

# Comments of the Independent Regulatory Review Commission



## Pennsylvania Liquor Control Board Regulation #54-79 (IRRC #3093)

### Responsible Alcohol Management Program

June 10, 2015

We submit for your consideration the following comments on the proposed rulemaking published in the April 11, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

#### 1. Fiscal impact; Implementation procedures.

This proposed rulemaking will allow third parties to create their own Responsible Alcohol Management Program (RAMP) curriculum and to submit it to the Board's Bureau of Alcohol Education (BAE) for approval. In order for this Commission to determine if the proposal is in the public interest, we ask the Board to provide information on how RAMP is and will be administered. Specifically we ask:

- Does the Board charge a fee for RAMP training it conducts or provides? If so, what are those fees?
- How many Board employees currently conduct RAMP training? Will their employment be impacted by this proposal?
- What costs will the Board incur for reviewing and approving third-party curriculum?
- Will the Board charge a fee to review and approve third-party curriculum? If a fee will not be charged, what is the reason for this?
- What do third party providers of RAMP training typically charge for the training?

#### 2. Need for the regulation.

Senator Richard Alloway submitted a comment noting the unique nature of the Commonwealth's Liquor Code and questioning the need for the regulation. He believes that this proposal could create confusion amongst the regulated community caused by more than one standard curriculum. Representatives Chris Ross and Paul Costa submitted a comment expressing their support for the rulemaking. They believe that the proposal will enhance the training of alcohol service personnel in the Commonwealth. In the Regulatory Analysis Form (RAF) submitted with this proposal, the Board explains that the expected benefits of the rulemaking, ". . . include more opportunities for server/seller training which is needed to meet the growing demand for

such training.” In light of the issue raised by legislators, we ask the Board to explain why the potential benefits of the rulemaking outweigh the potential confusion it could create.

**3. Section 5.211. Course of study for alcohol service personnel. – Implementation procedures; Clarity.**

Under Subsection (b), if it is found that the curriculum submitted by a training provider is not equivalent to the BAE’s standard curriculum, the BAE “will advise” the training provider why the curriculum is deficient. As noted by commentators, including Senator Rafferty, Senator Brewster and Representative Regan, it is unclear how long the BAE will take to review the curriculum after it is submitted and how the BAE will inform the training provider of the deficiencies. We note that the provision also fails to specify how the BAE will notify a training provider if the curriculum is equivalent and acceptable. We recommend that the rulemaking be amended to specify the timeframe within which the BAE will review curriculum submitted by a training provider and the manner in which it will communicate its findings to the provider.

The commentators also ask the Board to clarify that curriculum submitted for approval not only must be equivalent to the BAE’s standard curriculum, but can also exceed it. Other commentators are concerned that the curriculum of third-party training providers could lack specificity as it relates to Pennsylvania laws, regulations and requirements. We have several questions relating to these comments. Would a curriculum that exceeds the BAE’s standard curriculum be approved? Additionally, does the existing standard curriculum include training on Pennsylvania liquor laws, regulations and requirements, and would a third party be required to include this content in its curriculum?

**4. Miscellaneous – Implementation procedures and timetables for compliance.**

The dates noted in RAF Block No. 29, relating to a schedule for review of the regulation, should be updated.