

FISCAL NOTE
Requested by Legislative Council
01/24/2017

Bill/Resolution No.: SB 2319

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$461,070		\$169,810	
Appropriations			\$461,070		\$169,810	

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for the following: provides alcoholic beverage server certification and renewal training, and requires entities serving alcoholic beverages to certify to the Attorney General that it's staff have successfully completed responsible alcoholic beverage server training.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The Attorney General is to approve training courses and materials for this purpose. The Attorney General and local licensing authorities may not grant licenses or renewals unless the licensee is certified to be in compliance with this bill. The server must take this training every three years. The Attorney General is to track servers completing the approved class training. The Attorney General or local licensing authority may reprimand or impose an administrative fine against any licensee violating this bill. The Attorney General or local licensing authority may prevent an employee from working until proof is provided showing the server has completed the required training. The Attorney General or local licensing authority is responsible for enforcing this bill. There are about 1,500 licensees which will be required to certify the licensees servers have received the training.

To perform the responsibilities of the bill the Attorney General will require 1 FTE and associated operating expenses, and about \$300,000 to provide for the Licensing system to be able to handle the additional requirements of the bill, including maintaining a database for server staff and licensees. The total estimated cost for the 2017-19 biennium is \$461,070 and \$169,810 for the 2019-21 biennium. An assistant attorney general will prepare the monetary fines for violations and stop servers not trained from working - this impact is unknown at this point.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Although there may be revenues from licensees penalized due to their staff not being certified in the alcoholic beverage server training the amount of revenue from this penalty is not known.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

To perform the responsibilities of the bill the Attorney General will require 1 FTE and associated operating expenses, and about \$300,000 to provide for the Licensing system to be able to handle the additional requirements of the bill, including maintaining a database for server staff and licensees. The total estimated cost for the 2017-19 biennium is \$461,070 and \$169,810 for the 2019-21 biennium. An assistant attorney general will prepare the monetary fines for violations and stop servers not trained from working - this impact is unknown at this point.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

A general fund appropriation of \$461,070 is needed to comply with the requirements in this bill for the 2017-19 biennium. For the 2019-21 biennium the cost is estimated to total \$169,810 from the general fund.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 328-3622

Date Prepared: 01/27/2017

2017 SENATE JUDICIARY

SB 2319

2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2319
1/30/2017
27563

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to a responsible alcoholic beverage server training program; relating to alcohol server training; and to provide a penalty.

Minutes: Testimony attached #

1,2,3,4,5,6

Chairman Armstrong called the committee to order on SB 2319. All committee members were present.

Attachment 6 was handed out but was not verbally presented.

Merrill Piepkorn, North Dakota State Senator of District 44, introduced and testified in support of the bill. (see attachment 1)

Don Moseman, Training Director for North Dakota Safety Council, (NDSC) testified in support of the bill. (see attachment 2)

Senator Nelson: "Senator Piepkorn indicated several cities and counties that have already implemented this program, do you know which ones they are?"

Don Moseman: "I believe they are Cass County, City of Grand Forks, Fargo, West Fargo, and Watford City."

Senator Larson: "I know that in Bismarck they have been offering this training also; for several years, but it hasn't been required. But now with this requirement, it would have to be this particular curriculum that would be used, correct?"

Don Moseman: "The requirement would be that all programs utilized would have to go through the approval process."

Senator Larson: "What about the availability of the training for those people who are out in the small areas of the state, that may only have one bar in their town?"

Don Moseman: "We've already conducted training programs with small communities. We have offices state wide so we can train officers who can train those small town areas."

Senator Larson: "So the expense for a fellow who owns a small bar in a small town and he now has to make sure that he has this server training; what are the details to implementing this to the smaller communities?"

Don Moseman: "Someone will come up next to speak about the fiscal issues. I will let them answer that."

Peter Pomonis, Home and Community Program Coordinator for the North Dakota Safety Council, testified in support of the bill (see attachment 3)

Senator Larson: "The fees that are collected for this training program, where do those go? Safety council? AG's office?"

Peter Pomonis: "The fees go to the NDSC to help with the cost to our program. I imagine it's the same across the state that the fees go back to who is running the program."

Senator Myrdal: "Talking about law suits here, what if you have a person who took the program online but didn't apply those principles, how does your program lessen law suits per se? What's the accountability?"

Peter Pomonis: "I believe the bill states some of the factors that mitigate the risk for the server of the law suit, I would defer to the wording of the bill."

Senator Osland: "How's NDSC funded?"

Peter Pomonis: "We are a private nonprofit organization; we have a member base of over a thousand companies throughout the state. Also, a large part of our funding comes from our annual safety and health conference."

Senator Osland: "Does your program qualify for insurance carriers?"

