

# Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY  
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Pennsylvania Liquor Control Board

(2) Agency Number: 54

Identification Number: 79

IRRC Number: 3093

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(3) PA Code Cite: 40 Pa. Code §§ 5.211, 5.232, and 5.233

(4) Short Title: RAMP Server/Seller Programs

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Norina K. Blynn (717) 783-9454  
Pennsylvania Liquor Control Board  
401 Northwest Office Building  
Harrisburg, Pennsylvania 17124  
FAX: (717) 787-8820  
Email: [ra-lblegal@pa.gov](mailto:ra-lblegal@pa.gov)

Secondary Contact: Rodrigo J. Diaz (717) 783-9454  
(Same Contact Information)

(6) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

Section 471.1 of the Liquor Code [47 P.S. § 4-471.1] authorizes the Liquor Control Board ("Board") to establish a training program for licensees. This training program is known as the Responsible Alcohol Management Program ("RAMP"), and is administered by the Board's Bureau of Alcohol Education ("BAE"). A portion of that training and the seller/server training is currently administered exclusively through a curriculum created by BAE. The proposed regulatory change would allow third parties to create their own curriculums and to submit them to BAE for approval.

(8) State the statutory authority for the regulation. Include specific statutory citation.

In addition to section 471.1 of the Liquor Code [47 P.S. § 4-471.1], which authorizes the Board to establish a training program for licensees, the Board has the authority to make regulations pursuant to section 207(i) of the Liquor Code [47 P.S. § 2-207(i)].

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

No, this regulation is not mandated by any federal or state law or court order, or federal regulation. There are no relevant state or federal court decisions pertaining to this regulatory change.

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

Since 2001, the Board has offered RAMP training and certification to licensees authorized to sell alcohol to the public. The public, in general, and perhaps more immediately, the neighbors of licensed establishments, have benefitted from the practical and legal training that the BAE provides through these regulations to licensees and their employees.

RAMP training consists of five (5) parts: 1) new employee orientation, 2) training for alcohol service personnel (also known as “server/seller” training), 3) manager/owner training, 4) displaying responsible alcohol service signage, and 5) certification. The Board is required to conduct the manager/owner training [47 P.S. § 4-471.1(b)], but may elect, under section 471.1 of the Liquor Code, to use certified instructors to teach the server/seller component of RAMP. [47 P.S. § 4-471.1(a)]. The Board is authorized to certify and decertify server/seller instructors. [47 P.S. § 4-471.1(b)]. Section 471.1(a) provides that “[t]raining for alcohol service personnel shall be as set forth by the Board, but at minimum it shall consist of training to prevent service of alcohol to minors and to visibly intoxicated persons.” [47 P.S. § 4-471.1(a)].

There are approximately 15,000 active licenses in Pennsylvania that authorize the sale and service of alcohol for on-premises consumption, known collectively as retail licensees. There are approximately 1,200 licensed distributors and importing distributors of malt or brewed beverages such as beer, constituting wholesale licensees. Each of these licensees may benefit from RAMP training.

Although completion of RAMP training is usually voluntary, recent legislation – specifically Acts 11 and 113 of 2011 – has made RAMP training and certification mandatory for certain employees of licensees. As a result, there has been an increase in the number of persons who have become RAMP certified:

Year	2009	2010	2011	2012	2013
# of Individuals RAMP Certified	23,999	24,022	26,563	30,157	31,946
Percentage increase from prior year:		.10%	9.57%	11.92%	5.60%

There are currently 32 instructors certified by the BAE who provide RAMP server/seller training. There are also 7 approved RAMP server/seller online training courses which use BAE materials.

The proposed regulatory change would allow third parties to create their own curriculums and to submit them to BAE for approval. The expected benefits include more opportunities for server/seller training which is needed to meet the growing demand for such training.

While the BAE will continue to provide a standard curriculum for the training of alcohol service personnel, the BAE will also review curriculum developed by another entity in order to certify such curriculum if it is equivalent to the standard curriculum. If it is not, the BAE will advise the third party as to where the curriculum is deficient. If the curriculum is equivalent to the BAE-created RAMP curriculum, the other entity will be able to offer that training in Pennsylvania and such training will be considered the same as RAMP training.

