

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

(1) Agency

Pennsylvania Liquor Control Board

(2) I.D. Number (Governor's Office Use)

#54-60

IRRC Number: 2660

(3) Short Title

Responsible Alcohol Management Program (RAMP)

(4) PA Code Cite

40 Pa. Code

(5) Agency Contacts & Telephone Numbers

Primary Contact: James F. Maher (717) 783-9454

Secondary Contact: Faith S. Diehl (717) 783-9454

(6) Type of Rulemaking (check one)

- ☒ Proposed Rulemaking
☐ Final Order Adopting Regulation
☐ Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- ☒ No
☐ Yes: By the Attorney General
☐ Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

This regulation implements section 471.1 of the Liquor Code. It explains how training providers are approved to train retail licensees to manage their alcohol service more responsibly. It also defines qualifications for certifying and decertifying instructors. It explains the training of managers and owners and how managers must train their staff in order for a licensee to be "RAMP-Certified." The effect of RAMP certification is explained, as are requirements for signs to be posted in licensed premises.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Pennsylvania Liquor Code, section 207(i) [47 P.S. § 2-207(i)].

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

47 P.S. § 4-471.1 requires these regulations but sets no deadline for action.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Section 471.1 of the Liquor Code establishes incentives for licensees to get responsible alcohol management training and train their servers. This training will reduce the risks of service of alcohol to minors and visibly intoxicated patrons. The training is also mandated under certain circumstances, under section 471 of the Liquor Code.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

No environmental risks are associated with nonregulation. Licensees, managers and beverage alcohol servers who are educated in responsible alcohol management with regard to dealing with underage drinking and visibly intoxicated patrons as well as knowledge of the laws of the Commonwealth pertaining to these issues could help reduce the risks associated with underage drinking, intoxication and drunken driving.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The public will benefit from responsible licensee practices that reduce the incidences of service to minors and visibly intoxicated patrons, both of which are linked to impaired driving, property damage and violence. Licensees will also benefit if they take advantage of the program by potentially receiving a mitigation of sanctions by an Administrative Law Judge in the case of an employee who serves a minor or visibly intoxicated person. The benefit for licensees is that this training has the potential of reducing fines for such violations from a range of \$1000-\$5000 to \$50-\$1000.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There will be no adverse effects as a result of this regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

This is a program for licensees and their employees. Licenses may be required to attend responsible alcohol management classes conducted by the Board's Bureau of Alcohol Education as a result of an adjudication by an Administrative Law Judge, a provision of a conditional licensing agreement or a statutory requirement. Instructors and training providers must comply. The approximate number cannot be determined at this time.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

During the development of this regulation, members of the licensee community were consulted including the Pennsylvania Licensed Beverage Association (Tavern Association) and the Restaurant Association. The Training on Intervention for Servers of Alcohol (TIPS) national program office was consulted regarding suggested regulation for providers of the training. Finally, University of Minnesota Alcohol Epidemiology Department and the Responsible Hospitality Institute, the Texas Alcohol Beverage Commission, the Oregon Liquor Control Board, a national licensee and a public health organization, were consulted on the substance of the regulations and the total program.

(17) 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.

The regulated community (Pennsylvania retail licensees) would not incur any costs or savings unless they use the program. If they participate, the server/seller training would typically cost the retail licensee \$25-\$40 per employee, based on a review of training fees across the country. Cost for Manager/Owner training is being borne by the PLCB, therefore, the cost is measured in time spent in training, which is approximately six hours. Savings to the regulated community could be the reduction in administrative sanctions by an Administrative Law Judge in terms of reduced fines, i.e., from \$1000-\$5000 to \$50-\$1000. In cases where an Administrative Law Judge requires a licensee to take responsible alcohol management training as part of an adjudication in a citation proceeding, the owner/manager training cost would be borne by the PLCB, and the licensee would bear all other costs of compliance.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

The regulation will not have a cost or savings benefit to local governments.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The regulation furthers the objectives of the statute promulgated by the General Assembly. The current annual cost associated with the statute and these regulations is \$1,011,551.37