Peter Pomonis: "Yes, some of the insurance carriers do require it for an establishment to receive coverage."

Senator Osland: "So insurance companies are part of your revenue streams?"

Peter Pomonis: "Essentially, indirectly that is."

Chairman Armstrong: "What are other facets for this bill and are they going through the legislature now?"

Peter Pomonis: "Some of the other facets are already in place, such as the incentivized part of the bill – DUI laws, DUI efforts, any of the other prevention efforts."

Chairman Armstrong: "When you use local law enforcement for training, are they reimbursed?"

Peter Pomonis: "There have been funds made available for law enforcement, not always though."

Chairman Armstrong: "Any bar or any establishment that sells alcohol already can do this, correct?"

Peter Pomonis: "Correct, but research shows mandatory programs are more effective than voluntary."

Chairman Armstrong: "How do you weigh it through the different municipalities? There are a lot of places in North Dakota to get a beer or drink."

Peter Pomonis: "I would say the RBS (Responsible Beverage Server) bill is supplemental to the laws that are already in place, it teaches people who serve alcohol to use their discretion."

Chairman Armstrong: "Except, I mean that's my question. Everyone who serves alcohol is not treated equally depending on where you live. They all end up with a basic license from the AG's office, if this bill in place, does it adequately capture all of these people?"

Peter Pomonis: "I don't know if I'd be the best person to answer that."

Chairman Armstrong: "Okay, well somebody needs to answer that."

Senator Luick: "Can you explain the type of training involved?"

Don Moseman came up to answer Senator Luick questions. He described some of the training that a server goes through.

"The training focuses on a couple of different things. We teach all the servers how to identify false ID's. We teach the physical signs of drunkenness. If they are too intoxicated to drive and when to get a manager involved in the process. We use video circumstances on best practices on how to approach the customer and give them better suggestions on what to consume besides more alcohol."

Senator Luick "How long does the training take and can it be done online?"

Don Moseman: "Two hours and yes it can."

Senator Luick: "Is the cost per person or per establishment?"

Don Moseman: "Per person, every three years. Twenty-dollars."

Senator Nelson: "Is there a backup program to certify that that actual person was the one who did the test online and not somebody else?"

Don Moseman: "Peter can better answer that."

Senator Larson: "If this bill doesn't pass, will the safety council continue to try to expand their programs across the state?"

Don Moseman: "Yes."

Senator Larson: "Is this training offered online right now?"

Don Moseman: "Yes."

Peter Pomonis came back up to answer Senator Nelson's question: "We do have a database of servers who train online, their last 4 digits of their social are used as well as their first and last names."

Senator Nelson: "Grand Forks has this already and its self-imposed. Where are the insurance people on this, why aren't they on this? It should be part of their policy? If it was their policy, then they wouldn't need to have a state law."

Peter Pomonis: "I've contacted some of the insurance agencies and some require it as part of their policy and some don't."

Senator Osland: "As far as you know, are there differences in insurance policies, if you have two comparable establishments and one has training and one doesn't?"

Peter Pomonis: "I do not know that."

Chairman Armstrong: "I don't know the difference in the policies but there are some insurance companies that require you to have it before they will insure your bar. It's multi-faceted, you have server training, do you have adequate security cameras, etc."

Peter Pomonis: "We've noticed when it's voluntary it is underutilized, making it mandatory would increase the amount of training to servers."

Chairman Armstrong: "Does anybody else in North Dakota offer this training?"

Peter Pomonis: "Yes."

Senator Luick: "By making this mandatory, why is there a fiscal note on this bill? Why wouldn't the establishments pick up the costs and what do we these dollars cover?"

Peter Pomonis: "With the brief time we've had to review this fiscal note, we believe that can be significantly lower."

Chairman Armstrong: "Was the AG' office consulted regarding the drafting of this bill?"

Peter Pomonis: "We did not draft it so I don't know."

Missy Tesky, Licensing Administrator at the Attorney General's Office, explained the fiscal note issue. No written testimony.

"\$300,000 of the fiscal note deals with our IT department to get a database for the server training and renewal training. It will give us one full position and an assistant."

Chairman Armstrong: "Were you consulted about this fiscal?"

Missy Tesky: "No."

Senator Luick: "Why would you need another FDE in your office to duplicate this?"

Missy Tesky: "They would apply us with the servers that underwent training and we would also have to check with the actual licensee to ensure that they have the training before we can issue a renewal license."

Chairman Armstrong: "You're not involved with any regulatory capacity? If this passes then you will be?"

Missy Tesky: "Correct."

Senator Luick: "Duplicating the data doesn't make sense to me?"

Missy Tesky: "The reason we have implementation of the program for a database is because we would have to verify that with the licensee in some kind of capacity, ensure who they are, etc."

