

3093

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IRRC



**PENNSYLVANIA
LICENSED BEVERAGE
& TAVERN ASSOCIATION**

2015 MAY -4 PM 2: 54

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April 27th, 2015

Independent Regulatory Review Commission
333 Market Street. 14th Floor
Harrisburg, PA 17101

Re: IRRC # 3093

Dear IRRC:

The PA Licensed Beverage & Tavern Association is writing to submit our comments on the proposed regulation by the Pennsylvania Liquor Control Board, IRRC # 3093, concerning the RAMP Server/Seller Programs. The PA Licensed Beverage & Tavern Association represents retail licensed establishments in the Commonwealth since 1941.

As a statewide association advocating for retail licensees, we promote continuing education and responsibility amongst our licensees and employees. We have also participated with the PLCB in the RAMP program since its' inception. In full disclosure, we are currently one of many approved third party providers to deliver the RAMP Server/Seller curriculum in an online and classroom basis. As many other Server/Seller providers prior to 2010, we had our own RAMP Server/Seller course approved by the PLCB referred to as TAPS (Tavern Association's Professional Servers).

What is RAMP?

Responsible Alcohol Management Training was created by the PLCB to complement one of the agency's main purposes that is alcohol education. This portion of the Bureau of Alcohol Education's goal is specifically designed to educate licensed business owners and their employees of PA liquor code laws and regulations. There are 5 components to the RAMP Program:

- Owner/Manager Training conducted by PLCB BAE Staff
- Server/Seller Training conducted by approved third party providers
- New Employee Orientation for Licensed Establishment, Forms and Guidelines provided by the PLCB to PA Licensees.
- Signage for Licensed Establishments provided by the PLCB to licensees. Signs contain language on legally accepted ID in Pennsylvania, and refusal of service to Minors and Visibly Intoxicated Persons.

- Affidavit request for RAMP Certification for the licensed establishment by the PLCB upon completion of first 4 steps.

The RAMP Server/Seller portion of the RAMP certification process educates anyone serving alcohol to the general public in preventing of serving minors, proper “carding”, preventing and recognizing visibly intoxicated persons and many other nuances that a server of alcohol must know in order to remain in compliance with Pennsylvania laws while also responsibly serving their patrons. This portion of the RAMP process is a part of a larger PLCB designed curriculum that they allow approved third party providers to help facilitate. This is not a stand-alone course but rather an integral step into a full continuing education course.

History of Server/Seller RAMP Courses:

Prior to 2010, the PLCB had approved many independent curriculums that served the requirement of RAMP Server/Seller training. After many complaints from licensees, inaccurate teachings to servers, and resulting violations, the PLCB board voted unanimously to designate one curriculum created by the Bureau of Alcohol Education to serve as the only PLCB approved RAMP Server/Seller course. Less confusion to the licensed businesses in Pennsylvania and consistency of teaching Pennsylvania specific liquor code information were cited after a lengthy 18-month evaluation of the RAMP Server/Seller program:

An excerpt from a PLCB Board meeting discussion on the subject in 2009 reflects the issues with multiple curriculums not consistent with the PA Liquor Code laws:

“In the past, there has been much confusion due to the many different curricula being used and the costs associated with the trainings. Our goal as a Bureau is to minimize the confusion and cost. We also have very specific needs as it relates to the requirements of Act 1412 and therefore, we have developed our own standardized curriculum...This decision was made to better serve the licensees in the state of PA.”

As active participants with our own approved RAMP Server/Seller course, we were aware of the confusion amongst licensees as well.

- We received many phone calls from small business owners asking to explain the difference between approved courses.
- Many occasions that a licensee spent hundreds or thousands of dollars on a program under the impression that it was RAMP approved and later realized it was not; or the individual teaching the program was not an approved instructor therefore they could not receive recognition as being RAMP Server/Seller educated.
- Instances that licensees and their employees took a course that did not teach Pennsylvania specific liquor code laws resulting in licensees receiving citations against their liquor license.

An example of the above confusion from the PLCB's own investigation to the full PLCB Board:

"Another obstacle that RAMP staff routinely faces is explaining to the licensees who they can utilize to train their staff. One reason for this is confusion is due to the fact that there is no standard name for the Server/Seller training. Trainers are allowed to create their own training name, which results in many different "names" being associated with Server/Seller training. An additional cause for confusion is because we approve some trainers who are associated with other organizations (TIPS, Tavern Association) but not all trainers within that organization. For example, we may approve a trainer who is associated with TIPS but we are only approving that trainer not the entire TIPS programs. Currently when a RAMP staff member is asked is a license can use TIPS for their training is often answered with a "Yes, but...."."