Regulatory Analysis Form

(20) 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						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government	\$1,011,551	\$1,078,794	\$1,117,258	\$1,157,641	\$1,199,316	\$1,242,491
Total Costs	\$1,011,551	\$1,078,794	\$1,117,258	\$1,157,641	\$1,199,316	\$1,242,491
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The regulations are being promulgated to fulfill a statutory requirement. The regulations establish a responsible alcohol management program for voluntary participation by retail licensees and compulsory participation in cases where an Administrative Law Judge, conditional licensing agreement or statute makes participation in the program mandatory. The program has been operating since 2002, and the estimated costs currently are \$1,011,551, paid from the state stores fund. Actual costs will be determined by the extent of the participation by licensees. The \$500 license fee for providers and \$100 license fee for instructors will have little or no impact on the cost of the program. At the present time there are three providers and a great number of provider applicants is not anticipated. The Board's Bureau of Alcohol Education estimates between five and ten providers will eventually be licensed. The fee structure falls in line with models in other states and is meant to encourage only serious participants.

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
RAMP	\$613,584	\$752,938	\$792,334	\$1,011,551

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Training the holders of liquor licenses, like training the holders of driver's licenses, is an up-front cost that is recovered by improved performance. The benefits are impossible to quantify precisely. Creating incentives to become RAMP-certified makes the cost-burden voluntary except where RAMP training is mandatory.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Non-regulatory alternatives were not considered since these regulations are mandated by section 471.1 of the Liquor Code.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

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(24) 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 regulation.

Federal regulations do not address responsible alcohol management.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation is similar to several other states that provide an incentive to complete a responsible alcohol management program, including Oregon, Alabama, and Florida. Some states such as Maryland, Washington and Alaska require mandatory training. The regulation would not put Pennsylvania at a competitive disadvantage.

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

The regulation will not affect existing or proposed regulations of the Liquor Control Board but it will enhance the current training offered by the Board to its licensees.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No public hearings or informational meetings will be scheduled.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The Liquor Control Board will be required to keep records of persons trained in manager/owner and server/seller training for the purpose of certifying licensees as being in compliance with the responsible alcohol management program. The Board will also keep records of providers and instructors certified for the program. Participating retail licensees will be required to keep records of new employee training and server/seller training. There is also an application requirement for those licensees desiring to be certified as being in compliance with the responsible alcohol management program.

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

No special provisions 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.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will become effective upon its publication in final form in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

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

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved
as to form and legality. Attorney General

BY *Angela M. Elliott*
(DEPUTY ATTORNEY GENERAL)

DEC 18 2007

DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections
attached.

Copy below is hereby certified to
be a true and correct copy of a
document issued, prescribed or
promulgated by:

Pennsylvania Liquor Control Board
(AGENCY)

DOCUMENT/FISCAL NOTE
NO. 054- 60

DATE OF ADOPTION: September 19, 2007

BY: *[Signature]*

TITLE: Chairman
(Executive Officer, Chairman or
Secretary)

Copy below is hereby approved
as to form and legality. Executive
or Independent Agencies:

BY: *FSD*
Chief Counsel

September 14, 2007
DATE OF APPROVAL

☐ Check if applicable. No
Attorney General approval or
objection within 30 days after
submission.

TITLE 40—LIQUOR

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

The following Subchapter and sections (underlined) are proposed to be added:

SUBCHAPTER I. RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM

§ 5.201 Purpose

§ 5.205 Definitions

§ 5.215 Course of Study for Alcohol Service Personnel

§ 5.220 Provider Certification

§ 5.225 Provider Changes

§ 5.225 Instructor Certification

§ 5.227 Standards of Instructor Competency

§ 5.230 Minimum Standards of Training

§ 5.235 Manager/Owner Training

§ 5.237. New Employee Orientation

§ 5.240 Records

§ 5.245 Prohibited Conduct

§ 5.250 Signs

§ 5.255 Premises Certification

PROPOSED RULEMAKING
LIQUOR CONTROL BOARD

40 PA. CODE CHAPTER 5

Responsible Alcohol Management Program

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to amend Chapter 5.

Summary

This regulation implements section 471.1 of the Liquor Code.