In addition to providing more training opportunities for those that need to obtain RAMP server/seller training, this rulemaking will affect any entity that wishes to offer RAMP-equivalent server/seller training. As long as the proposed curriculum is equivalent to RAMP's standard curriculum, RAMP will allow that entity to use that curriculum while providing server/seller training.

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

There are no federal standards pertaining to RAMP training.

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

Responsible alcohol management programs are not required or regulated in every state, although they are present in most states. Each state approaches alcohol management training differently. Because alcohol management programs are focused on improving the ability of licensees to provide alcohol in a safe and responsible manner, RAMP regulations do not impact Pennsylvania's ability to compete with other states.

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

No.

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

This regulatory change was requested by Senator McIlhinney, who was approached by TIPS – Training for Intervention Procedures, one of the largest alcohol service training providers.

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

This rulemaking will affect any entity that wishes to offer RAMP-equivalent server/seller training. As long as the proposed curriculum is equivalent to RAMP's standard curriculum, RAMP will allow that entity to use that curriculum while providing server/seller training. This may indirectly affect anyone who wishes to or needs to take server/seller training, as there will likely be more options for such training. It also may negatively impact the certified trainers who are currently offering RAMP training, as there will be more competition to provide training to the licensed community.

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

It is unclear how many persons, groups or entities would be impacted by this regulation. Some of the entities that may be interested include TIPS – Training for Intervention Procedures, ServSafe, and Learn2Serve.

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

RAMP training generally has a positive social impact on individuals, small businesses, businesses and communities since it provides techniques for the responsible consumption of alcohol and alcohol management. Therefore, more opportunities for RAMP training may be expected to increase this positive social impact. The financial and economic impact of the regulation can be significant for licensees that are required to obtain RAMP training, since RAMP training may be a requirement for keeping a liquor license and RAMP training can result in reduced fines for certain violations of the Liquor Code. [47 P.S. § 4-471]. For other entities, the financial and economic impact of the regulation is negligible.

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

Increasing the number of programs that may be offered as the equivalent of RAMP server/seller training will place an extra burden on the BAE. It will be required to evaluate the submitted programs and compare them to RAMP. Once the program is approved, the BAE will be responsible for evaluating the instructors who provide the training; this could mean a significant increase in the number of instructors the BAE must evaluate and certify. In addition, having a variety of programs could result in inconsistencies in the training experience.

However, these additional responsibilities can be addressed with an increase in staffing that can provide tighter oversight. An Alcohol Education Specialist is a Civil Service position at Pay Grade 6, for which the annual salary range is from \$39,257 to \$59,658. However, it is unlikely additional personnel will be needed. In addition, the benefit to the licensed community – through increased training opportunities,

resulting in more properly trained alcohol server/sellers -- outweighs the cost of additional personnel.

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

The regulatory change merely provides an opportunity to entities that provide alcohol server/seller training to use their own curriculum. It is unknown how much it would cost such a party to create its own curriculum but doing so is voluntary. In addition, instructors of server/seller training must be certified on an annual basis. Certification costs \$250.00 per instructor. [40 Pa. Code § 5.231(4)].

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

The regulation is not expected to result in any costs or savings for local governments.

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

The Board has offered RAMP training and certification since 2001. Because the program is mandated by section 471.1 of the Liquor Code [47 P.S. § 4-471.1], its costs cannot be avoided. The current annual cost of this program to the Board is approximately five hundred thousand dollars (\$500,000.00). In the unlikely event that further staffing is needed by the BAE, such increased staffing costs will be funded fully from liquor sales. Like all of the Board's operating costs, RAMP is fully funded from the proceeds of selling liquor, which are deposited into the State Stores Fund; the Board's operations and programs are not funded from a General Fund appropriation.

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

Because the regulated community, local governments, and the state government are not required to take any action as a result of this regulatory change, it is not expected to affect legal, accounting or consulting procedures and should not require any additional reporting, recordkeeping or other paperwork.

