

3093

RECEIVED
IRRC

May 6, 2015

2015 MAY -7 AM 10: 05

Rodrigo Diaz, Esquire
Executive Deputy Chief Counsel
Pennsylvania Liquor Control Board
401 Northwest Office Building
Harrisburg, Pennsylvania 17124-0001

RE: Pennsylvania Liquor Control Board Proposed Regulation #54-79/IRRC #3093:
Responsible Alcohol Management Program

Dear Attorney Diaz:

On behalf of individual Training for Intervention Procedures (TIPS) trainers across the Commonwealth of Pennsylvania, we write you to offer public comments on the Pennsylvania Liquor Control Board's (PLCB) proposed regulation #54-79/IRRC #3093, which addresses changes to the Responsible Alcohol Management Program (RAMP).

We thank you and the PLCB board members and staff for your hard work over the past year on these proposed regulatory changes to RAMP. These modifications are meaningful and impactful for trainers and students alike. We are proud small business owners in the state and as such, we continuously strive to improve our business model to better serve our students in an effort to make Pennsylvania a safer place. The PLCB regulations will provide additional and further enhanced training options for the alcohol service industry through the Bureau of Alcohol Education. We believe having more competition in the training market will ultimately improve the quality of training in Pennsylvania.

As trainers for those who serve alcohol, we choose to teach TIPS because of the fact that the program is a leader in the United States and is in 40 other countries around the world. In fact, it is also important to note that our 6,000 colleagues across the nation have been called upon to provide expert testimony in tragic civil cases. Additionally, our program is frequently cited in liquor liability cases and is often incorporated into retailer alcohol policies. The TIPS curriculum not only teaches what is included in the RAMP standard curriculum, but it also places a strong emphasis on what is known as intervention procedures. By focusing on intervention procedures, students are provided, by way of video reenactments and/or role playing, scenarios they may encounter in real life when serving alcohol. This type of training is critically important, because it provides students with the confidence they need to address a variety of situations that they may face while on the job. We believe that allowing the TIPS program to be an additional option for those who wish to be RAMP certified will be beneficial to the Commonwealth.

To clarify, TIPS wants to offer both the RAMP components and TIPS components in one comprehensive course. We are confident that the PLCB certification process will ensure that all components of the RAMP curriculum are included in our programs. In addition, we understand the PLCB randomly audits courses that it has approved and we believe this will provide another level of assurance following the Bureau of Alcohol Education's certification of a new program. We would encourage those who are curious about the quality of our training and what elements are contained in our program to take a TIPS course and see for themselves.

Upon reading the proposed regulations and considering how they will impact our businesses, we suggest some minor recommendations that will provide us, as small business owners, with a clearer and more predictable process through which we would undergo to become certified by the Bureau of Alcohol Education. Attached to this letter, you will find suggested enhancements which were previously submitted by Health Communications Incorporated which is the creator of the TIPS program.

The first of our suggested changes would clarify the point that our training program may exceed what is prescribed for by the PLCB's Bureau of Alcohol Education's standard curriculum. We believe that allowing those who teach above and beyond what is in the scope of the standard curriculum is a positive change. This will allow for the use of techniques such as intervention procedures, which is one of the proven components of TIPS curriculum. The other two changes clarify the process through which we would seek Bureau of Alcohol Education certification. We further suggest that if an entity's curriculum is found to be deficient by the PLCB, then we recommend that a written response by the PLCB be sent directly to the training company outlining the reason(s) why the curriculum did not meet the Board's standards. We also feel it is important that the response be provided to the applicant within 60 days so as to provide business owners with an expectation that they will receive a response in a reasonable amount of time. Our changes would not only help TIPS but others in the training of alcohol service personnel.

We graciously and humbly ask for your favorable consideration of the aforementioned suggested changes, which would enhance the PLCB's proposed regulation #54-79/IRRC #3093. Again, we thank you for your time and effort to address these regulation changes for the betterment of the entire industry.

Regards,



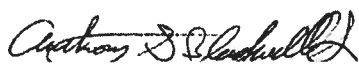
Bill Marencic



Robin Roscoe



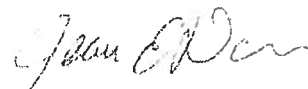
Mark Fine



Anthony S. Blackwell, Sr.



Lisa J. Baer



Jean E. Davis

*Dan Clougherty

*Barbara Clougherty

Attachment: Suggested changes to proposed regulation #54-79/IRRC #3093

cc: The Honorable Tim Holden, PLCB Board Chairman
The Honorable Joseph E. "Skip" Brion, PLCB Board Member
The Honorable Michael Negra, PLCB Board Member
Norina Blynn, PLCB Assistant Counsel
Chairman John F. Mizner, Esq., IRRC
Commissioner George D. Bedwick, IRRC
Commissioner W. Russell Faber, IRRC
Commissioner Murray Ufberg, Esq., IRRC
Commissioner Dennis A. Watson, Esq., IRRC
The Honorable Charles T. McIlhinney, Majority Chairman of the Senate Law and Justice Committee
The Honorable Jim Brewster, Minority Chairman of the Senate Law and Justice Committee
The Honorable Chris Ross, Majority Chairman of the House Liquor Committee
The Honorable Paul Costa, Minority Chairman of the House Liquor 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 Committee
Lynn Benka-Davies, Executive Director, House Liquor Committee

* Signature not available at time of printing

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. (TIPS Suggested Changes in Red)

(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 **or exceeding** the BAE's standard curriculum.

(1) In the event that the training provider's curriculum is not equivalent to **or does not exceed** the BAE's standard curriculum, the BAE shall advise the training provider **in writing within sixty days of receiving the curriculum** 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.