For those reasons, we recognized the benefits to the businesses we represented in having one curriculum accepted. We gladly began teaching the BAE curriculum as many other independent trainers also did in order to protect the general public, employees, and licensees from being taught information that is illegal according to our controlled state's liquor code.

NATIONAL COURSES (TIPS) VS RAMP:

Please see the attached chart showing clear differences in PA liquor code laws and what TIPS contains in their course. While the RAMP Server/Seller course is specific to our state liquor code and regulations, national courses like TIPS provide a generalized version. As you can view on the chart, many basic rules of the PA Liquor laws are not included in TIPS like what are the legally accepted forms of identification in our state. A Visibly Intoxicated Person violation is an enhanced violation on our PA businesses and can lead to public safety issues. While TIPS touches on VIP's in their course, they fail to instruct on Pennsylvania law and regulations citing and recognizing what establishes a VIP. Other Pennsylvania specific laws such as DRAM Shop liability on business owners and employees and Pennsylvania documents for proof of carding and incident documentation is absent from a TIPS course as well. These are a few examples of the inadequacies detrimental to the Commonwealth constituency.

In further review of TIPS curriculum, the course lacks even non-specific Pennsylvania law information that the RAMP Server/Seller contains for extra safety measures for businesses, employees, and patrons. TIPS only gives one example of a patron exhibiting signs of a drug interaction with alcohol while RAMP commits a detailed section on the issue with a quiz for that section to serve as a knowledge fact check list for the student. Another inadequacy of the course based on national standards is the lack of a BAC chart that describes the correlation between body size and amount of alcohol consumed. It also explains the rate of alcohol entering the blood stream and the elimination of alcoholic beverages by the body. Since .08 and binge drinking are national social issues, one would think that national curriculum would offer more information. Again, the PLCB's RAMP Server/Seller program includes in depth examples and instruction of both of these items while TIPS gives one brief example of BAC. Crucial information accurately taught should be

the main focus for Commonwealth business owners, our employees, and safety of our general public.

Accessibility:

As our association's trainers continued to teach licensees and their employees the Pennsylvania specific laws to protect their customers and their livelihoods in a classroom setting, we also developed an online RAMP Server/Seller program based solely on the standard BAE curriculum. Our association, and any other online-course providers, has the ability to independently create a course based on the material and submit for approval from the PLCB Alcohol Education Department. We worked through the guidelines and standards the PLCB set for the course. Upon approving many approved third party providers to deliver the BAE curriculum, the PLCB has made RAMP Server/Seller trainings accessible to anyone around the clock every day of the year available on the PLCB website.

Between the complement of 30 classroom trainers and the online programs available, there is no evidence of shortage of access to trainings. In 2014, all classroom and online providers have taught over 38,000 students on the RAMP Server/Seller course with a consistent curriculum based on our unique liquor code laws and regulations.

The ability to create a RAMP Server/Seller training program based on the current standardized curriculum is open to any individual, association, or organization. There is nothing preventing any interested party from doing the same. Therefore, TIPS, Learn2Serve, ServSafe, or any other independent company has the same ample opportunity to educate the same licensees and employees they claim to want to serve in the Commonwealth with minimal efforts.

Conclusion:

One of the main responsibilities of the PLCB is alcohol education and having one consistent program to teach our Commonwealth businesses has proven successful. To reverse that decision now could result in unnecessary confusion and wrong information being given to Commonwealth licensees. We believe that national programs that are not Pennsylvania specific will lead to business and licensing issues with all Commonwealth licensees and safety issues with out customers.

While TIPS has continuously denounced the RAMP Server/Seller course content, the for-profit TIPS organization has failed to recognize that the PA liquor code cannot fit into a "one size fits all" generalized course and effectively educate on our state laws. We have also provided examples of national social issues that the TIPS course falls far short of our PLCB Server/Seller portion of PLCB RAMP continuing education program. A TIPS Government Relations Manager recently sent out a message to hundreds of individuals in Pennsylvania including this statement:

"Over the past few years, you've received a number of e-mails, action alerts, and newsletter articles from me regarding the PLCB and the unfair advantage they have over the training industry with their ineffective RAMP program."

While the organization has advocated for this regulation proposal, it becomes more evident in the attached correspondence that their objective may not be genuine:

"While we are mostly in support of the proposed regulations, we still have no intention of being a "RAMP" program in PA."

The full email message is enclosed as part of our public comments in our objection to carve-outs being made approved that do not completely serve to protect our members and their patrons.

We would applaud the profitable, nation-wide TIPS business to employ minimal financial resources to curtail a Pennsylvania-law course based solely on our laws and current curriculum outline to protect the integrity of the whole PLCB RAMP program. Dissecting one component of the RAMP program does not benefit any Pennsylvania licensee, licensed establishment employee, or protect the Pennsylvania citizen. The only benefit would be a revenue increase seen by these for-profit national companies that continue to show a lack of comprehension of our unique liquor code.

Respectfully,

Amy Christie, Executive Director

EDUCATION PROVIDED	RAMP SERVER/SELLER	TIPS
What is Alcohol?	YES	NO
RAMP CERTIFICATION STEPS FOR PLCB	YES	NO
Liability for Licenses	YES	NO fine PA DRAM covered
Documentation	YES	NO PA DOCUMENT GIVEN
Liquor Code/House Policy	YES	NO
Alcohol Absorption Rate	YES	YES
Drug & Alcohol Interaction	Detailed with Quiz	Brief Description
Alcohol & Energy Drinks	YES	NO
Drink Equivalency	YES	YES
How Alcohol is Eliminated	YES	NO
Measuring Intoxication	YES	NO
BAC Explanation	YES	YES
BAC Chart	YES	No but gives 1 example
Tolerance	YES	YES
Alcohol & the Brain	YES	YES
Visible Intoxication	YES & SIGNS FOR PA CITA	YES BUT NOT PA CODE
Refusing Service	YES	YES
Intervention Techniques	YES	YES
Group Discussions	YES	YES
When to Card?	YES	YES
Legally Acceptable ID	YES	DOES NOT COVER PA LAW
How to Card	YES	YES
Proof of Carding. Licensee Responsibility.	YES	NO
Minors Frequenting & Exceptions	YES	NO
Test Your Knowledge Modules	YES	NO

From: seymourn@gettips.com [mailto:seymourn@gettips.com]

Sent: Tuesday, April 28, 2015 2:06 PM

To:

Subject: TIPS BACK IN PA - ACTION REQUESTED

To Our Valued Pennsylvania TIPS Trainers:

Over the past few years, you've received a number of e-mails, action alerts, and newsletter articles from me regarding the PLCB and the unfair advantage they have over the training industry with their ineffective RAMP program. This is an issue HCI has been fighting since 2009 when the PLCB, without warning, cut out all third-party training providers and decided that RAMP would be the only state approved alcohol server/seller provider. Many of you and your businesses have been shut out as a result of that decision.

After many years of unnecessary roadblocks, we are optimistic that we are well on our way to becoming a recognized training program in PA once again! We have hired a very prominent lobbying firm in Pennsylvania who has worked tireless hours on your behalf among the General Assembly and Senate and House Liquor Committees. They have advocated for the LCB to allow third-party alcohol server/seller providers. Their efforts seem to have worked, because the LCB just submitted proposed a regulation that would allow exactly that! The LCB submitted "Proposed Regulation #54-79 Responsible Alcohol Management Program" to Pennsylvania's Independent Regulatory Review Commission (IRRC). This is a proposed regulatory change that would allow third parties (i.e. TIPS) to create their own training curriculums and to submit them to the LCB's Bureau of Alcohol Education for approval. You can read the proposed regulation in it's entirety here: <http://www.irrc.state.pa.us/docs/3093/AGENCY/3093PRO.pdf>.

HCI will be submitting formal comments for the record in response to the LCB's proposal. While we are mostly in support of the proposed regulations, we still have no intention of being a "RAMP" program in PA. We intend to uphold the TIPS program and integrity. If you would like to show your support and submit a letter to the Regulatory Review Board, let us know! We can draft a letter for you with the language so all you have to do is sign your name! If you would like to make the letter a little more personal, we can work with you on that as well. Contact me with any questions you might have. Thank you for sticking with us on this journey!

Nicole M. Seymour

Government Relations Manager

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