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

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Savings</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>COSTS:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Costs</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Revenue Losses</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

<b>Program</b>	<b>FY -3 2010-2011</b>	<b>FY -2 2011-2012</b>	<b>FY -1 2012-2013</b>	<b>Current FY 2013-2014**</b>
RAMP	\$498,614.91	\$435,031.67	\$1,069,594.83*	\$508,033.98

\* The increase in costs for FY 2012-2013 resulted from fees for an electronic learning management system. The annual fees will vary during the remainder of the five year contract, which expires in 2017.

\*\* FY 2013-2014 figures are captured through April 2014.

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

(a) An identification and estimate of the number of small businesses subject to the regulation.

It is unknown what small businesses or how many small businesses would be subject to the regulation. The decision to use a third party curriculum when providing RAMP server/seller training classes is voluntary; therefore, any small business that did not wish to be subject to the regulation could simply choose to not use a third party curriculum

when providing server/seller training classes in Pennsylvania.

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

The reporting, recordkeeping and other administrative costs would be voluntarily incurred by any entity wishing to use a third party curriculum when offering server/seller training classes in Pennsylvania. The professional skills necessary for any reporting would fall within the realm of basic office skills. If the program is deemed to be deficient or not sufficiently tailored to meet the BAE's standards, the entity would have to make those changes as directed by the BAE.

- (c) A statement of probable effect on impacted small businesses.

The only anticipated probable effect the regulatory change would have on small businesses is that it is likely to make RAMP server/seller training more convenient for licensees, many of whom are small businesses. The benefit to licensees is more fully explained in the answer to Question 10.

- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

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

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.

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

Non-regulatory alternatives were not considered because the benefit for the regulated community requires a modification to the current regulation.

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

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;

- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Non-regulatory alternatives were not considered because the benefit for the regulated community requires a modification to the current regulation.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data was relied upon for the promulgation of this proposed regulatory amendment.

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

- A. The date by which the agency must receive public comments: September 2014
- B. The date or dates on which public meetings or hearings will be held: October 2014
- C. The expected date of promulgation of the proposed regulation as a final-form regulation: October 2014
- D. The expected effective date of the final-form regulation: December 2014
- E. The date by which compliance with the final-form regulation will be required: December 2014
- F. The date by which required permits, licenses or other approvals must be obtained: N/A

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

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



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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

BY:   
(DEPUTY ATTORNEY GENERAL)

12/17/14  
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. 054-79

DATE OF ADOPTION: July 16, 2014

BY:   
TITLE: Chairman  
(Executive Officer, Chairman or  
Secretary)

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

BY:   
Chief Counsel

July 16, 2014  
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

SUBCHAPTER I. RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM

*The following sections are proposed to be amended:*

5.211. Course of study for alcohol service personnel.

5.232. Instructor responsibilities.

5.233. Minimum standards of training.

**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)), amends Chapter 5.

*Summary*

Pennsylvania expects holders of its retail liquor and beer licenses to meet demanding standards of operation. Failure to do so may result in fines and other penalties that can culminate in the loss of the license. Training licensees and their employees to serve alcohol responsibly is seen to be one of the best ways to prevent these problems.

Section 471.1 of the Liquor Code [47 P.S. § 4-471.1] authorizes the Board to establish a training program for licensees. This training program is known as the Responsible Alcohol Management Program (“RAMP”), and is administered by the Board’s Bureau of Alcohol Education (“BAE”). Although completion of RAMP training is usually voluntary, subsequent legislation – specifically Acts 11 and 113 of 2011 – has made RAMP training and certification mandatory for certain licensees. As a result, there has been an increase in the number of persons who are interested in taking some or all of the RAMP training.

Since 2001, the Board has offered RAMP training and certification to licensees authorized to sell alcohol to the public. The public, in general, and perhaps more immediately, the neighbors of licensed establishments, have benefitted from the practical and legal training that the BAE provides through these regulations to licensees and their employees.

RAMP training consists of five (5) parts: 1) new employee orientation, 2) training for alcohol service personnel (also known as “server/seller” training), 3) manager/owner training, 4) displaying responsible alcohol service signage, and 5) certification. The Board is required to conduct the manager/owner training [47 P.S. § 4-471.1(b)], but may elect, under section 471.1 of the Liquor Code, to use

certified instructors to teach the server/seller component of RAMP. [47 P.S. § 4-471.1(a)]. The Board is authorized to certify and decertify server/seller instructors. [47 P.S. § 4-471.1(b)]. Section 471.1(a) provides that “[t]raining for alcohol service personnel shall be as set forth by the Board, but at minimum it shall consist of training to prevent service of alcohol to minors and to visibly intoxicated persons.” [47 P.S. § 4-471.1(a)].

