law judges. This subchapter also establishes standards for the Board to certify compliance with this program.]

§ 5.202. Definitions.

When used in this subchapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

Alcohol service personnel—Any employe of a licensee such as a bartender, waiter or, in the case of a distributor or importing distributor, a salesperson whose primary responsibility includes the resale, furnishing or serving of liquor or malt or brewed beverages. It shall also mean any employe, such as a doorperson, whose primary responsibility is to ascertain the age of individuals who are attempting to enter the licensed premises.

Alternative curriculum—Curriculum for server/seller training that was developed by an entity other than the Bureau of Alcohol Education.

BAE—Bureau of Alcohol Education—The office in the [Board] PLCB that is responsible for administering the Responsible Alcohol Management Program (“RAMP”).

[Certify—To approve and confirm the approval in writing.]

Classroom instructor—An individual who is [certified] authorized by the [Board] PLCB to instruct students[, including licensees, owners, managers, servers, sellers and members of the public, in responsible server practices.] on server/seller training in a classroom setting where the instructor and the students are physically present.

Designated employee—An employee of a licensee whose primary job for the licensee is employee training or providing human resource services.

Licensee—An individual, person or entity that holds a license issued by the [Board] PLCB.

[Manager/owner training—Training conducted by the Board or its employees for individuals who manage or own licensed premises.]

Material change—A change that affects or impacts the substance of the curriculum or changes the order of the curriculum. A material change may include the addition of unapproved information or the deletion of approved information.

New employee—An individual who has not been employed at the licensed premises [seeking certification] in any capacity during the preceding year.

Online training provider—An individual or entity who is authorized by the PLCB to provide instruction to students on server/seller training via the Internet.

Owner/manager training—Training conducted by the PLCB or its employees for individuals who manage or own licensed premises.

PLCB—Pennsylvania Liquor Control Board.

RAMP—Responsible Alcohol Management Program – A certification program regarding the responsible sale and service of alcohol.

[Responsible server practices—Procedures and practices used by alcohol service personnel to prevent the furnishing or selling of alcoholic beverages to minors and visibly intoxicated persons.]

Server/seller training—Training conducted by the PLCB, a classroom instructor, or an online training provider for alcohol service personnel.

Student—An individual who has enrolled in a RAMP class or online training.

Standard curriculum—Curriculum for server/seller training that is produced and provided by the Bureau of Alcohol Education.

Training voucher—A code or password that grants permission or access to an online training program that may be purchased from an online training provider.

§ 5.203. Mandatory training for managers.

(a) Any manager who is required, under section 471.1(g) of the Liquor Code, to complete owner/manager training within 180 days of approval of appointment by the PLCB will be deemed to have met that training requirement if the appointed manager successfully completed the training within the two years prior to being appointed manager.

(b) Licensees must ensure that the manager has successfully completed owner/manager training within the past two years.

(c) The first time an individual enrolls in owner/manager training, he or she shall enroll and attend the owner/manager training in a classroom setting. The individual may take subsequent owner/manager training in a classroom setting or via online training, as preferred.

§ 5.204. Mandatory training for alcohol service personnel.

(a) Any alcohol service personnel who is required, under section 471.1(h) of the Liquor Code, to complete server/seller training within 6 months of being hired by a licensee will be deemed to have met that training requirement if the training was successfully completed within the two years prior to being hired by the licensee.

(b) Licensees must ensure that each member of their alcohol service personnel has successfully completed server/seller training within the past two years.

(c) If a licensee obtains an off-premises catering permit for use at a catered function, every employee whose primary responsibility at the catered function is to sell and/or serve alcoholic beverages or check identifications of those seeking to enter the catered function must have successfully completed server/seller training within two years prior to the date of the catered function.

§ 5.205. RAMP certification prerequisites.

(a) Licensees may seek RAMP certification voluntarily, may commit to obtaining certification as part of a conditional licensing agreement entered into with the PLCB, or may be required to obtain certification by a provision in the Liquor Code or as a result of an adjudicated citation.

(b) Licensees applying for RAMP certification under section 471.1 of the Liquor Code (47 P.S. § 4-471.1) must complete the following prerequisites:

(1) *Owner/manager training.*

(i) At least one owner or the PLCB-approved manager must complete the owner/manager training.

(ii) The first time an individual enrolls in owner/manager training, he or she shall enroll and attend the owner/manager training in a classroom setting. The individual may take subsequent owner/manager training in a classroom setting or via online training, as preferred.

(iii) Training will include instruction on proper service of alcohol, developing an alcohol service policy and establishing house rules and policies aimed at preventing sales of alcoholic beverages to minors or visibly intoxicated persons. Instruction will also be provided on identification checks and signs of visible intoxication. Instruction will be provided on techniques to ensure that employees are complying with house rules and policies, including the orientation of new and current employees and the documentation of incidents occurring in the workplace.

(iv) Owner/manager training will be conducted by the PLCB. The PLCB will maintain records establishing the names of individuals who have successfully undergone owner/manager training.

(2) *Server/seller training.*

(i) At least 50% of the licensee's alcohol service personnel must successfully complete server/seller training at the time of filing the application for certification of compliance. This percentage must be maintained or RAMP certification may be rescinded.

(ii) Successful completion of server/seller training is a score of 80 percent or better on the PLCB's final examination.

(iii) Training will include instruction on detecting signs of impairment and intoxication, identifying underage individuals, and detecting false identifications, including those that are altered, counterfeit, or borrowed. Instruction will focus on the practical application of the skills necessary to properly check identification, prevent intoxication, and refuse service.

(3) *New employee orientation.*

(i) When preparing to apply for RAMP certification or renewal of RAMP certification, the licensee's owner, manager or designated employee must review an orientation checklist with all alcohol service personnel. The orientation checklist, provided by the PLCB, addresses the liquor laws regarding service

to minors, service to visibly intoxicated patrons, acceptable forms of identification, carding practices, and house policies.

(ii) When new employees are hired, the licensee is responsible for ensuring that the owner, manager or designated employee conducts new employee orientation within 30 days of the employee's hire.

(iii) Once completed, orientation checklists should be kept by the licensee throughout the person's employment, and for two years after separation from employment.

