

Responsible Beverage Server Requirements in Wisconsin

Background

Since the mid-1980's communities and states have adopted "responsible beverage server" (RBS) training requirements to reduce over-serving. This development of these programs were part of the movement away from the *medical model* treating each person's alcohol-related problems independently and towards the newer *environmental model* focused on the context of alcohol use, often called the alcohol environment, and how it contributed to alcohol misuse.

Responsible Beverage Server training was initially seen as a method to empower servers by increasing their awareness of alcohol-related problems and providing specific skills to reduce excessive alcohol use.ⁱ

The primary reasons this approach appealed to policy makers included:

- It was aimed at drinkers
- The drinker did not need to self-monitor
- The intervention addresses the drinking pattern and not the individual
- The occasional drinker who over-imbibed was treated the same as the heavy drinkerⁱⁱ

Many commercial vendors emerged to provide Responsible Beverage Server training including *T.I.P.S.* introduced in 1982 by Dr. Morris Chafetz, the founding director of the National Institutes on Alcoholism and Alcohol Abuse within N.I.H.ⁱⁱⁱ This program is approved for use in Wisconsin and has been viewed globally by over four-million servers.

Over time, the original objections by the alcohol industry subsided and Responsible Beverage Server (RBS) training gained public acceptance. However, acceptance cannot measure impact. The widely respected reference, *Alcohol: No Ordinary Commodity* (second edition) notes in its *Ratings of policy-relevant strategies and interventions* (Table 16.1) under "Staff training and house policies relating to responsible beverage service (RBS)" that "Not all studies have found a significant effect of RBS training and house policies; needs to be backed by enforcement for sustained effects."^{iv}

The Centers for Disease Control and Prevention, Community Preventative Services Task Force found insufficient evidence of effectiveness to recommend RBS^v and *What Works Wisconsin: Policies and Programs to Improve Wisconsin's Health* concluded that some evidence of effectiveness exists and suggested RBS as part of a multi-component program that combined server training, community coalitions and enhanced enforcement.^{vi}

Currently 23 states, including Wisconsin, require responsible server training, although the requirements vary widely.^{vii} Eleven states offer incentives for RBS training (reduced application fees, reduced sanctions, etc.) and 12 others require some level of RBS training.

Responsible Beverage Server Training Requirements in Wisconsin

In Wisconsin, RBS training is required only for license holders and one *licensed operator* (bartender) on each shift. While it is required to become a licensed operator, it does not automatically qualify someone to become a licensed operator. Approved RBS training is required even if an individual has completed other classes on mixology or bar management.

When compared to other states, Wisconsin's current RBS requirements are very weak for the following reasons:

- Only one server on duty is required to be a *licensed operator* and therefore required to have the RBS training, what has been labeled a "minimal mandate".^{viii}
- Municipalities are preempted from requiring additional training for licensed operators or requiring all servers and sellers to receive RBS training by ordinance.
- There is no requirement for retraining or refresher training for license renewal. Once the class has been successfully completed and a license issued, no additional training is required.

Responsible Beverage Server training, supported by management, can support additional evidence-based community steps to improve the overall alcohol environment, including enforcing laws prohibiting selling alcohol to intoxicated or underage individuals. Implemented alone, Responsible Beverage Server training is unlikely to have a significant broad impact.^{ix} It is well established that information alone does not change behavior and training *cannot* have any impact unless the lessons learned are implemented.^x

In addition to management support for implementation, two factors determine the inherent value of any RBS training:

1. Method: Is the training offered in a classroom or online, is it lecture only or there some interactive exercises (role play), what is the length of the session?
2. Class Content: What material is covered and is the practical application of the information covered? Who is responsible for the application of the material?

Research recently conducted within Wisconsin suggests servers are dissatisfied with the current training. A 2014 survey of 72 Brown County servers who are past or present members of the Brown County Tavern League indicated the majority described the course as "below average", believed the material supported the course objectives and found the session unengaging.^{xi}

Wisconsin statutes simply require a curriculum approved by the technical college system, the Department of Revenue or another educational approval board.^{xii} Specific topics are not enumerated. Originally, these classes were offered by the technical college system, but when online classes were authorized it appears the quality of the sessions deteriorated significantly. The Brown County survey found that servers were often directed towards the online course and found it "unfocussed and not practical".

Wisconsin's prevention professionals and public health officials have expressed dissatisfaction in the current RBS curriculum. The 2010 recommendations for improving Wisconsin's alcohol environment (sometimes called the alcohol culture) by the Wisconsin State Council on Alcohol and Other Drug Abuse included these three recommendations regarding Wisconsin's Responsible Server training:

"Wisconsin statutes should be amended to require all individuals who pour, serve or mix alcohol to take responsible beverage server (RBS) classes regardless of individual licensure.

The Department of Revenue should require that the following content be included in online classes for Responsible Beverage Servers:

- Photos or videos of role playing servers refusing to serve intoxicated individuals, underage individuals or pregnant women.
- Information about gender differences in metabolizing alcohol
- Information on the effect of alcohol on the fetus, particularly brain development, during pregnancy.
- Managers' training approved for use in Wisconsin should require a higher level of responsibility than beverage server training; specifically, how to supervise serving staff to receive a managers' license."^{xiii}

Research suggests that a minimum of four hours of instruction and practice is needed to achieve the needed level of knowledge and practice of new skills. The City of Madison's one-time experiment with an abbreviated (15-20 minute) RBS training for Mifflin Street Block Party servers was unsuccessful, although other changes made it impossible to establish a causal relationship between the brief training and disorder at the event.

The Role of Responsible Beverage Server Training

Given the weak evidence of effectiveness and the need for management support plus regular enforcement to achieve effectiveness, community groups should treat suggestions to focus the majority of their effort on RBS training warily. This training is required by state law with many licensees reimbursing employees for the cost. Providing this training to local licensees without any reimbursement has little benefit to the community while depleting coalition time and funding. Community coalitions that hoped to build a productive relationship with licensees through RBS have been disappointed.

There are some circumstances that suggest a local coalition consider assuming a limited role in RBS training. For several years, the Changing the Culture of Risky Drinking Coalition in La Crosse offered free RBS training to the volunteer servers at outdoor events and festivals each year. Later evaluation suggested that overall, license conditions were needed on a wide range of policies including secure perimeters, server sobriety, wrist-bands and portion control. The Coalition is currently pursuing a local ordinance to achieve these goals. The lessons learned were useful and the time well spent.

In another situation, several communities allow licensees to resolve the first citation for serving to an underage customer by allowing the police or local coalitions to offer RBS training to their entire staff. In these situations, coalitions working on multiple interventions have successfully supported law enforcement with assistance in the training. This allows the coalition to support local efforts to encourage compliance without assuming the full weight of the training.

Wisconsin's current Responsible Beverage Server training can be one step within a comprehensive plan to improve the community alcohol environment. However, it is important to remember that RBS training can only have impact if existing laws on over-serving and serving underage individuals are enforced.

Appendix: Responsible Beverage Server Requirements in Selected States:

When considering Wisconsin's training requirements it can be useful to consider the requirements in other states. The state of Oregon is widely considered to have one of the most effective Responsible Beverage Server trainings requirements in the nation.

Oregon: In 1979, Oregon adopted the first universal RBS training requirement for all servers in retail establishments in the United States. The original proposal along with later amendments resulted in approximately 20% of existing licensees and all new servers receiving training each year.

The Oregon Liquor Control Board RBS required course content in 1987 was:^{xiv}

- The effects of alcohol on the body
- Interaction effects of alcohol with other drugs, both prescription and illicit
- Problem drinking and alcoholism
- State of Oregon alcohol services laws
- Drinking and driving laws in Oregon and legal liability issues
- Effective server intervention techniques including how to intervene with a customer showing signs of intoxication or drinking too much
- Alcohol marketing practices for responsible alcohol service

The Oregon Liquor Control Board (OLCB) revised its training rules and options in 2014.^{xv} Currently, required topics include:

- Why it is important to avoid selling alcohol to minors and visibly intoxicated persons
- How to recognize minors and visibly intoxicated persons
- How to check identification
- How to refuse to sell alcohol to minors and visibly intoxicated persons

California: California does not have a statewide mandate for RBS, but some municipal ordinances have been adopted. The standards below were accompanied by a model ordinance when release in 2007. The Ventura County Behavioral Health Department commissioned two prominent alcohol policy attorneys to create a list of the evidence based best practices in Responsible Beverage Server training. California's system of alcohol control is very different from Wisconsin municipal licensing system, and there are aspects of these recommendations that may be incompatible with Wisconsin law but are included for clarity and accuracy.^{xvi}

Ventura County Behavioral Health Department Recommendations:^{xvii}

Course Format Recommendations:

- Lecture (live or recorded) with skill building and role playing activities
- Minimum program length (minimum 2-3 hours, manager 3-4 hours)
- Approval of both course and the trainers
- Completion certificates
- Penalties for failure to complete

Recommended topics for off-premises alcoholic beverage sales establishment servers

Minimum of 2 to 3 hours of instruction:

- Alcohol as a drug and its effects on the body and behavior, including:
 - Signs and stages of intoxication (including five levels of intoxication varying from legally intoxicated to obviously intoxicated)
 - Factors that vary blood alcohol concentration (body weight, gender, fitness, environment, health, tolerance, food, alcohol concentration) and facts about alcohol impaired driving
- The interaction of alcoholic beverages and other commonly used drugs, legal and illegal, prescription and non-prescription
- State laws, including Alcohol Beverage Control (ABC) regulations, local ordinances, and criminal and civil penalties, covering the sales or service of alcoholic beverages and the operation of establishments serving alcoholic beverages, including:
 - Sales to persons under the age of 21
 - Possession by persons under the age of 21
 - Minors on public premises
 - Keg registration
 - Sales to obviously intoxicated persons and server's duty of care
 - Driving while under the influence
 - Hours of operation
 - Age of servers
 - Unsupervised sales by person(s) under 18
 - Sale and/or consumption after hours
 - Employees accepting alcoholic beverages
 - Battery and assault and defenses thereto
 - Disorderly/disruptive premises

In addition, knowledge of how these laws apply to the job functions of the trainee.

- Methods and skills for limiting service to patrons
- Recognizing signs of intoxication and intervening with intoxicated patrons
- Recognizing patrons under 21 years of age, including
 - (1) Checking age identification documents (FLAG system - Feel, Look, Ask, Give back)
 - (2) Knowledge of acceptable forms of identification
 - (3) Methods and skills for recognizing false identification;
 - (4) Methods and skills for eliciting information from patrons with questionable ID
- Recognizing shoulder tapping [Youth soliciting an unknown person as a straw purchaser]
- Intervening with belligerent patrons
- A comprehensive test to ensure that the trainee has a working knowledge of the concepts presented in the program as well as the skills needed to implement them

Recommended topics for On-premises servers in addition to all of the topics listed above for a total training time of 2-4 hours:

- Intervening with belligerent patrons, including effective methods for serving patrons to minimize chances of intoxication, and methods of cutting off service and protecting the safety of patrons
- Use of alternative means of transportation to ensure that intoxicated patrons reach home safely
- Controlling crowds and other security measures
- Recognizing patrons using illegal drugs on the premises
- Recognizing persons using premises for the sale or purchase of illegal drugs
- Recognizing illegal gambling activities on the premises
- Methods and skills for appropriately pacing customer drinking so that the customer will not leave the premises in an intoxicated condition, including suggestive selling techniques and food promotion
- Knowledge of mixology, including knowledge of alcohol equivalencies and their effects on the body, drink size and limits, and marketable alternatives to alcoholic beverages

New Mexico: The State of New Mexico requires RBS training for both on and off premises establishments and both servers and managers. The topics required in the training are:^{xviii}

- The effect alcohol has on the body and behavior, including the effect on a person's ability to operate a motor vehicle when intoxicated
- The effect alcohol has on a person when used in combination with legal or illegal drugs
- State laws concerning liquor licensure, liquor liability issues and driving under the influence of intoxicating liquor
- Methods of recognizing problem drinkers and techniques for intervening with problem drinkers
- Methods of identifying false drivers licenses and other documents used as evidence of age and identity to prevent the sale of alcohol to minors
- The incidence of alcohol related birth defects

- ⁱ Holder, H.D., & Wagenaar, A.C., (1994). Mandated Server Training and Reduced Alcohol-Involved Traffic Crashes: A Time Series Analysis of the Oregon Experience, *Accident Analysis and Prevention*, Vol. 26, No. 1, 89-97.
- ⁱⁱ Saltz, R., (2011). *Enlisting Bars and Restaurants in the Prevention of Intoxication and the Subsequent Harms: Why It Matters*. *American Journal of Preventative Medicine*; 41(3), 353-354.
- ⁱⁱⁱ T.I.P.S. website: http://www.tipsalcohol.com/?gclid=CMW_uM_tsECFdRaMgodp0oA9w, accessed 10/17/2014.
- ^{iv} Babor, T., & Caetano, R., et.al., (2010). *Alcohol: No Ordinary Commodity*, second edition, Oxford University Press, Table 16.1.
- ^v Centers for Disease Control and Prevention, Community Preventative Services Task Force (October 2010). *Preventing Excessive Alcohol Consumption: Responsible Beverage Service Training*, http://www.thecommunityguide.org/alcohol/beverage_service.html
- ^{vi} University of Wisconsin Population Health Institute, School of Medicine and Public Health. *What Works for Health: Policies and Programs to Improve Wisconsin's Health* (Responsible Beverage Server Training), <http://whatworksforhealth.wisc.edu/program.php?t1=21&t2=13&t3=35&id=83>; accessed online 9/29/2014.
- ^{vii} Mosher, Toomey, Good, Harwood and Wagenaar, (2002). State Laws Mandating or Promoting Training Programs for Alcohol Servers and Establishment Managers: An Assessment of Statutory and Administrative Procedures, *Journal of Public Health Policy*, Vol. 23, No. 1, 90-113.
- ^{viii} Mosher, Toomey, Good, Harwood and Wagenaar, (2002). State Laws Mandating or Promoting Training Programs for Alcohol Servers and Establishment Managers: An Assessment of Statutory and Administrative Procedures, *Journal of Public Health Policy*, Vol. 23, No. 1, 90-113.
- ^{ix} National Research Council and Institute of Medicine (2004). *Reducing Underage Drinking: A Collective Responsibility*. Committee on Developing a Strategy to Prevent and Reduce Underage Drinking, Richard J. Bonnie and Mary Ellen O'Connell, Editors. Board on Children, Youth and Families, Division of Behavioral and Social Sciences and Education; Washington, D.C.: The National Academies Press.
- ^x Glynn, T., Leukefeld, C., Ludford, J. Editors, *Preventing Adolescent Drug Abuse Intervention Strategies* National Institute on Drug Abuse NIDA Research Monograph 47, 1983.
- ^{xi} Gemignani, Michael, (October 2014). Unpublished Survey, Northeast Wisconsin Technical School, provided by Professor Gemignani.
- ^{xii} §125.04(5)(a)(5)
- ^{xiii} Wisconsin State Council on Alcohol and Other Drug Abuse, Alcohol, Culture and Environment Workgroup Recommendations. *Changing Wisconsin's Alcohol Environment to Create Safe and Healthy Lives*, 2010.
- ^{xiv} Holder, H.D., & Wagenaar, A.C., (1994). Mandated Server Training and Reduced Alcohol-Involved Traffic Crashes: A Time Series Analysis of the Oregon Experience, *Accident Analysis and Prevention*, Vol. 26, No.1, 89-97.
- ^{xv} Oregon Liquor Control Board Rule OAR 845-009-0130, effective June 1, 2014.
- ^{xvi} Best Practices in Responsible Alcoholic Beverage Sales and Service Training, With Model Ordinance, Commentary, and Resources. Center for the Study of Law and Enforcement Policy, Pacific Institute for Research and Evaluation; Ventura, CA: Ventura County Behavioral Health Department Publication, 2007.
- ^{xvii} Best Practices in Responsible Alcoholic Beverage Sales and Service Training, With Model Ordinance, Commentary, and Resources. Center for the Study of Law and Enforcement Policy, Pacific Institute for Research and Evaluation; Ventura, CA: Ventura County Behavioral Health Department Publication, 2007.
- ^{xviii} New Mexico Administrative Code Section 60-6E-5 (B)