Senator Osland: "The liquor license is approved by the AG's office?"

Missy Tesky: "Correct."

Laura Andersen, Prevention Administrator with the Behavior of Health Division, testified in neutrality of the bill, (see attachment 4)

Robyn Litke Sall, Substance Abuse Prevention Coordinator at Fargo Cass Public Health, testified in neutrality of the bill. (see attachment 5)

Senator Luick: "Is the price of what it costs for you to run your program in Cass County similar to the fiscal note we have for this bill?"

Robyn Litke Sall: "That's a good question. I'd say 10 hours a week of my salary goes to administration of this program, and I would say about 10 hours of office or overtime also goes to administration of the program. So 10% of my salary would be about six thousand dollars, and probably a thousand dollars for the other area."

Senator Luick: "I'd love to see this initiate state wide. However, I don't want to be thrown out of bounds here because of this number."

Chairman Armstrong closed the hearing on SB 2319.

No motions were made.

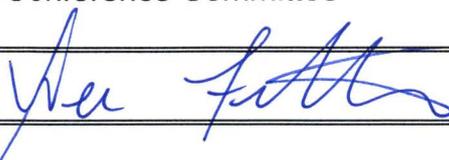
2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2319 Committee Work
1/30/2017
27596

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to a responsible alcoholic beverage server training program; relating to alcohol server training; and to provide a penalty.

Minutes: No written testimony

Chairman Armstrong began the discussion on SB 2319.

Senator Larson motioned Do Not Pass. **Senator Myrdal** seconded.

Discussion followed:

Senator Larson: "I'm pretty familiar with this program and it really is good. But I feel that we don't need to be passing laws when they have already trained their people and their people did not follow their training. I don't feel making this into a law is a great idea."

Chairman Armstrong: "My family owns a bar in a jurisdiction that already requires this training program, and I know there are many jurisdictions that also require this training."

Senator Nelson: "My concern is that I was told that this was requested by the Higher Education people, but nobody was here during the hearing?"

Chairman Armstrong: "I don't feel like this bill got a lot of help from the Attorney General's office. At the end of the day if you're going to implement a program that they have to run, they should be involved in the program."

Senator Myrdal: "I feel they were a little unprepared since there were no parameters in the bill. I don't think this bill will prevent a drunk driver from going from bar to bar to bar, then killing somebody who is walking home at night. I also think this fiscal note is underrepresented. I think it would be higher."

Chairman Armstrong: "There are different versions of this training in different communities. I know because I've seen them. I think the private sectors take care of this with their insurance, and I think that municipalities that want it will require themselves to do it."

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.
The motion carried.

Chairman Armstrong carried the bill.

Chairman Armstrong ended the discussion on SB 2319.

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2319**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Senator Larson Seconded By Senator Myrdal

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Osland	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Chairman Armstrong

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2319: Judiciary Committee (Sen. Armstrong, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

SB 2319

①

1/30/17

Senate Bill 2319

RE: Responsible Beverage Server Training

Chairman ^{Armstrong} Hogue, members of the committee. I'm Merrill Piepkorn, Senator from District 44 in North Fargo, here to testify in favor of Senate Bill 2319, which has to do with responsible beverage server training. This bill would require Responsible Beverage Server Training in North Dakota. Making this bill, law, will make our roads and communities safer by reducing alcohol service to underage and already intoxicated individuals. In addition, a big plus for the establishment is that the server training does offer a level of protection for the licensee in certain situations. For example, for a first violation taken against that licensee, the licensing authority shall accept as a mitigating factor the fact that the license holder has provided employees with server training and the mitigating factor must result in a lesser punishment than the licensee would have received if not for that mitigating factor.

Several cities and three counties have already implemented Responsible Beverage Server Training and this bill will bring that training statewide. You will hear from several people directly involved in the training and hear about some extremely positive results. The servers, managers and business owners learn a lot and the training does cut down on serving minors and already intoxicated individuals, making our roads safer, and in my opinion, making things safer for those individuals as well.

I'll make way for the experts testimony who will also be better prepared to answer questions on this bill than I am.

Thank you.

2



Written Testimony Provided To:

Senate - Judiciary Committee

By Don Moseman, Training Director, North Dakota Safety Council

January 30, 2017

Regarding: Senate Bill No. 2319

Good morning, my name is Don Moseman, Training Director for the North Dakota Safety Council. I oversee all of our safety training efforts in North Dakota.

I have been a citizen of North Dakota for more than 4 years. My family loves this state and we are thankful to call Bismarck home.

I served in the U.S Air Force for 7 years, served as a State Trooper in Colorado for 20 years, and served the National Safety Council as their National Director of Government Programs for 2 years.