(4) *Display of responsible alcohol service signage.*

(i) Licensees must post signs in the licensed premises. The signs will be provided by the PLCB, although a licensee may use its own signs as long as they are equivalent in size and content to the PLCB's signs.

(ii) The following signs must be posted, notifying patrons about:

(A) Acceptable forms of identification as described in section 495(a) of the Liquor Code (47 P.S. § 4-495(a)).

(B) The licensee's duty to refuse service to minors and visibly intoxicated persons under section 493(1) of the Liquor Code (47 P.S. § 4-493(1)).

(iii) The design of the signs must be so that they are legible from a distance of at least 10 feet. Signs must be located where patrons will easily see them.

(iv) The licensee is responsible for the posting and maintenance of signs.

§ 5.206. RAMP certification.

(a) After a licensee has completed the prerequisites of RAMP certification as set forth in section 5.205 (relating to RAMP certification prerequisites), the licensee may file an application with the PLCB for RAMP certification. There is no fee for applying for certification or recertification.

(1) If the PLCB finds that the licensee has satisfied the prerequisites, the PLCB will approve the application for certification of the licensee.

(2) RAMP certification is valid for 2 years. The PLCB will issue a notice of certification to the licensee that will advise the licensee of the date that the certification will expire.

(3) The licensee must continually satisfy the certification requirements during that period or certification may be rescinded.

(b) If the PLCB finds that the licensee has not satisfied the prerequisites, the PLCB will deny the application for certification of the licensee.

(1) If the licensee was required to obtain RAMP certification as a result of an adjudicated citation or by the terms of a conditional licensing agreement, but failed to do so, the PLCB will refer the matter to the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

(c) The Office of Administrative Law Judge shall take official notice of the PLCB's records with regard to the licensee's certification. The PLCB's certification of a licensee's status as being RAMP compliant shall create a rebuttable presumption that the licensee is RAMP compliant.

§ 5.207. Records.

(a) A licensee that has obtained RAMP certification shall keep the following records:

(1) A current list of all members of the licensee's alcohol service personnel, including the name of the employee, date of hire, date of training (owner/manager and server/seller) and date of new employee orientation.

(2) Date of licensee's certification.

(3) New employee orientation checklist(s), as explained in section 5.205(b)(3) (relating to RAMP certification prerequisites).

(4) Responsible alcohol service signs it posted, where and when the signs were posted, revised and reposted.

(b) These records shall be maintained as part of the licensee's operating records required to be kept for 2 years in accordance with section 493(12) of the Liquor Code (47 P.S. § 4-493(12)).

[COURSE OF STUDY] CURRICULUM FOR SERVER/SELLER TRAINING

§ 5.211. [Course of study for alcohol service personnel] Curriculum for server/seller training.

[(a) A standard curriculum for the course of study will be provided by the BAE.] Any individual or entity that wants to offer server/seller training must use the standard curriculum provided by the Bureau of Alcohol Education or an alternative curriculum that has been approved for use by the PLCB.

[(b) The BAE is authorized to review curriculum submitted by another training provider and to certify the curriculum if it is equivalent to or exceeds the BAE's standard curriculum. A request for review of curriculum must be accompanied by a nonrefundable \$250 application fee.]

[(1) In the event that the training provider's curriculum is not equivalent to or does not exceed the BAE's standard curriculum, the BAE will advise the training provider in writing within 90 days of receiving the curriculum and fee as to subjects where the training provider's curriculum is deficient].

[(2) The training provider has the opportunity to correct and resubmit its curriculum no more than two times. Curriculum resubmitted under this subsection does not require the payment of an additional fee.]

[(3) If the training provider's curriculum is still deficient after the second and final resubmission, the BAE will not accept submissions or resubmissions from the training provider for 1 year from the date that the BAE sent notification to the training provider that the second resubmission was deficient.]

§ 5.212. Standard curriculum.

(a) The PLCB makes available, on the BAE's page on the PLCB's website, an electronic link to the PLCB's standard curriculum and a manual to be used by students. If an individual or entity requests the PLCB to provide this information in hard copy via mail, the PLCB will assess a flat fee, pursuant to an established fee schedule, for printing and mailing the information. The fee schedule will be published on the BAE's page on the PLCB's website.

(b) The standard curriculum includes instruction on detecting signs of impairment and intoxication, identifying underage individuals, and detecting false identifications, including those that are altered, counterfeit, or borrowed. Instruction will focus on the practical application of the skills necessary to properly check identification, prevent intoxication, and refuse service.

§ 5.213. Alternative curriculum.

(a) The PLCB makes available, on the BAE's page on the PLCB's website, an electronic link to guidelines for submitting an alternative curriculum to be approved by the PLCB, along with an electronic link to the most current version of the PLCB's Web Trainee Transfer Service requirements. If an individual or entity requests the PLCB to provide this information in hard copy via mail, the PLCB will assess a flat fee, pursuant to an established fee schedule, for printing and mailing the information. The fee schedule will be published on the BAE's page on the PLCB's website.

(b) The PLCB is authorized to approve the use of an alternative curriculum and student manual developed by another person or entity for use by an online training provider or a classroom instructor. An application for approval of the alternative curriculum and student manual must be accompanied by a nonrefundable \$250.00 application fee. The PLCB may approve the use of the alternative curriculum and student manual if they are equivalent to or exceed the PLCB's standard curriculum.

(c)(1) In the event that the alternative curriculum and student manual are not equivalent to or do not exceed the PLCB's standard curriculum and student manual, the PLCB will advise the applicant in writing as to the deficiencies within 90 days of receiving the alternative curriculum, student manual and fee.

(2) The applicant will have 60 days from the date of the notification to complete the required changes to the alternative curriculum and resubmit it for evaluation. If the alternative curriculum and student manual still do not meet or exceed the PLCB's standard curriculum and student manual, the PLCB will again advise the applicant in writing as to the deficiencies. The applicant will then have 30 days from the date of the second notification to complete the required changes to the online training program and provide access to the PLCB for a final evaluation of the alternative curriculum. The resubmission under this subsection does not require the payment of an additional fee.

(i) If the alternative curriculum still includes deficiencies after the third submission to the PLCB, the PLCB will send a notice to the applicant by United States mail that the alternative curriculum will not be approved and that the application is closed. No refund will be given to the applicant.

(ii) The PLCB will not accept, for a minimum of one year from the date of the notice advising the applicant that the application was closed, another application for alternative curriculum approval from the applicant. Applications will only be accepted during a period of open enrollment, which shall be posted on the BAE's page on the PLCB's website.

(3) If the applicant has rectified the deficiencies in the alternative curriculum and student manual and they are approved by the PLCB, the applicant shall submit a clean, final copy of the approved alternative curriculum and the student manual.

ONLINE TRAINING PROVIDERS AND PROGRAMS FOR SERVER/SELLER TRAINING

§ 5.221. Online training provider application.

(a) A person who wants to become an authorized online training provider of server/seller training shall submit an application for authorization issued by the PLCB and pay a nonrefundable application fee of \$850.00, as well as a separate fee for a criminal record check.

(1) The PLCB will only accept applications during scheduled open enrollment periods, which shall be posted on the BAE's page on the PLCB's website. The PLCB reserves the discretion to limit the number and frequency of open enrollment periods based on operational restrictions.

(b) The minimum qualifications of an online training provider are the same as the minimum qualifications of a classroom instructor, as set forth in § 5.231(b) (relating to classroom instructor application), except that online training providers are not required to attend owner/manager training.

(c) The applicant shall submit, for approval, a proposed online training program that must be approved by the PLCB before the PLCB will issue a notice of authorization to the online training provider.

§ 5.222. Online training program approval process.

(a) The online training program must be based on the PLCB's standard curriculum or an alternative curriculum that has been approved by the PLCB.

(1) Within 120 days of receiving the standard curriculum or approval to use an alternative curriculum, the applicant shall provide the PLCB with access to the proposed online training website, including necessary login information for the purpose of viewing content and testing the website.

(2) If the applicant requires more than 120 days to provide the PLCB with access to the proposed online training website, the applicant may request an extension in writing, by letter or by e-mail. The PLCB may grant a 30-day extension for temporary, nonrecurring exigencies, such as instructor illness or family emergency, bad weather or other circumstances beyond the instructor's control.

(3) If the applicant does not provide the PLCB access to the proposed online training website by the deadline provided by the PLCB, the application will be denied, and no refund will be given to the applicant.

(b) Upon receipt of the applicant's proposed online training program, the PLCB will review and test the proposed online training program. While the online training program is under review by the PLCB, the applicant may not advertise the availability of the online training program or provide public access to the online training program.

(c) The PLCB will determine whether an applicant's online training program meets the minimum standards set forth in § 5.223 (relating to minimum standards of the online training program).

(d) After the initial evaluation, the PLCB will, if necessary, notify the applicant of any required changes that need to be made to the online training program. The applicant will have 60 days from the date of the notification to complete the required changes to the online training program and provide access to the PLCB for a second evaluation of the online training program.

(e) After the second evaluation, the PLCB will, if necessary, again notify the applicant of any required changes that need to be made to the online training program. The applicant will have 30 days from the date of the notification to complete the required changes to the online training program and provide access to the PLCB for a final evaluation of the online training program.

(1) If the online training program still requires changes after the third submission to the PLCB, the PLCB will send a notice to the applicant by United States mail that the online training program will not be approved and that the application is closed. No refund will be given to the applicant.

(2) The PLCB will not accept, for a minimum of one year from the date of the notice advising the applicant that the application was closed, another application for online training program approval from the applicant. Applications will only be accepted during a period of open enrollment, which shall be posted on the BAE's page on the PLCB's website. See section 5.221(a) (relating to online training provider application).

(f) If the applicant meets the minimum requirements and the PLCB has approved that person's proposed online training program, the PLCB will issue to the online training provider a notice of authorization.

(g) The period of authorization shall be one year from the date of issuance of the notice of authorization. The renewal of authorization is addressed in section 5.225 (relating to renewal of authorization).

§ 5.223. Minimum standards of the online training program.

(a) Program features.

(1) The program content for the online training program must be either the standard curriculum or an approved alternative curriculum. Material changes to the curriculum may not be made without the approval of the PLCB.

(2) The online training program must cover topics required by the PLCB. The topics must be grouped into training modules. For some topics, the online training program must include mandatory language. The required topics, the mandatory language, and the PLCB's final examination will be made available to the applicant by the PLCB.

(3) The online training program must include knowledge checks at the end of each training module. Knowledge checks ensure that a student is properly reviewing and understanding the program content. The online training program must require a student to correctly answer questions based on course content. Such questions should be designed to evaluate the student's comprehension of each training module before students are permitted to advance to the next training module.

(4) The online training program must use the PLCB's final examination.

(5) The online training program must consist of at least 1½ hours of instructional time.

(6) The online training program must contain any disclaimers required by the PLCB, which the PLCB will provide to the applicant.

(b) Program availability.

(1) Every online training provider shall make its online training program available to the general public.

(2) An online training provider shall require a student to register for the online training program by using specific personal identifiers provided by the PLCB.

(i) The online training program must provide the opportunity for a student to confirm and edit the information submitted in the registration process before proceeding.

(ii) The registration process must require the student to provide an e-mail address.

(iii) As soon as the student has completed the registration process, the online training program must send the student an e-mail confirming his or her registration with that online training program. The e-mail must include a hyperlink to the online training program.

(3) If the online training provider offers training vouchers for licensees to purchase for the future use of the licensee's employees, the online training provider's website must meet the requirements set forth in section 5.226 (relating to training vouchers).

(c) Program functionality.

(1) All text on each page or screen of the online training program must be narrated.

(2) Each page or screen of the online training program must be numbered.

(3) Each page or screen of the online training program must be timed so that a student may not advance

to the next page or screen without having sufficient opportunity to review the contents of the current page or screen.

(4) Knowledge checks must be incorporated throughout the training.

(5) The online training program must require the student to answer security questions during registration that will be used, at random intervals, to validate student identity and participation throughout the course.

(6) The online training program must allow a student to pause and review previous pages or screens at any time.

(7) The online training program must allow a student to save progress in the program content, log out, and resume the online training program at a later time. Once the student has begun the final examination, however, logging out of the training program must not be permitted, as explained in § 5.223(d)(1)(i).

(d) Final Examination.

(1) At the conclusion of the online training program, the student shall be required to complete the PLCB's final examination.

(i) The student shall have one attempt at the final examination. The student shall not be permitted to log out of the final examination and resume the final examination at a later time.

(ii) Questions in the PLCB's final examination must be randomized by the online training provider.

(iii) The student shall not be able to print the final examination.

(2) The online training program must immediately score the final examination and immediately notify the student of that score. A score of 80% or better is required to pass the final examination.

(i) The online training program must be able to allow a student who receives a passing score on the final examination to print a certificate of completion provided by the PLCB.

(ii) A student who does not receive a passing score on the final examination may re-register for an online training program. However, the student may not retake the final examination without taking the online training program again.

(3) The online training program must provide each student with access to a manual.

(i) If the online training program is using the PLCB's standard curriculum, then the student shall be provided with the manual for that curriculum.

(ii) If the online training program is based on an alternative curriculum that has been approved by the PLCB, then the student shall be provided with the manual for that curriculum.

(iii) Manuals may not be printed until the conclusion of the final examination.

(iv) Manuals may not be provided to anyone not participating in an approved online training program.

(e) Security and technology.

(1) The online training program must comply with the most current version of the PLCB's Web Trainee Transfer Service requirements, as referenced in § 5.222(a) (relating to online training program approval process).

(2) The online training program must encrypt, at all times, any personally identifiable information protected by law, including but not limited to a student's social security number or date of birth. The online training provider shall not sell or use such information for any purpose other than for identification by the online training provider and verification by the PLCB.

(3) The online training program must comply with any and all applicable federal and state laws and regulations related to information security.

§ 5.224. Online training provider responsibilities.

Online training providers have the responsibility to do the following:

(1) Using the standard curriculum provided by the PLCB, or an alternative curriculum approved by the PLCB, provide students, via an online training program, with information regarding the current status of the law on issues regarding the sale or service of alcoholic beverages by licensees.

(2) Provide the PLCB with unlimited vouchers or pass codes that will allow the PLCB to access the online training program free of charge for review purposes.

(3) Train at least 225 students per year. Online training providers may request a waiver of the minimum requirements in this paragraph by sending a letter or e-mail to the PLCB. The PLCB will waive the requirements for minimum training activity for online training providers due to temporary, nonrecurring exigencies, such as online training provider illness or family emergency, bad weather or other circumstances beyond the online training provider's control.

(4) Provide accurate records of a student's completion of online training to the PLCB immediately following the online training by electronically transmitting the necessary electronic data regarding the student.

(i) Records must be sent in real-time or in frequent batch submissions not more than fifteen minutes after completion of the final examination.

(ii) The online training provider shall monitor submissions daily and resolve, within 24 hours, any error message received from the PLCB indicating that the submission was not processed. If the error message

cannot be resolved within 24 hours, the online training provider shall immediately notify the PLCB.

(iii) The online training provider shall maintain all records of online training sessions for a minimum of two years.

(5) Attend instructor meetings as scheduled by the PLCB.

(6) Refer all questions relating to course content to the PLCB.

(7) Provide technical support to students via telephone, internet chat exchange, or e-mail. Technical support must be timely and accurate. Any technical support inquiry from a student must be resolved within one business day.

(8) Acknowledge or respond to e-mails, telephone calls, or any other contacts placed by the PLCB, licensees and/or trainees within 48 hours.

(9) Submit all forms of correspondence used for marketing purposes to the PLCB for approval prior to dissemination. An online training provider shall not use any forms of correspondence for marketing purposes that have not been approved by the PLCB.

(10) With regard to changes to program content:

(i) Make required changes to written program content within 24 hours of being notified by the PLCB.

(ii) Block public access to the program content until the required changes have been made and approved by the PLCB.

(iii) Refrain from making material changes to online training program content without being required to do so by the PLCB or without receiving approval from the PLCB to make the material changes.

(A) If the online training provider wants to make a material change to the online training program, the online training program must be submitted for review and approval, along with a non-refundable fee of \$850.00, unless the changes were required by the PLCB.

(11) With regard to security and technology:

(i) Provide the PLCB with not less than 30 calendar days' notice of any system enhancements or modifications, including upgrades and new versions and releases.

(ii) Report, in accordance with the Breach of Personal Information Notification Act, 73 P.S. § 2301 et seq., any breach of system security or unauthorized release of personally identifiable information.

(iii) Report to the PLCB, within 24 hours, any system failure that prevents compliance with any of the requirements of this regulation.

(iv) Ensure the correction of a system failure within seven calendar days.

(12) Notify the PLCB within 7 days of a change in the online training provider's telephone number, e-mail address, or physical address and provide the PLCB with the new telephone number, e-mail address, or physical address.

§ 5.225. Renewal of authorization.

(a) At least 30 days prior to the expiration of the online training provider's authorization, the online training provider shall submit an application for renewal of authorization, which will be provided by the PLCB.

(1) If the online training provider does not want to make material changes to the online training program from the last time it was approved by the PLCB, then a \$600.00 fee must accompany the online training provider's application for renewal of authorization, as well as a separate fee for a criminal record check.

(2) If the online training provider wants to make material changes to the online training program, then a \$850.00 fee must accompany the online training provider's application for renewal of authorization, as well as a separate fee for a criminal record check. The online training provider shall use the online training program approved by the PLCB until the notice of authorization has been renewed.

(b) The online training provider shall submit, with the application for renewal of authorization, hard copy screen shots of the most recent PLCB-approved online training program with renewal. The online training provider shall submit no more than 2 screen shots per one side of an 8 ½ by 11 inch piece of paper. The screen shots may be in color or black and white.

(c) Untimely applications for authorization renewal.

(1) The PLCB may accept an application for renewal of authorization that is filed less than 30 days before the expiration of the current authorization, but not after expiration, if the applicant includes an additional filing fee of \$100.

(2) The PLCB may accept an application for renewal of authorization that is filed up to 30 days after the expiration of the current authorization if the applicant includes an additional filing fee of \$250.

(3) The PLCB will not accept applications for renewal of authorization that are filed more than 30 days after the expiration of the current authorization.

(4) As of the date of the expiration of an online training provider's authorization, the following will no longer be valid:

(i) Training that is completed by a student after the date of expiration.

(ii) Any training vouchers issued by an online training provider that have not been redeemed and training completed.

(5) The PLCB will not accept, for a minimum of one year from the date of expiration, an application from an online training provider whose authorization has expired. Under such circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a

period of open enrollment, which shall be posted on the BAE's page on the PLCB's website. See section 5.221(a) (relating to online training provider application).

§ 5.226. Training vouchers.

(a) The online training provider may sell training vouchers for future use by a licensee's employees. A licensee may purchase training vouchers in bulk for future use by its employees.

(b) Training vouchers are only valid for 60 days from the date of purchase and must indicate their expiration date.

(c) The online training provider shall ensure that its website includes a notice, on the same page that informs the public about training vouchers, that training vouchers are only valid for 60 days from the date of purchase and must indicate their expiration date. The notice must require the purchaser to acknowledge this information before completing the purchase of the training vouchers.

§ 5.227. Deauthorization of online training providers.

(a) The PLCB will send a notice of violation to an online training provider by certified United States mail if the online training provider is:

(1) Failing to meet the minimum standards of the online training program set forth in section 5.223 (relating to minimum standards of the online training program).

(2) Failing to meet the responsibilities set forth in section 5.224 (relating to online training provider responsibilities).

(3) Engaging in prohibited conduct set forth in section 5.251 (relating to additional prohibited conduct).

(b) The notice of violation will give the online training provider a deadline by which the violation must be remedied. The amount of time given to remedy the violation will vary depending upon the complexity of the circumstances and may be up to 60 days. The notice of violation may advise the online training provider that its authorization is temporarily suspended, pending resolution of the violation.

(c) If the violation is not remedied by the deadline, or if the PLCB has grounds to issue a second notice of violation within the same authorization year as the first notice of violation, the PLCB will send a notice of deauthorization to an online training provider by certified United States mail. An appeal of the PLCB's decision to deauthorize shall be in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq.

(1) As of the date of the PLCB's notice of deauthorization to an online training provider, the following will no longer be valid:

(i) Training that is completed by a student after the date of the PLCB's notice of deauthorization.

(ii) Any training vouchers issued by an online training provider that have not been redeemed and training completed.

(d) The PLCB will not accept, for a minimum of one year from the notice of deauthorization, an application from an online training provider that has been issued a notice of deauthorization. Under such circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment. See section 5.221(a) (relating to online training provider application).

CLASSROOM INSTRUCTORS OF SERVER/SELLER TRAINING

§ 5.231. [Instructor application] Classroom instructor application.

[The BAE will have a procedure, as set forth in this section, to confirm a person's competency to begin and continue working as an instructor. Part of this procedure will include observation of the instructor's training sessions by representatives of the BAE at least twice per year.]

[(1)](a) A person desiring [certification as an] authorization to be a classroom instructor shall submit an application [on forms] issued by the [Board] PLCB and pay a [\$250] \$500 nonrefundable application fee[.], as well as a fee for a criminal record check.

(1) The PLCB will only accept applications during scheduled open enrollment periods. The PLCB reserves the discretion to limit the number and frequency of open enrollment periods based on operational restrictions.

[(2)](b) The minimum qualifications of [an] a classroom instructor include the following:

[(i)](1) Possessing a high school diploma or GED.

[(ii)](2) Within the previous 5 years, [Possessing]having a minimum of 2 years of experience, full-time, as a trainer or in giving presentations in the field of education, law, law enforcement, substance abuse prevention, hospitality related to hotel/restaurant management or alcohol service training or other equivalent combination of experience and training.

[(iii)](3) Being 21 years of age or older.

[(iv)](4) Having no [arrests] convictions that are related to alcohol, narcotics or other controlled substances and having no felony convictions in the previous 10 years.

[(v)](5) Attending [manager/owner] owner/manager training once in the year preceding the date the application for instructor authorization is filed. Classroom instructors shall attend the owner/manager training in a classroom setting.

[(3) If a person who has submitted a completed application meets the minimum requirements for certification, the Board will issue to the instructor a Notice of Certification. The period of certification shall be 1 year from the date of issuance of the Notice of Certification.]

[(4) Renewal of certification shall be submitted to the BAE at least 30 days prior to the expiration of the classroom instructor's current certification. The forms shall be provided by the BAE. A \$250 fee must accompany an application for renewal.]

§ 5.232. [Instructor responsibilities] Classroom instructor approval process.

[Instructors have the responsibility to do the following:]

[(1) Using the standard curriculum provided by the BAE or a curriculum certified by the BAE, provide students with information regarding the current status of the law on issues regarding the sale or service of alcoholic beverages by licensees.]

[(2) Schedule training sessions in locations throughout this Commonwealth.]

[(3) Conduct at least two training sessions per quarter and train at least 225 students per year. Instructors may request a waiver of the minimum requirements in this paragraph by sending a letter or e-mail to the BAE. The BAE will waive the requirements for minimum training activity for instructors due to temporary, nonrecurrent exigencies, such as instructor illness or family emergency, bad weather or other circumstances beyond the instructor's control.]

[(4) Provide accurate records of attendance and course completion, as required under § 5.233(c) (relating to minimum standards of training), to the BAE within 7 calendar days following each training session through the BAE's web site. Original attendance sheets shall be submitted to the BAE by first class United States mail, other delivery or express service, transmission by facsimile or by e-mail.]

[(5) Attend instructor meetings twice per year as scheduled by the BAE.]

[(6) Attend manager/owner training at least once per year.]

(a) Applicants shall attend a 2 day mandatory training session in Harrisburg before the PLCB will issue a notice of authorization. An applicant who does not attend and complete the 2 day training session will be disqualified from consideration as a classroom instructor.

(b) The PLCB shall issue a notice of authorization to those applicants who have successfully completed the training session. The period of authorization shall be one year from the date of issuance of the notice of authorization. The classroom instructor is required to successfully complete a probationary period.

(1) Within the first three months of probation, the PLCB will evaluate the classroom instructor at least once. There are five possible evaluation ratings: Outstanding, Commendable, Satisfactory, Needs Improvement, or Unsatisfactory.

(i) The classroom instructor must receive an "Outstanding," "Commendable," or "Satisfactory" rating in order to successfully complete the probationary period.

(ii) If the classroom instructor receives a "Needs Improvement" rating, the classroom instructor will be re-evaluated by the PLCB at any time within the next three months. Upon re-evaluation, the classroom instructor must receive an "Outstanding," "Commendable," or "Satisfactory" rating in order to successfully complete the probationary period. If the classroom instructor does not, the PLCB will terminate the classroom instructor's notice of authorization.

(iii) If the classroom instructor receives an "Unsatisfactory" rating, the PLCB will terminate the classroom instructor's notice of authorization.

(iv) "Termination" will be treated the same as deauthorization for purposes of section 5.236 (relating to deauthorization of classroom instructors).

§ 5.233. Minimum standards of classroom training

(a) [Instructors] A classroom instructor shall conduct training sessions conforming to either the [BAE's] PLCB's standard curriculum or [a]an alternative curriculum [certified]approved by the [BAE] PLCB. A classroom instructor shall adhere to either the standard curriculum or an alternative curriculum approved by the PLCB.

(1) Each training session must consist of at least 2 1/2 hours of uninterrupted instructional time[.], not including time spent reviewing information with students or administering the final examination. Each training session must be taught in one session from start to finish.

(2) The ratio of students per classroom instructor may not exceed 40 to 1.

(b) [Instructors] A classroom instructor shall notify the [BAE] PLCB of the following:

(1) At least 7 calendar days in advance of scheduling any training session. [Instructors] A classroom instructor shall provide notification to the BAE through the BAE's [web site.] page on the PLCB's website.

(2) Immediately of any training session cancellation. [Instructors] A classroom instructor shall provide notification to the [BAE] PLCB by [first class United States mail, other delivery or express service, transmission by facsimile] telephone or by e-mail.

(3) Immediately of any changes to the training schedule. [Instructors] A classroom instructor shall provide notification to the [BAE] PLCB by [first class United States mail, other delivery or express service, transmission by facsimile] telephone or by e-mail.

(c) [Instructors] A classroom instructor shall obtain the student information indicated below in paragraphs [(1)—(3)](1)—(4) at the beginning of the training session. [An instructor] A classroom instructor shall send a completed attendance sheet to the [BAE] PLCB within 7 days of the end of the training session, including the following information from each student:

(1) Name.

- (2) Home address and e-mail address.
- (3) [Home telephone] Telephone number.
- (4) Student identification number issued by the [BAE] PLCB.
- (5) Licensed establishment name, address and licensee identification.
- (6) Time, date and location of training.
- (7) Pass/fail score on the test.

(d) At the conclusion of the training, the classroom instructor shall administer a [standardized test] final examination prepared by the [BAE] PLCB, [insuring] ensuring that students complete the final examination individually, as a closed book [exam]examination, without access to references or assistance from others to aid in the completion of the final examination.

(e) The classroom instructor shall grade the final examinations and notify students of their grades. A [test] score of 80% or better is required to pass. The classroom instructor shall provide a standard participant wallet card to each student who passes the final examination. These wallet cards are provided to the classroom instructor by the PLCB. A student who does not pass the final examination may, at the first opportunity, schedule training and take the [test] final examination again. However, the student may not retake the final examination without receiving the training again.

§ 5.234. Classroom instructor responsibilities.

Classroom instructors have the responsibility to do the following:

(1) While on probationary status, the classroom instructor shall adhere to all of the PLCB's Regulations and Probationary Status Instructor policies that will be provided by the PLCB.

(2) Using the standard curriculum provided by the PLCB, or an alternative curriculum approved by the PLCB, provide students with information regarding the current status of the law on issues regarding the sale or service of alcoholic beverages by licensees. Classroom instructors shall provide each student with a student manual that corresponds to the standard curriculum or an alternative curriculum approved by the PLCB.

(i) A classroom instructor shall refrain from making any modifications or changes to the standard curriculum without being required to do so by the PLCB.

(ii) A classroom instructor shall refrain from making any modifications or changes to an alternative curriculum without first receiving approval from the PLCB to make the proposed modifications or changes.

(iii) If the classroom instructor wants to revise the alternative curriculum, the curriculum must be submitted for review and approval, along with a non-refundable fee of \$250, unless the changes were required by the PLCB.

(3) Schedule training sessions in locations throughout the Commonwealth.

(4) Conduct at least two training sessions per quarter and train at least 225 students per year. Classroom instructors may request a waiver of the minimum requirements in this paragraph by sending a letter or e-mail to the PLCB. The PLCB will waive the requirements for minimum training activity for instructors due to temporary, nonrecurring exigencies, such as instructor illness or family emergency, bad weather or other circumstances beyond the instructor's control.

(5) Provide accurate records of attendance and course completion, as required under § 5.233(c) (relating to minimum standards of classroom training), to the PLCB within 7 calendar days following each training session through the BAE's page on the PLCB's website. Original attendance sheets must be submitted to the PLCB by first class United States mail, other delivery or express service or by e-mail.

(6) Attend instructor meetings as scheduled by the PLCB.

(7) Attend in-class owner/manager training at least once per year.

(8) Acknowledge or respond to e-mails, telephone calls, or any other contacts placed by the PLCB, licensees and/or trainees within 48 hours.

(9) Submit all forms of correspondence used for marketing purposes to the PLCB for approval prior to dissemination. A classroom instructor shall not use any forms of correspondence for marketing purposes that have not been approved by the PLCB.

(10) Notify the PLCB within 7 days of a change in the classroom instructor's telephone number, e-mail address, or physical address and provide the PLCB with the new telephone number, e-mail address, or physical address.

§ 5.235. Renewal of authorization.

(a) At least 30 days prior to the expiration of the classroom instructor's authorization, the classroom instructor shall submit an application for renewal of authorization, which will be provided by the PLCB. A \$300 fee must accompany the classroom instructor's application for renewal of authorization, as well as a separate fee for a criminal record check.

(b) If the classroom instructor is using an alternative curriculum, the classroom instructor shall submit a copy of the most recently PLCB-approved curriculum with the application for renewal of authorization. If the classroom instructor is using the standard curriculum, the classroom instructor need not submit a copy of the standard curriculum with the application for renewal of authorization.

(1) If the classroom instructor does not want to make material changes to the alternative curriculum from the last time it was approved by the PLCB, no additional fee is required.

(2) If the classroom instructor wants to make material changes to the alternative curriculum, then an additional \$250 fee, for a total of \$550, must accompany the classroom instructor's application for renewal of authorization. The classroom instructor shall use the alternative curriculum approved by the PLCB until the notice of authorization has been renewed.

(c) Untimely applications for authorization renewal.

(1) The PLCB may accept an application for authorization renewal that is filed less than 30 days before the expiration of the current authorization, but not after expiration, if the applicant includes an additional filing fee of \$100.

(2) The PLCB may accept an application for authorization renewal that is filed up to 30 days after the expiration of the current authorization if the applicant includes an additional filing fee of \$250.

(3) The PLCB will not accept applications for renewal that are filed more than 30 days after the expiration of the current authorization.

(4) The PLCB will not accept, for a minimum of one year from the date of expiration, an application from an classroom instructor whose authorization has expired. Under such circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment. See section 5.231(a) (relating to classroom instructor application).

5.236. Deauthorization of classroom instructors.

(a) The PLCB will send a notice of violation to a classroom instructor by certified United States mail if the classroom instructor is:

(1) Failing to meet the minimum standards of classroom training set forth in section 5.233 (relating to minimum standards of classroom training).

(2) Failing to meet the responsibilities set forth in section 5.234 (relating to classroom instructor responsibilities).

(3) Engaging in prohibited conduct set forth in section 5.251 (relating to additional prohibited conduct).

(b) The notice of violation will give the classroom instructor a deadline if the violation can be remedied. The amount of time given to remedy the violation will vary depending upon the complexity of the circumstances.

(c) If the violation is not remedied by the deadline, or if the PLCB has grounds to issue a second notice of violation within the same authorization year as the first notice of violation, the PLCB will send a notice of deauthorization to the classroom instructor by certified United States mail. An appeal of the PLCB's decision to deauthorize shall be in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq.

(d) The PLCB will not accept, for a minimum of one year from the notice of deauthorization, an application from a classroom instructor that has been issued a notice of deauthorization. Under such circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment. See section 5.231(a) (relating to classroom instructor application).

[TRAINING/ORIENTATION]

§ 5.241. [Manager/owner training] Reserved.

[(a) Manager/owner training will be conducted by the BAE.]

[(b) Training must include instruction on proper service of alcohol, developing an alcohol service policy and establishing house rules and policies aimed at preventing sales of alcoholic beverages to minors or visibly intoxicated persons. Instruction shall also be provided on identification checks and signs of visible intoxication. Instruction shall be provided on techniques to assure that employees are complying with house rules and policies, including the orientation of new and current employees and the documentation of incidents occurring in the workplace.]

[(c) For 2 years, the Board will maintain records establishing the names of individuals who have successfully undergone manager/owner training.]

§ 5.242. [New employee orientation] Reserved.

[(a) Licensees applying for certification of compliance under section 471.1 of the Liquor Code (47 P. S. § 4-471.1) shall conduct new employee orientation within 30 days of the employee's hire, in accordance with a checklist of responsible server practices provided by the BAE including:]

[(1) Penalties for furnishing or selling alcohol to minors.]

[(2) Acceptable forms of identification as defined in section 495(a) of the Liquor Code (47 P. S. § 4-495(a)).]

[(3) Practices for checking identification to prevent the service of alcohol to minors, which is prohibited under section 493(1) of the Liquor Code (47 P. S. § 4-493(1)).]

[(4) Penalties for furnishing or selling alcohol to visibly intoxicated persons.]

[(5) Practices for refusing service of alcohol to visibly intoxicated persons.]

[(6) Procedures for handling situations where criminal activity, such as drug activity, assaults or fights, loitering and prostitution, is occurring in or about the premises.]

[(b) The licensee is responsible for ensuring that the owner or manager conducts the new employee orientation.]

§ 5.243. [Records] Reserved.

[(a) The licensee shall keep the following records:]

[(1) Certification status of its employees, managers and owners, consisting of the name of the employee, manager or owner, date of hire, date of training and the name of the trainer.]

[(2) Date of premises certification.]

[(3) Records of its new employee orientation program.]

[(4) Responsible alcohol service signs it posted, where and when the signs were posted, revised and reposted.]

[(b) These records shall be maintained as part of the licensee's operating records required to be kept for 2 years in accordance with section 493(12) of the Liquor Code (47 P. S. § 4-493(12)).]

ADDITIONAL PROHIBITED CONDUCT

§ 5.251 [Prohibited] Additional prohibited conduct.

[(a)] The [Board] PLCB may [decertify]deauthorize classroom instructors or online training providers for violating any of the provisions of this subchapter or engaging in the following conduct:

(1) Discrimination or harassment based on age, race, sex, disability, national origin or religion, or any other protected class under the Pennsylvania Human Relations Act, 43 P.S. §§ 951—963.

(2) An act that is in violation of the Liquor Code or this title.

(3) An act resulting in a misdemeanor or felony conviction.

(4) An act resulting in admittance into an Accelerated Rehabilitative Disposition (ARD) program if the underlying activity is related to alcoholic beverages, narcotics or controlled substances.

(5) Being under the influence of alcoholic beverages, narcotics or controlled substances during training presentations, [examinations or] breaks[.], or the final examination.

(6) Knowingly permitting students to be under the influence of alcoholic beverages, narcotics or controlled substances during training presentations, [examinations or] breaks[.], or the final examination.

(7) Cheating or condoning cheating by students.

(8) Knowingly providing false information on reports submitted to the [Board] PLCB.

[(9) Having an unacceptable evaluation regarding the presentation of the course of study from class observations conducted by the BAE. An unacceptable evaluation will result from conduct including, but not limited to, the following:

[i. Failing to satisfactorily carry out the instructor's responsibilities in § 5.232 (relating to instructor responsibilities).]

[ii. Failing to meet the minimum standards of training in § 5.211 (relating to course of study for alcohol service personnel).]

[iii. Failing to provide students with current and accurate information.]

[iv. Failing to provide accurate records of attendance and course completion to the BAE.]

[v. Failing to conduct at least 2 1/2 hours of instructional time in each training.]

[vi. Exceeding the ratio of students per instructor.]

[vii. Failing to properly administer the standardized test prepared by the BAE.]

[(b) The Board will send a Notice of Decertification to by certified United States mail. An appeal of the Board's decision to decertify shall be as set forth in 2 Pa.C.S. § 702 (relating to appeals).]

[(c) The Board will not consider application for recertification until 1 year after the date of decertification.]

[SIGNS]

§ 5.261. [Signs] Reserved.

[(a) Signs for posting in the licensed premises will be provided by the Board. A licensee may use its own signs provided that they are equivalent in size and content to the Board's signs.]

[(b) The following signs must be posted, notifying patrons about:]

[(1) Acceptable forms of identification as described in section 495(a) of the Liquor Code (47 P. S. § 4-495(a)).]

[(2) The licensee's duty to refuse service to minors and visibly intoxicated persons under section 493(1) of the Liquor Code (47 P. S. § 4-493(1)).]

[(c) The design of the signs must be so that they are legible from a distance of 10 feet. Signs must be located where patrons will easily see them.]

[(d) The licensee is responsible for the posting and maintenance of signs.]

[CERTIFICATION]

§ 5.271. [Premises certification] Reserved.

[(a) A licensee may request that the Board certify that it complies with section 471.1 of the Liquor Code (47 P. S. § 4-471.1). The request may be made by personal contact, telephone or written communication to the BAE. Written communication includes first class United States mail, other delivery or express service, transmission by facsimile or by e-mail.]

[(b) Certification or recertification will be issued by the Board after investigation and approval of the licensed premises.]

[(c) There is no fee for certification or recertification.]

[(d) If the Board finds that a licensee has met the requirements under section 471.1 of the Liquor Code, the licensee will be issued a certificate of compliance valid for 2 years.]

[(e) If the Board finds that a licensee has not met the requirements under section 471.1 of the Liquor Code or this subchapter, and the licensee's compliance with section 471.1 of the Liquor Code or this subchapter was not mandated by the Office of Administrative Law Judge, by statute, by regulation or by a conditional licensing agreement, the Board will refuse certification or decertify the licensee.]

[(f) If the Board finds that a licensee has not met the requirements under section 471.1 of the Liquor Code or this subchapter and the licensee's compliance with section 471.1 of the Liquor Code or this subchapter was required by the Office of Administrative Law Judge, by statute, by regulation or by a conditional licensing agreement, the Board will refuse the application for certification or decertify the licensee and refer the matter to the Pennsylvania State Police, Bureau of Liquor Control Enforcement.]

[(g) The Board will send a Notice of Decertification to the licensee by certified United States mail. Appeal of the Board's decision to decertify a licensee shall be as set forth in 2 Pa.C.S. § 702 (relating to appeals).]

[(h) A licensee may apply for recertification at any time after the date of decertification.]

[(i) The Office of Administrative Law Judge will take official notice of the Board's records with regard to the licensee's certification.]

Commonwealth of Pennsylvania
Pennsylvania Liquor Control Board
June 3, 2019

SUBJECT: Proposed Regulation Package 54-90
Responsible Alcohol Management Program

TO: DAVID SUMNER, EXECUTIVE DIRECTOR
INDEPENDENT REGULATORY REVIEW COMMISSION

FROM: RODRIGO J. DIAZ 
CHIEF COUNSEL
PENNSYLVANIA LIQUOR CONTROL BOARD

By Hand Delivery

The Pennsylvania Liquor Control Board ("PLCB") is submitting proposed amendments to chapter 5 of its regulations. Enclosed please find a copy of the regulatory analysis form, signed CDL-1 face sheet, preamble and Annex A (regulatory text). The Office of Attorney General ("OAG") approved these proposed amendments for form and legality after asking the PLCB a series of questions. Also enclosed for your review is a copy of the PLCB's answers to the OAG's questions.

These proposed amendments are being delivered today to the legislative oversight committees and to the Legislative Reference Bureau.

If you have any questions and comments about this regulatory submission, feel free to contact the Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124, or by telephone at (717) 783-9454. If I am not available, you can discuss this matter with Jason Worley, Deputy Chief Counsel, or Norina Foster, Assistant Counsel.

cc with enclosures:

Honorable Patrick Stefano, Majority Chairman, Senate Law and Justice Committee
Honorable James Brewster, Minority Chairman, Senate Law and Justice Committee
Honorable Jeff Pyle, Majority Chairman, House Liquor Control Committee
Honorable Dan Deasy, Minority Chairman, House Liquor Control Committee
Benjamin Wren, Executive Director, Senate Law and Justice Committee
Stephen Bruder, Executive Director, Senate Law and Justice Committee
Michael Biacchi, Executive Director, House Liquor Control Committee
Lynn Benka-Davies, Executive Director, House Liquor Control Committee




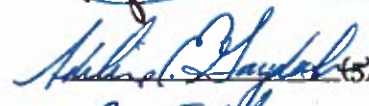


**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 54-90
SUBJECT: Responsible Alcohol Management Program
AGENCY: Pennsylvania Liquor Control Board

TYPE OF REGULATION

<u>X</u>	Proposed Regulation	RECEIVED IRRB 2019 JUN - 3 PD 2 19
—	Final Regulation	
—	Final Regulation with Notice of Proposed Rulemaking Omitted	
—	120-day Emergency Certification of the Attorney General	
—	120-day Emergency Certification of the Governor	

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
6/3/19	 (1)	SENATE LAW & JUSTICE COMMITTEE (Majority)
6/3/19	 (2)	SENATE LAW & JUSTICE COMMITTEE (Minority)
6-3-19	 (3)	HOUSE LIQUOR CONTROL COMMITTEE (Majority)
6/3/19	 (4)	HOUSE LIQUOR CONTROL COMMITTEE (Minority)
6/3/19	 (5)	LEGISLATIVE REFERENCE BUREAU
6/3/19	 (6)	INDEPENDENT REGULATORY REVIEW COMMISSION