There are approximately 15,000 active licenses in Pennsylvania that authorize the sale and service of alcohol for on-premises consumption, known collectively as retail licensees. There are approximately 1,200 licensed distributors and importing distributors of malt or brewed beverages such as beer, constituting wholesale licensees. Each of these licensees may benefit from RAMP training.

Although completion of RAMP training is usually voluntary, recent legislation – specifically Acts 11 and 113 of 2011 – has made RAMP training and certification mandatory for certain employees of licensees. As a result, there has been an increase in the number of persons who have become RAMP certified:

<b>Year</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b># of Individuals RAMP Certified</b>	23,999	24,022	26,563	30,157	31,946
<b>Percentage increase from prior year:</b>		.10%	9.57%	11.92%	5.60%

There are currently 32 instructors certified by the BAE who provide RAMP server/seller training. There are also 7 approved RAMP server/seller online training courses which use BAE materials.

The proposed regulatory change would allow third parties to create their own curriculums and to submit them to BAE for approval. The expected benefits include more opportunities for server/seller training, which is needed to meet the growing demand for such training.

Increasing the number of programs that may be offered as the equivalent of RAMP server/seller training will place an extra burden on the BAE. It will be required to evaluate the submitted programs and compare them to RAMP. Once the program is approved, the BAE will be responsible for evaluating the instructors who provide the training; this could mean a significant increase in the number of instructors the BAE must evaluate and certify. In addition, having a variety of programs could result in inconsistencies in the training experience.

These additional responsibilities can be addressed with an increase in staffing that can provide tighter oversight. An Alcohol Education Specialist is a Civil Service position at Pay Grade 6, for which the annual salary range is from \$39,257 to \$59,658. However, it is unlikely additional personnel will be needed. In addition, the benefit to the licensed community – through increased training opportunities, resulting in more properly trained alcohol server/sellers – outweighs the cost of additional personnel.

### *Affected Parties*

This rulemaking will affect any entity that wishes to offer RAMP-equivalent server/seller training. As long as the proposed curriculum is equivalent to RAMP's standard curriculum, RAMP will allow that entity to provide server/seller training. This may indirectly affect anyone who wishes to or needs to take server/seller training, as there will likely be more options for such training.

### *Paperwork Requirements*

This rulemaking may increase paperwork for the BAE, since the BAE will need to evaluate proposed curriculums in order to determine if they are equivalent to the standard curriculum. The rulemaking would not increase paperwork for anyone else in the regulated community except for those entities that wish to provide server/seller training but are advised that their curriculum is deficient and changes must be made.

### *Fiscal Impact*

The Board has offered RAMP training and certification since 2001. Because the program is mandated by section 471.1 of the Liquor Code [47 P.S. § 4-471.1], its costs cannot be avoided. The current annual cost of this program to the Board is approximately five hundred thousand dollars (\$500,000.00). In the unlikely event that further staffing is needed by the BAE, such increased staffing costs will be funded fully from liquor sales. Like all of the Board's operating costs, RAMP is fully funded from the proceeds of selling liquor, which are deposited into the State Stores Fund; the Board's operations and programs are not funded from a General Fund appropriation.

Under section 471 of the Liquor Code, licensees that have become RAMP-certified may be assessed reduced fines should they be found to have provided

alcohol to a minor or visibly intoxicated person. Some licensees, because of the citations they have received and because their licensure is in jeopardy, are required to obtain and maintain RAMP certification. Training offered by other programs may happen to be more convenient for some licensees because more classes will be available. If there are more programs to choose from, the convenience for the licensee will increase, thus reducing the potential fiscal impact for the licensee.

These regulations are not expected to result in costs or savings to local governments.

### *Effective Date*

These regulations will become effective upon publication in final form in the Pennsylvania Bulletin.

### *Public Comments*

Interested persons are invited to submit written comments about the proposed rulemaking to Rodrigo Diaz, Executive Deputy Chief Counsel, or Norina Blynn, Assistant Counsel, Office of Chief Counsel, Pennsylvania Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001, within thirty (30) days after publication of the proposed regulation in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Please note that all public comments will be posted on the Independent Regulatory Review Commission's website. No personal information will be redacted from the public comments received.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 11, 2015, the Board submitted a copy of these proposed amendments 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 thirty (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 Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the agency, the General Assembly and the Governor of comments, recommendations or objections raised.

Tim Holden  
Chairman

**ANNEX A**

**TITLE 40. LIQUOR**

**Part I. LIQUOR CONTROL BOARD**

**Chapter 5. DUTIES AND RIGHTS OF LICENSEES**

**Subchapter I. RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM**

**COURSE OF STUDY**

**§ 5.211. Course of study for alcohol service personnel.**

(a) A standard curriculum for the course of study will be provided by the BAE.

(b) The BAE is authorized to review curriculum submitted by another training provider and to certify such curriculum if it is equivalent to the BAE's standard curriculum.

(1) In the event that the training provider's curriculum is not equivalent to the BAE's standard curriculum, the BAE shall advise the training provider as to all subjects where the training provider's curriculum is deficient.

(2) The training provider shall have the opportunity to correct and resubmit its curriculum no more than two (2) times.

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

**INSTRUCTORS**

\* \* \* \* \*

**§ 5.232. Instructor responsibilities.**

Instructors have the responsibility to do the following:

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

\* \* \* \* \*

**§ 5.233. Minimum standards of training.**

(a) Instructors shall conduct training sessions conforming to either the BAE's standard curriculum or a curriculum certified by the BAE.

\* \* \* \* \*



**Commonwealth of Pennsylvania**  
**Pennsylvania Liquor Control Board**  
March 11, 2015

**SUBJECT: Proposed Regulation Package 54-79**  
**Responsible Alcohol Management Program**

**TO:** DAVID SUMNER, EXECUTIVE DIRECTOR  
INDEPENDENT REGULATORY REVIEW COMMISSION

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

**By Hand Delivery**

The Pennsylvania Liquor Control Board ("PLCB") is submitting proposed amendments to chapter 5 of its regulations. Enclosed please find a copy of the regulatory analysis form, signed CDL-1 face sheet, preamble and Annex A (regulatory text).

These amendments are being delivered today to the legislative oversight committees, the Independent Regulatory Review Commission and to the Legislative Reference Bureau. They have been approved by the Office of Attorney General as to form and legality.

Any questions and comments about this regulatory submission can be directed to Rodrigo Diaz, Executive Deputy Chief Counsel, or Norina Blynn, Assistant Counsel, at (717) 783-9454.

Enclosures

cc with enclosures:

Honorable Charles McIlhinney, Majority Chairman, Senate Law and Justice Committee  
Honorable James Brewster, Minority Chairman, Senate Law and Justice Committee  
Honorable Chris Ross, Majority Chairman, House Liquor Control Committee  
Honorable Paul Costa, Minority Chairman, House Liquor Control Committee  
Gail Reinard, Executive Director, Senate Law and Justice Committee  
Victor Wills, Executive Director, Senate Law and Justice Committee  
Shauna Boscaccy, Executive Director, House Liquor Control Committee  
Lynn Benka-Davies, Executive Director, House Liquor Control Committee

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

**I.D. NUMBER:** 54-79  
**SUBJECT:** Responsible Alcohol Management Program  
**AGENCY:** Liquor Control Board

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**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>
3/15/15	<u>  Thompson  </u> (1)	SENATE LAW & JUSTICE COMMITTEE (Majority)
3/11/15	<u>  Yonk Daud  </u> (2)	SENATE LAW & JUSTICE COMMITTEE (Minority)
3/11/15	<u>  Dipie Mennish  </u> (3)	HOUSE LIQUOR CONTROL COMMITTEE (Majority)
3/11/15	<u>  Kira Zickles  </u> (4)	HOUSE LIQUOR CONTROL COMMITTEE (Minority)
3/11/15	<u>  K. Cooper  </u> (5)	INDEPENDENT REGULATORY REVIEW COMMISSION
3/11/15	<u>  Cousine Grant  </u> (6)	LEGISLATIVE REFERENCE BUREAU