

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

LIQUOR CONTROL COMMISSION

OFF-PREMISE LICENSES

Filed with the Secretary of State on

This rule becomes effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1))

R 436.1533 is added to the Michigan Administrative Code as follows:

R 436.1533 Off-premises server training; requirements.

Rule 33. (1) As used in this rule, all terms and phrases shall have the same meaning as defined in Section 906(1) of the act.

(2) The commission shall approve the establishment of an off-premises server training program designed for off-premises licensees. The commission may adopt the existing standards and programmatic framework of private entities and may delegate nondiscretionary administrative functions to outside private entities.

(3) A person may apply to the commission for qualification as an administrator for the offering of an off-premises server training program and instructor certification classes. Upon approval by the commission of an off-premises server training program, the commission shall appoint the person sponsoring the server training program as an administrator of that program.

(4) The commission shall issue an instructor certification to an individual presenting evidence acceptable to the commission of having successfully completed instructor certification classes and shall issue an identification card indicating that certification by the commission.

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

(a) Identification of the visible signs associated with intoxication.

(b) Implementation of intervention procedures and maintaining incident reports.

(c) The understanding of acceptable forms of personal identification, techniques for determining the validity of identification, and procedures for dealing with fraudulent identification.

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

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

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(f) The understanding of Michigan laws pertaining to minors attempting to purchase and second-party sales or furnishing of alcoholic liquor from adults to minors.

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

(h) Knowledge of the legal hours of alcohol sales.

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

(6) If the commission conditionally approves the issuance of a license for the purpose of meeting the server training requirements of that approval, then the time period allowed for meeting the server training requirements shall commence on the date the license is issued.

(7) An administrator of a server training program approved by the commission shall administer a comprehensive examination to participants of the program, including individuals seeking certification as instructors within the program. The examination shall thoroughly test the individual's knowledge and competency in the curriculum topics required by subrule (5) of this rule. The minimum passing grade for the examination, for instructor certification, and for all other participants in the program shall be not less than 70%, but shall be not less than 85% for instructors if administered the same examination as other participants in the program. Examinations administered in other than a written form must be approved by the commission. Examination may be proctored by someone other than a certified instructor of the server training program if the proctor is an agent of the administrator of the server training program and is acceptable to the commission.

(8) If server training or instructor training is conducted by the administrator of a server training program approved by the commission by means other than classroom training, then the alternative training method must first be approved by the commission.

(9) Certification issued by the administrator of an approved server training program for instructors and other participants shall expire not more than 3 years from the date of issuance.

(10) A licensee, for purposes of meeting the requirements of section 906(10) of the act, shall have employed or have present on the licensed premises on each shift and during all hours alcoholic liquor is served supervisory personnel who maintain active, unexpired server training certification or current recognition by a server training program approved by the commission.