The following is a summary:

- The rulemaking explains how training Providers are approved to train retail licensees in responsible alcohol service practices.
- It defines qualifications for certifying and decertifying Instructors.
- It explains training of managers and owners and how managers must train their staff in order for a licensee to be "RAMP-Certified."
- The effect of RAMP certification is explained, as are requirements for signs to be posted in licensed premises.

Affected Parties

The rulemaking will affect retail and wholesale licensees and applicants for certification as training Providers and Instructors.

Paperwork Requirements

The rulemaking will not significantly increase paperwork for the Board or the regulated community.

Fiscal Impact

RAMP training and certification has been in effect under section 471.1 of the Liquor Code since 2002. The current annual cost of this program to the Board is \$1,011,551.37.

Effective Date:

This regulation will become effective upon its publication in final form in the *Pennsylvania Bulletin*.

Public Comment/Contact Person:

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed regulation in the *Pennsylvania Bulletin*. Comments should be addressed to James F. Maher, Assistant Counsel, Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review:

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on _____, 2007, the agency submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (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 any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specifies detailed procedures for review by the agency, the General Assembly and the Governor of comments, recommendations or objections raised prior to final publication of the regulation.

P.J. Stapleton III
Chairman

Fiscal Note:

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

Chapter 5 – DUTIES AND RIGHTS OF LICENSEES

SUBCHAPTER I. Responsible Alcohol Management Program

§ 5.201. Purpose

These regulations implement the program authorized by section 47 P.S. § 4-471.1. Responsible Alcohol Management. This provision authorizes the Board to establish a four-part program including: new employee orientation, training for alcohol service personnel, manager/owner training and the display of responsible alcohol service signage.

§ 5.205. Definitions.

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

Certify – to approve and confirm the approval in writing.

Instructor – an individual who is a Provider or is an agent of a Provider and who is certified by the Board to instruct students in responsible server practices.

Manager/Owner Training – training conducted by the Board or its employees for individuals who manage or own licensed premises.

New Employee – an individual who has not been employed at the licensed premises seeking certification in any capacity during the preceding year.

Provider – a person certified by the Board to provide Instructors and a course of study in responsible server practices.

RAMP – “Responsible Alcohol Management Program” and the office in the Board’s Bureau of Alcohol Education that manages this program.

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.

§ 5.215. Course of Study for Alcohol Service Personnel.

The course of study offered by a Provider will, at a minimum:

(a) Explain that alcohol is a drug and its effect on the human body and behavior, especially driving ability;

(b) Specify factors leading to alcohol intoxication, as well as the effects of alcohol in combination with drugs (legal and illegal);

(c) Examine cases, statutes and court decisions pertaining to liquor liability, driving under the influence, minors unlawfully frequenting licensed premises, furnishing alcoholic beverages to minors and visibly intoxicated persons and the penalties associated with violations of statutes and regulations;

(d) Teach servers how to effectively intervene and recognize customers showing signs of visible intoxication or becoming disruptive;

(e) Show options for determining validity of age identification documents;

(f) Demonstrate proper incident documentation;

(g) Provide recommended policies for licensed establishments to promote safe and responsible consumption of alcoholic beverages.

§ 5.220. Provider Certification.

(a) The Board may certify a person as a Provider if the person:

(1) Files an application on forms provided by the Board;

(2) Pays a \$500 non-refundable application fee;

- (3) Submits a course of study outline meeting the Board's requirements as set forth in § 5.215.
- (4) Sends a copy of the teaching materials planned for use along with the application, and
- (5) Uses only Board-certified Instructors as teachers.
- (b) If the applicant meets the minimum requirements for certification, it shall issue to the Provider a Notice of Certification. The Provider then may hold itself out as a Board-Certified RAMP Instruction Provider. The period of certification shall be two years from the date of issuance of the notice of certification.
- (c) Renewal of certification shall be submitted to the Board not less than thirty days prior to the expiration of the Provider's current certification. The same forms, provided by the Board, shall be used for renewals as for initial certification. The same fee will be submitted with the renewal application as is submitted for the original certification.

Section 5.223 Provider changes.