As a former State Trooper, I have instructed Responsible Beverage Server Training since 1998. I also helped design the program now in place from the North Dakota Safety Council and I have instructed the program. In my previous career, I have seen establishments lose everything from over-service based lawsuits. I also have knocked on the door of a family 28 times to inform them of a traffic death due to a DUI driver. 11 of those cases were directly linked to the driver being over-served at an establishment. This is where my passion for this program is derived.

Alcohol use in our state has a serious impact on the safety and health of our citizens. As reported by the North Dakota Department of Transportation, **41% of all fatal crashes in 2015 were alcohol-related - ranking us 7th in the nation.** According to the North Dakota Attorney General's office, from 2010 to 2014 there was a 10.5% increase in DUI arrests, including a 34% increase in juvenile arrests. Additionally, in 2011 **youth 12-20 years old accounted for 8% of all admissions for alcohol treatment** in North Dakota. These are just a few of the alarming statistics we should not be proud of.

If you take anything away from these statistics, let it be that **alcohol-related incidents are a real and present risk to liquor establishments.** And servers and owners could be held responsible for damages caused by their patrons' alcohol-impaired driving. In fact, RBS programs were established in the 1980s because a large influx of lawsuits were brought against alcohol establishments due to drivers being served alcohol beyond intoxication before driving and seriously injuring or killing a third party.

Responsible Beverage Server Training is an effective, evidence-based solution to combat alcohol-related health and safety concerns in North Dakota – and the training is designed to **empower hospitality establishment owners, managers, servers and employees** to protect their customers from harmful situations. The more controls available to the alcohol serving community, the fewer the opportunities for unwanted risk or loss.

The RBS course educates owners, managers, servers, and sellers at alcohol establishments about strategies to avoid illegally selling alcohol to under-aged or intoxicated customers – with an outcome of preventing intoxication and alcohol-impaired driving. By standardizing training across the state and making it mandatory for all liquor establishments, servers will actually assist local police in enforcing laws that are

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ALREADY in place. It is illegal to serve alcohol to anyone under age 21; it is illegal to serve obviously intoxicated individuals; it is illegal to drink and drive. Servers trained in RBS will gain the confidence to act when they recognize someone is underage or has had too much to drink. Reducing intoxication of patrons will lead to fewer alcohol related crimes.

We need a mandatory Responsible Beverage Server program in North Dakota so all establishments participate and all citizens are further protected, small communities receive access to the resources they need and establishments have protections in place.

Sources: Houston International Insurance Group; Server Training in North Dakota 2010 – Upper Great Plains Transportation Institute

3



Written Testimony Provided To:

Senate - Judiciary Committee

By Peter Pomonis, Home and Community Coordinator, North Dakota Safety Council
January 30, 2017

Regarding: Senate Bill No. 2319

Good morning, my name is Peter Pomonis and I am the Home & Community Program Coordinator for the North Dakota Safety Council. I have been with the Safety Council for three and half years and coordinate our Responsible Beverage Server Training Program. I joined the NDSC because I care about people, and I care about making my home state a better place to live.

Underage drinking cost the citizens of North Dakota \$159.8 million in 2013. These costs included medical care, criminal justice, property damage, and loss of work. Additionally, binge drinking cost our state \$488 million in 2010.

Cutting these two costs by just 5% would mean an approximate savings of \$32.4 million each year.

While these statistics show tangible costs and potential monetary savings for our state, **they fail to account for the intangible costs of losing a life.**

Responsible Beverage Server Training, as part of a multi-faceted approach, has the potential to do both: **save money and save lives.** In the injury prevention world, we say there are three E's of safety: Education, Engineering, and Enforcement. Making Responsible Beverage Server Training mandatory, **strengthens our state's EDUCATIONAL approach** to combat its costly alcohol-related problems.

When it comes to **implementation**, the structure is already in place. The North Dakota Safety Council has developed a North Dakota specific server training program that is available as a classroom or online course and can be taken anywhere the internet is available. Many larger communities across the state also have their own RBS programs in place. In addition to the training itself, the North Dakota Safety Council offers a statewide database option to make it easy for servers, establishments, and law enforcement to track training history. The cost of a course ranges from free, in some communities, to \$40/person.

As you can imagine, the cost of just one lawsuit against an establishment vastly outweighs the cost of training their servers. In the end, the establishment, the individual server and the community all benefit from Responsible Beverage Server Training.
Thank you.

Sources: Pacific Institute for Research & Evaluation; The Centers for Disease Control



The North Dakota Department of Human Services' Behavioral Health Division (BHD) received the five-year **Strategic Prevention Framework State Incentive Grant (SPF SIG)** award in 2010 from the Substance Abuse and Mental Health Services Administration (SAMHSA).

North Dakota's SPF SIG ended September 2016 after a one-year no-cost extension year.

The purpose of the SPF SIG program was to:

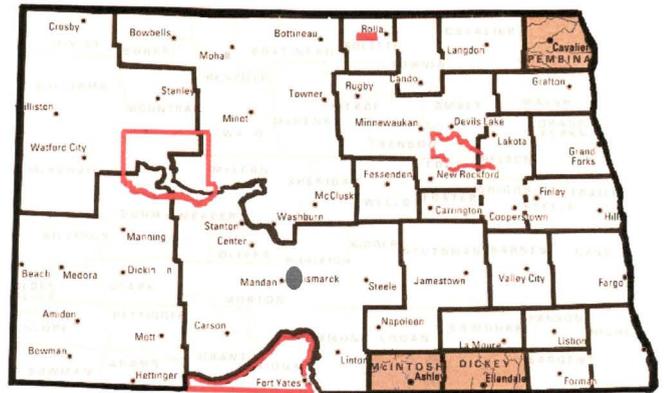
- Prevent the onset and reduce the progression of substance abuse
- Reduce substance abuse-related problems
- Strengthen prevention capacity/infrastructure at the state and community levels

The data-driven goal of North Dakota's SPF SIG was to **decrease underage drinking, adult binge drinking and related consequences by increasing capacity of ND communities to implement evidence-based prevention efforts.**

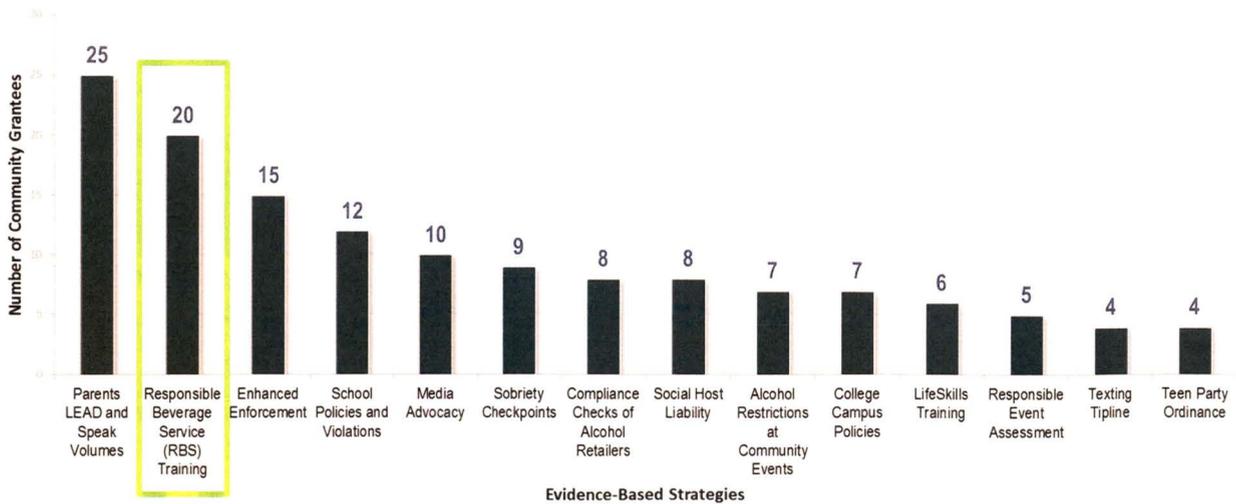
Twenty-five Community Grantees (21 Local Public Health Units and 4 Tribes) were funded to implement evidence-based substance abuse prevention efforts targeting underage drinking or adult binge drinking or both.

Twenty Community Grantees implemented Responsible Beverage Service Training (RBST) as a data-driven evidence-based strategy aimed at reducing underage drinking and adult binge drinking.

Areas NOT GREYED participated in SPF SIG:

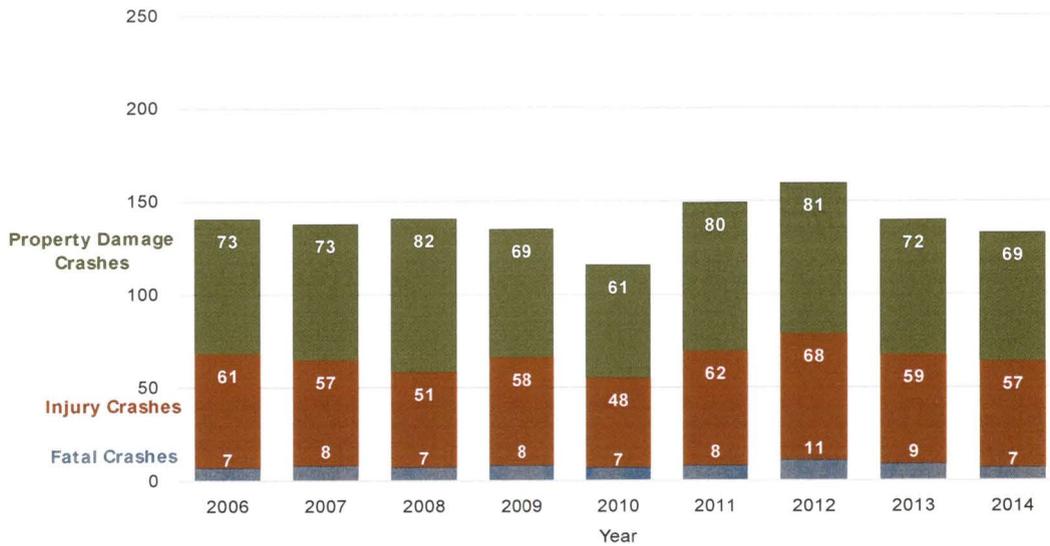


SPF SIG Community Implementation of Evidence-Based Strategies



Outcomes: Alcohol Related Vehicle Crashes Decreased Since Baseline (2012)

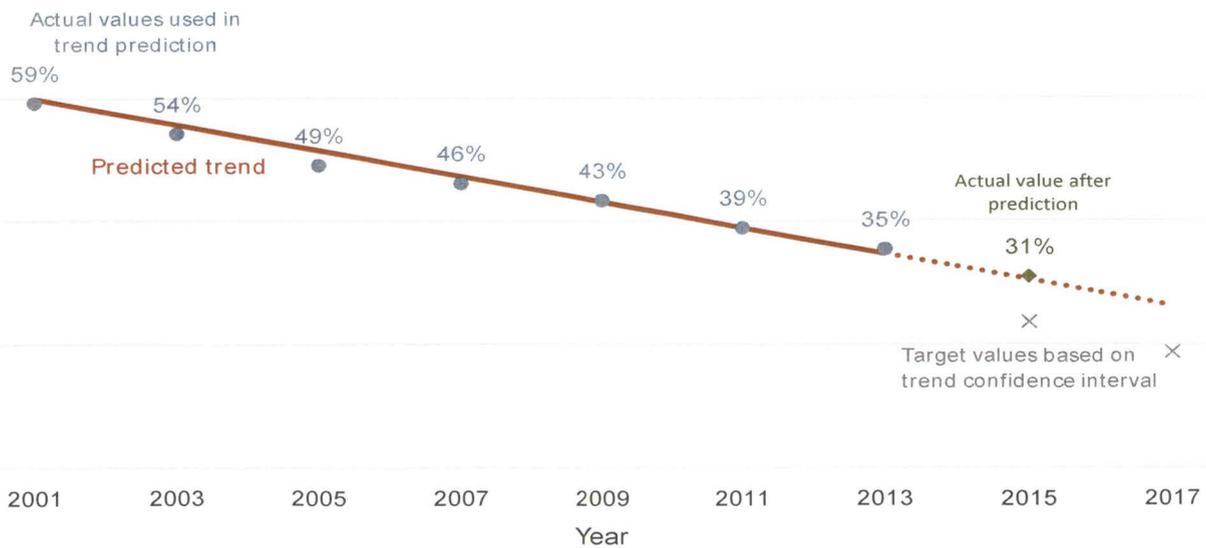
North Dakota



Sources: North Dakota Crash Summary Report, 2006-2014; United States Census Population Estimates, 2006-2014

Outcome: Current Underage Alcohol Use Continues the Downward Trend

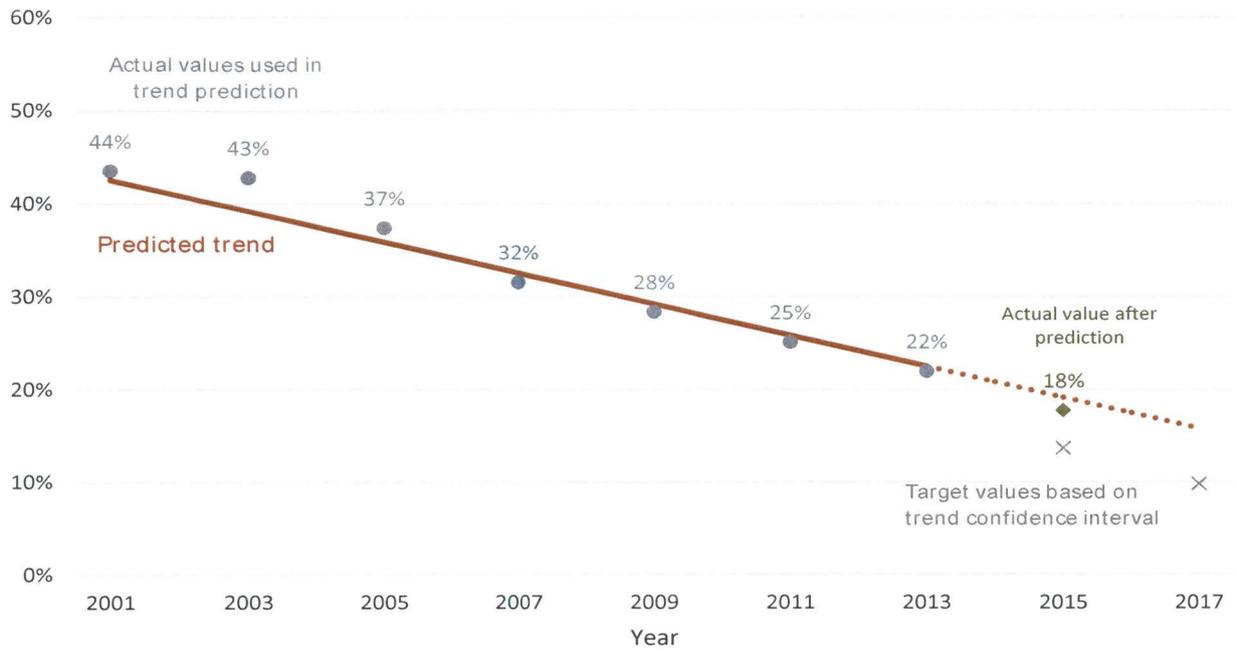
North Dakota



Sources: Youth Risk Behavior Survey, 2001-2015; ND SPF SIG Final Evaluation Report, 2016

Outcome: Youth Binge Drinking Continues Downward Trend

North Dakota



Sources: Youth Risk Behavior Survey, 2001-2015; ND SPF SIG Final Evaluation Report, 2016

Good morning Chairman Armstrong and members of the Senate Judiciary Committee,

My name is Robyn Litke Sall and I am a substance abuse prevention coordinator at Fargo Cass Public Health. I coordinate the responsible beverage service training (RBS) program for Cass County, ND and Clay County, MN. Fargo, West Fargo, Moorhead and Glyndon have ordinances requiring server training. Our program originated in 1999 and is taught by area law enforcement officers. We hold about 60 classes per year training around 2,500 servers. Our program is self-sufficient through attendee fees of \$5 or \$20 depending on if it is a server's first training or if they are renewing a previous one.

RBS has helped positively impact public safety in our community. Our compliance check rates are high- typically above 90%- and alcohol-related traffic crash fatalities are very low. Many years, there are none in Fargo or West Fargo.

RBS has had a positive impact on the alcohol servers in our community as evidenced by their feedback. Upon completing the course, each attendee fills out an evaluation form rating the course, its content and instructor. The evaluations are tabulated and summarized in a report yearly. The results are always extremely favorable. I have 2015 results to share:

To me the content of Server Training was about right: Out of 2,135 responses, 67% said they strongly agreed, 31% agreed and 2% neither agreed nor disagreed.

The class met my needs for knowledge and information required to legally serve alcohol: Out of 2,140 responses, 69% strongly agreed, 29% agreed, and 2% neither agreed nor disagreed.

The class taught me how to identify minors trying to purchase alcohol: Out of 2,140 responses, 67% strongly agreed, 30% agreed, and 3% neither agreed nor disagreed.

The ID checking procedure I learned in this class was helpful: Out of 2,140 responses, 66% strongly agreed, 30% agreed, and 4% neither agreed nor disagreed.

This class emphasized the importance of monitoring customers for intoxication before every sale: Out of 2,136 responses, 75% strongly agreed, 24% agreed, and 1% neither agreed nor disagreed.

This class taught me some important intervention techniques for intoxicated customers: Out of 2,136 responses, 66% strongly agreed, 29% agreed, 4% neither agreed nor disagreed, and 1% disagreed.

Both North Dakota and Minnesota serving laws were clearly presented: Out of 2,135 responses, 75% strongly agreed, 22% agreed, and 3% neither agreed nor disagreed.

The instructor was easy to follow and understand: Out of 2,138 responses, 84% strongly agreed, 15% agreed, and 1% neither agreed nor disagreed.

The instructor presented information in a manner that allowed me to focus on the material: Out of 2,137 responses, 81% strongly agreed, 17% agreed, and 2% neither agree nor disagreed.

The instructor demonstrated knowledge of Server Training material: Out of 2,136 responses, 84% strongly agreed, 15% agreed, and 1% neither agreed nor disagreed.

To further demonstrate the program's success, I will close with a few quotes from servers who've attended the course: "I learned a lot I didn't know. Thanks!" "Very informative and easy to understand. I feel prepared." "Very thorough in this class. I appreciate [his] tips, indicators and humor. Thank you for making this class possible." "Clear, concise, helpful information." "Great! Informative and realistic. Thank you!"

Thank you for the opportunity to present this information. Are there any questions?

1/30/17

6

SB 2319

What is Responsible Beverage Server Training?

Responsible Beverage Server (RBS) Training is an effective, evidence-based solution to combat alcohol-related health and safety concerns in North Dakota.

RBS training programs are designed to educate owners, managers, servers, and sellers at alcohol establishments about strategies to avoid illegally selling alcohol to underage youth and intoxicated customers.



68% of ND adults agree or strongly agree there should be a law **requiring** RBS Training.

Additionally, 78% feel youth alcohol use is a moderate or serious problem in the state.¹

IS THERE A NEED? YES.



41% of all fatal crashes in 2015 were alcohol-related and resulted in 63 fatalities.²



As many as 50% of servers in alcohol establishments have served alcohol to underage youth in compliance checks conducted by local law enforcement agencies.³



Underage drinking cost the state of ND approximately \$159.8 million in 2013.⁴ Binge drinking cost the state \$488 million in 2010.⁵

RBS TRAINING: AN EVIDENCE-BASED SOLUTION

On average in Grand Forks, **compliance rates** (establishments *NOT* selling to minors) **increased from 77% up to 90%** after a mandatory server training ordinance went into effect.⁶

Numerous studies found that RBS training resulted in fewer intoxicated patrons leaving alcohol establishments.⁸

98% of servers strongly agreed or agreed that the RBS training met their needs for knowledge and information required to legally serve alcohol.⁷

FACT:

National studies show **RBS training works well** when it is **MANDATORY** and does not work well when it is *voluntary*.⁸

THE STATE OF RBS TRAINING IN NORTH DAKOTA

9 cities currently have **MANDATORY** RBS training
3 cities incentivize RBS training
3 cities are working toward ordinances

3 counties currently have RBS training ordinances
3 counties are working toward ordinances

AVAILABLE RBS TRAINING PROGRAMS	
City-Specific Training Programs*	
City of Grand Forks	\$10
Fargo Cass Public Health	\$5 - \$20
ND-Specific Training Programs	
North Dakota Safety Council	\$20
Nationwide Training Programs	
TIPS	\$40

*Various other cities/counties have created their own RBS training.

CURRENT ND STATE LAW REGARDING RBS TRAINING

- a. N.D. Cent. Code 5-01-06.1: Claim for relief for fault resulting from intoxication:
1. Every spouse, child, parent, guardian, employer, or other individual who is injured by any obviously intoxicated individual has a claim for relief for fault under section 32-03.2-02 against any person who knowingly disposes, sells, barter, or gives away alcoholic beverages to an individual under twenty-one years of age or to an incompetent or an obviously intoxicated individual, and if death ensues, the survivors of the decedent are entitled to damages defined in section 32-21-02. If a retail licensee is found liable under this section and exemplary damages are sought, the finder of fact may consider as a mitigating factor that the licensee provided to an employee alcohol server training that addressed intoxication, drunk driving, and underage drinking.
 2. If a retail licensee provided to an employee alcohol server training that addresses intoxication, drunk driving, and underage drinking, a person with a claim for relief under this section may not use the fact that the retail licensee provided this training to prove culpability.



Information gathered by the North Dakota Safety Council.

The NDSC is a private non-profit organization supported through grants, donations, memberships, and training. Our mission is to save lives by preventing injuries and deaths at work, on the roads, and in our homes and communities. With more than 1,000 member companies representing all sizes of all industries, the NDSC is an active participant in influencing safe work practices all across North Dakota.

Sources:

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- 2 North Dakota Department of Transportation, 2015 Crash Summary:
<https://www.dot.nd.gov/divisions/safety/docs/crash-summary.pdf>
- 3 North Dakota's regional Safe Communities programs, 2005-2008
- 4 Pacific Institute for Research and Evaluation (PIRE)- Underage Drinking in North Dakota, 2015:
<http://www.pire.org/documents/DETC/cost-sheets/ND.pdf>
- 5 Centers for Disease Control (<https://www.cdc.gov/alcohol/data-stats.htm>): Sacks JJ, Gonzales KR, Bouchery EE, Tomedi LE, Brewer RD. 2010 National and State Costs of Excessive Alcohol Consumption. Am J Prev Med 2015; 49(5):e73-e79.
- 6 Department of Human Services, Behavioral Health Division: Grand Forks Compliance Rates, 2000-2013
- 7 Fargo Cass Public Health: Server Training Attendee Evaluation Summary, 2015
- 8 Server Training in North Dakota: A Comparison and Assessment, 2010:
<http://www.ndsc.org/rbs/SiteDocuments/UGPTI%20Study.pdf>