A Provider shall report changes in ownership or management of the Provider, the employment status of Instructors and changes in the course of study by letter or e-mail to RAMP, no later than 30 days after the change.

Section 5.225 Instructor certification.

RAMP will have a procedure to confirm a candidate's competency to begin and continue working as an Instructor. Part of this procedure will include observation of an Instructor's training sessions.

(a) A person desiring certification as an Instructor shall submit an application on forms issued by the Board and shall pay a \$100 non-refundable application fee.

(b) The minimum qualifications of an Instructor include:

- (1) Possessing a high school diploma or GED;
- (2) Possessing a minimum of two years of experience, full-time, in the field of education, law, law enforcement, substance abuse prevention, hospitality or alcohol service training;
- (3) Being twenty-one (21) years of age or older;
- (4) Having no arrests that are related to alcohol, narcotics or other controlled substances in the previous ten years; and
- (5) Attending manager/owner training once in the year preceding the date the application for instructor certification is filed.

(c) Certification. If the applicant meets the minimum requirements for certification, it will issue to the Instructor a Notice of Certification. The period of certification shall be two years from the date of issuance of the Notice of Certification.

(d) Renewal of certification shall be submitted to the Board not less than 30 days prior to the expiration of the Instructor's current certification. The same forms, provided by the Board, shall be used for renewals as for initial certification. The same fee will be submitted with the renewal application as is submitted for the original certification.

Section 5.227. Instructor Responsibilities.

Instructors shall have the responsibility to:

(a) Provide students with current and accurate information;

(b) Schedule training sessions in locations throughout the Commonwealth;

(c) Conduct at least two training sessions per quarter unless the Board approves a lower quarterly minimum;

(d) Train a minimum of 225 students per year unless the Board approves a lower annual minimum;

(e) Provide accurate records of attendance and course completion to RAMP by letter or e-mail;

(f) Attend Instructor meetings twice per year as scheduled by RAMP; and

(g) Attend manager/owner training at least once per year.

§ 5.230 Minimum Standards of Training.

(a) Instructors shall conduct training sessions conforming to the Provider's course of study and using the Provider's training materials.

(1) Each training session shall consist of at least 2½ hours of instructional time.

(2) The ratio of students per Instructor shall not exceed 40 to one.

(b) Instructors shall notify RAMP by letter or e-mail:

(1) At least seven days in advance of scheduling any training session;

(2) Immediately of any training session cancellation; and

(3) Immediately of any changes to the training schedule.

(c) Instructors shall obtain the student information indicated at subsections (1) – (3)

below at the beginning of the training session. An Instructor shall send a

completed attendance sheet to RAMP within seven days of the end of the training

session, including the following information from each student:

(1) Name;

(2) Home address;

(3) Home telephone number;

(4) Student identification number issued by RAMP;

(5) Pass/Fail score on the test;

(6) Licensed establishment name, address and Licensee Identification

("LID");

(7) Time and location of training

(d) At the conclusion of the training, the Instructor shall administer a standardized test prepared by RAMP, insuring that students complete the examination as a "closed book exam," without access to references to aid in the completion of the examination.

(e) The Instructor shall grade examinations and notify students of their grades. A test score of eighty percent (80%) or better is required to pass. A student who does not pass may, at the first opportunity, schedule training and take the test again.

§ 5.235. Manager/Owner Training

(a) Manager/Owner training will be conducted by the Board.

(b) This training will include:

(1) Instruction on how to monitor employees.

(2) Proper service of alcohol and

(3) How to develop an appropriate alcohol service policy.

(c) The Board shall maintain records establishing the names of individuals who have successfully undergone manager/owner training.

§ 5.237. New Employee Orientation.

(a) Licensees applying for certification of compliance under section 471.1 of the Liquor Code shall conduct new employee orientation within 30 days of the employee's hire, in accordance with a checklist of responsible server practices provided by RAMP including:

- (1) Penalties for furnishing or selling alcohol to minors.
- (2) Acceptable forms of identification.
- (3) Practices for checking identification.
- (4) Penalties for furnishing or selling alcohol to visibly intoxicated customers.
- (5) Practices for refusing service of alcohol to visibly intoxicated customers.
- (6) Procedures for handling situations where criminal activity is occurring in or about the premises.

The licensee is responsible for ensuring that the owner, manager or designated trainer conducts the new employee orientation.

§ 5.240 Records.

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

§ 5.245 Prohibited Conduct.

(a) The Board may decertify Providers and Instructors 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;

(2) An act that is in violation of the Liquor Code or these regulations;

(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;

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

(7) Cheating or condoning cheating by students;

(8) Knowingly providing false information on reports submitted to the Board;

(9) Having three or more unsatisfactory evaluations regarding the presentation of the course of study from class observations conducted by RAMP.

(b) The Board will send a Notice of Decertification to a Provider or Instructor by certified U.S. mail. Appeal of the Board's decision to decertify a Provider shall be as set forth in Section 702 of the Administrative Agency Law (2 Pa. C.S.A. § 702).

(c) The Board will send a Notice of Decertification by certified U.S. mail to an Instructor and to the Provider. Appeal of the Board's decision to decertify an Instructor shall be as set forth in Section 702 of the Administrative Agency Law (2 Pa. C.S.A. § 702).

(d) The Board will not consider a Provider's or Instructor's application for re-certification until one year after the date of decertification.

§ 5.250. Signs

(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 patrons under section 493(1) of the Liquor Code (47 P.S. § 4-493(1));

(c) The design of the signs shall be such that they are legible from a distance of ten feet. Signs must be located where patrons will easily see them;

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

§ 5.255. Premises Certification.

(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 RAMP.

(b) Certification or recertification shall 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 of section 471.1, the licensee shall be issued a certificate of compliance valid for two years.

(e) If the Board finds that a licensee has not met the requirements of section 471.1 or this subchapter, and the licensee's compliance with section 471.1 or this subchapter was not mandated by the Office of Administrative Law Judge, by

statute, by regulation or by a conditional licensing agreement then the Board shall refuse certification or decertify the licensee.

(f) If the Board finds that a licensee has not met the requirements of section 471.1 or this subchapter and the licensee's compliance with section 471.1 or this subchapter was required by the Office of Administrative Law Judge, by statute, by regulation or by a conditional licensing agreement, then the Board shall 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 U.S. mail. Appeal of the Board's decision to decertify a licensee shall be as set forth in § 702 of the Administrative Law and Procedure (2 Pa. C.S.A. § 702).

(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**

December 28, 2007

SUBJECT: Proposed Regulations 54-60 (Amendments to Title 40, Pennsylvania Code)

TO: KIM KAUFMAN, EXECUTIVE DIRECTOR
INDEPENDENT REGULATORY REVIEW COMMISSION

FROM: FAITH S. DIEHL *FSDiehl*
CHIEF COUNSEL
PENNSYLVANIA LIQUOR CONTROL BOARD

By Hand Delivery

Refer to: 3-9454

Submitted herewith are proposed regulations of the Pennsylvania Liquor Control Board for your review. Also enclosed are the signed CDL-1, preamble and regulatory analysis form.

These have been approved for form and legality by the Office of Attorney General.

These proposed regulations were evaluated informally by your office on December 11, 2006. At that time, Ms. Sarah E. Miller was the point of contact for the review.

Questions and comments should be directed to James F. Maher at (717) 783-9454.

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

I.D. NUMBER: 54-60

SUBJECT: Responsible Alcohol Management Program

AGENCY: Liquor Control Board

TYPE OF REGULATION

 X Proposed Regulation

 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>
12/28/07	<u>Kelly Ploner</u> (1)	HOUSE COMMITTEE ON LIQUOR
12/27/07	<u>John Leonard</u> (2)	CONTROL (Democrat)
12-28-07	<u>Mark M...</u> (3)	(Republican)
12-28-07	<u>Mark M...</u> (4)	SENATE COMMITTEE ON
12-28-07	<u>Mark M...</u> (5)	LAW & JUSTICE (Republican)
12-28-07	<u>Thomas Wilkins</u> (6)	(Democrat)
10/18/07	<u>Carol Depina</u> (6)	INDEPENDENT REGULATORY
		REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU