ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ADMINISTRATIVE CODE

CHAPTER 20-X-12 RESPONSIBLE VENDOR CERTIFICATION

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20-X-12-.01 Statement Of Scope, Purpose, And Intent In The Administration Of The Responsible Vendor Program.

The ABC Board is responsible for the administration of the Responsible Vendor Program in the State of Alabama. The purpose of these rules and regulations is to establish minimum substantive and procedural requirements for the responsible vendor certification by the ABC Board as authorized by the Alabama Responsible Vendor Act. The scope of the Responsible Vendor Program and related rules is limited and only provides licensed alcoholic beverage vendors, who are certified by the ABC Board, with limited protection of the alcoholic beverage license against revocation or suspension. Mitigation may be considered in administrative proceedings in conjunction with violations of the ABC Board regulations and State laws.

Author: ABC Board

Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1 thru 28-10-8.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.02 Definitions - Responsible Vendor Program.

The following words or phrases, whenever they appear in these regulations, unless the context clearly indicates otherwise, shall have the meaning ascribed to them as follows:

(1) Act - Alabama Responsible Vendor Act, 1990 (Act No. 90-525 now codified as Chapter 10, Title 28, Code of Ala. 1975.

(2) Certification - Written approval from the ABC Board stating a vendor has met all requirements of law and/or regulations and is designated as a certified responsible vendor.

(3) Compliance specialists - Persons working under this program for the purpose of verifying both the compliance of the applicant and ongoing compliance of the certified vendor.

(4) Course of instruction - An ABC Board approved course of study for servers, sellers and managers, including an oral or written examination.

(5) Decertification - Revocation of a responsible vendor's certification.

(6) Manager (on-/off-premises) - Any person on the licensed premises responsible for supervising servers and/or sellers. There may be more than one manager on a licensed premises simultaneously and who may also be a server and/or seller.

(7) Mitigation-Decertification Committee - A committee composed of the: (1) Director of Enforcement; (2) ABC Board Administrator; and (3) Responsible Vendor Program Coordinator. Any member of the committee may designate a replacement or a proxy for any meeting.

(8) Seller (off-premises) - Any person on the licensed premises who sells, gives or furnishes alcoholic beverages to the public and/or is responsible for ascertaining the legality thereof.

(9) Server (on-premises) - Any person on the licensed premises who sells, gives or furnishes alcoholic beverages to the public and/or is responsible for ascertaining the legality thereof.

(10) Trainer - Any person responsible for providing an approved course of instruction.

(11) Vendor -Any person licensed to serve or sell alcoholic beverages at retail.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.03 Program Documentation.

All correspondence and documentation concerning this program shall be directed to the ABC Board's Responsible Vendor Program in Montgomery. Documentation which is incomplete, illegible or unable to be processed, may be returned. Surcharges from incomplete applications will be held awaiting corrections or refunded upon request. If corrections are not made nor a refund requested within ninety (90) days from the date of return by the ABC Board of the application, the surcharges will be converted to Program funds. Documentation shall not be deemed complete until received in-hand by the Responsible Vendor Program.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.04 Certification Requirements.

(1) To be certified, a vendor shall:

(a) Possess a current retail alcoholic beverage license or a transfer application for such license;

(b) Submit a sworn Application for Certification as Responsible Vendor and any other required documentation;

(c) Provide an approved course of instruction for servers, sellers, and managers. Licensees utilizing any ABC Board approved course of instruction on a licensed premises or in a classroom setting shall notify the ABC Board of training dates in sufficient time that ABC personnel may attend training prior to application, and at such other times as requested by the ABC Board. Approved online courses shall not be subject to this requirement.

(d) Pay the appropriate surcharge;

(e) Comply with the provisions of the Act as follows:

1. Servers, sellers, and managers shall have completed the required course of instruction and shall have passed the applicable examination at the time the vendor applies for certification. Initial training shall have occurred within ninety (90) days prior to applying for certification. Servers, sellers or managers employed during application processing, or after the date of certification, shall complete the applicable course of instruction and pass the examination within 30 days after commencing employment.

2. Servers, sellers and managers shall acknowledge in writing the written policy established by each vendor assuring legal alcoholic beverage sales and outlining company policy and procedures for disciplining employees who violate beverage laws or use and/or possess controlled substances on the licensed premises.

3. Responsible vendors shall display signs on the licensed premises informing customers of the vendor's policy against serving or selling alcoholic beverages to underage persons and/or intoxicated customers. These signs must measure no less than 8 inches by 11 inches with type sufficiently large to be easily read, and be placed at customer entrance(s) of the licensed premises or at cash registers and on or near the area where alcoholic beverages are displayed or dispensed. All signs shall be situated in areas easily viewed by the public.

4. Responsible vendors are required to maintain records of the acknowledgments and training of their servers, sellers and managers. Physical paper records shall be maintained within the State of Alabama or the records may be maintained in a digital format provided the records shall be produced within 48 hours at the request of the ABC Board. Records of employees no longer employed by the responsible vendor maybe disposed of after a period of 3 years following the employee's termination of employment. Responsible vendors shall provide to the ABC Board the name of their employee or agent who is the custodian of the responsible vendor's records and the location of the records; however, the responsible vendor shall ultimately be responsible for the maintenance of such records.

5. Responsible vendors shall have a copy of program certification constantly and conspicuously displayed on the licensed premise at all times.

(2) An entity owning more than one license shall file separate applications for each of its licenses, pay the appropriate surcharge and otherwise meet the requirements of the Act for each

of its licensed premises. The vendor shall notify the ABC Board in writing of any change in the application information.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published January 31, 2025; effective March 17, 2025.

20-X-12-.05 Renewal Of Certification.

Certification of a responsible vendor shall be valid for the same term as that of the ABC Board license year. Certification shall be renewed contingent upon the approved renewal of the ABC Board's license. After October 20 th of any year, renewals will not be accepted and new applications must be submitted.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.06 Maintaining Certification.

(1) To maintain certification, responsible vendors shall comply with the provisions of the Act, other applicable laws of the State of Alabama, and Rules and Regulations of the ABC Board.

(2) Subsequent to certification:

(a) Responsible vendors shall require new sellers, servers, and managers to complete the course of instruction and pass the appropriate examination within 30 days of commencing employment. Responsible vendors who allow new employees to sell, serve or manage before training should strive to do so under the direct supervision of a trained seller, server or manager. This does not apply to employees who transfer to a new location owned by the same licensee within the same governing jurisdiction.

(b) Responsible vendors should strive to incorporate materials relating to controlled substances in their course of instruction.

(c) Responsible vendors shall require each server, seller and manager to attend meetings semi-annually, or more frequently as deemed appropriate. A register with names and last four digits of the social security numbers of all employees who attend the meeting, the date of each meeting, the person

conducting the meeting, and the subjects covered shall be maintained by the responsible vendor or agent thereof.

(d) If there is loss of certification through lack of renewal, decertification, or other circumstance, the licensee shall be required to retrain all servers, sellers and managers prior to submitting application to again be certified.

(3) A responsible vendor or agent thereof shall maintain and make available for inspection employment and/or Responsible Vendor Program records which are sufficiently detailed, accurate, and in such manner that the ABC Board may determine compliance with the Act. The Responsible Vendor Program physical paper records shall be maintained within the State of Alabama or the records may be maintained in a digital format, provided the record shall be produced within 48 hours at the request of the ABC Board. Records of employees no longer employed by the responsible vendor may be disposed of after a period of 3 years following the employee's termination of employment. In the event of a violation, it is the responsibility of the licensee to provide to the Responsible Vendor Program Division proof of date of hire and/or date of transfer. Acceptable proof of date of hire is a copy of an I-9, Employment Eligibility Verification Form, or a copy of an NH-1, Rev. 7/97, State of Alabama, Industrial Relations New Hire Form. Acceptable proof of date of transfer is a copy of official company time card, time sheets, or a change of work status form. In the absence of the above, a sworn and notarized statement by the company representative responsible for such transfers may be accepted. Responsible vendors shall maintain a file for servers, sellers, and/or managers which shall include:

(a) The employee's dates of employment.

(b) The last four digits of the employee's social security number.

(c) The employee’s acknowledgment concerning the vendor's written policy assuring legal alcoholic beverage sales, and outlining company policy and procedures for disciplining employees who violate beverage laws or use and/or possess controlled substances on the licensed premises.

(d) The employee's course of instruction records with examination results and date of completion.

(e) The name of the entity and individual or online course/ exam provider providing the course of instruction and examination to the responsible vendor’s employees.

(f) Documentation of participation in semiannual meetings.

(4) Training of new sellers, servers and managers shall occur within 30 days of commencing employment or transfer. This does not

apply to employees who transfer to a new location owned by the same licensee within the same governing jurisdiction. Responsible Vendors shall submit to the ABC Board, immediately subsequent to training, a completed Report of Server, Seller, or Manager Training form. This documentation is considered official upon receipt in-hand or electronically by the Responsible Vendor Program Division. This report shall include:

(a) The alcoholic beverage license number and the trade name appearing on the license.

(b) The full name, the last four digits of the social security number and date of birth of each server, seller, and manager who successfully completes the appropriate course of instruction.

(c) The date each employee completes the course of instruction and the date hired or placed in a server, seller or manager position.

(d) The name of the individual or the name of the online course provider providing the appropriate course of instruction to the employees.

(5) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: **Repealed and New:** Filed August 21, 1998; effective October 16, 1998. **Amended:** Published January 31, 2025; effective March 17, 2025.

20-X-12-.07 Minimum Training For On-Premises Employees.

(1) Servers and managers shall complete an approved course of instruction/examination dealing with alcoholic beverage consumption on the premises.

(2) The passing grade on an examination relating to the course of instruction shall be 80%.

(3) Each responsible vendor shall ensure that no individual subverts or attempts to subvert the integrity of such training/ examination.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: **Repealed and New:** Filed August 21, 1998; effective October 16, 1998.

20-X-12-.08 Minimum Training For Off-Premises Employees.

(1) Sellers and managers shall complete an approved course of instruction/examination dealing with alcoholic beverages sold for off-premises consumption.

(2) A passing grade on an examination relating to the course of instruction shall be 80%.

(3) Each responsible vendor shall ensure that no individual subverts or attempts to subvert the integrity of such training/ examination.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.09 Course Of Instruction.

(1) Courses and examinations shall comply with and maintain minimum requirements as specified in the Act and the Course of Instruction and Examination Guidelines as established by the ABC Board. Courses shall be submitted for approval to the ABC Board in a hard copy format or a digital copy which cannot be modified before being used for training purposes. Copyright violations and/ or plagiarism of another course are grounds for disapproval. The ABC Board reserves the right to withdraw approval of a course. Course content shall be reviewed at least annually by the ABC Board.

(2) Notwithstanding any contractual agreements between licensees and private course providers, ultimate responsibility for compliance with program requirements, deadlines or dates shall remain that of the licensee.

(3) The format of the course of instruction may be online, by computer, in a classroom, or by live trainers and does not require an in person test administrator or proctor.

(4) A course of instruction shall include but not be limited to:

(a) Current statutory authority covering the sale or service of alcoholic beverages.

(b) Identification of and dealings with persons prohibited from purchasing or consuming alcoholic beverages.

(c) The effects of alcohol consumption.

(d) The vendor's specific policies and procedures for ensuring compliance with all regulations and laws.

(e) The potential liability of sales or service contrary to the provisions of law and suggested methods of risk reduction.

(f) Methods of supervision of servers or sellers.

(g) Documentation and on-site requirements of the Responsible Vendor Program.

(5) Satisfactory completion of each course of instruction shall be demonstrated by achieving a passing grade of 80% or higher. An examination may be repeated once in order to attain a satisfactory score of 80%, after which time retraining shall be necessary.

(6) All examinations shall be in writing or by computer, or other electronic device unless the responsible vendor, or their agent, determines an oral examination is necessary. Examinations given to disabled or illiterate persons may be oral. Oral examinations must be documented as to the reasons therefor and signed by both trainee and examiner.

(7) Licensees with multiple locations may train all of their employees at one time and place, provided all local ordinances, local restrictions, and other unique situations of each licensed location are included in the training.

(a) A licensee may choose to document the training of employees for all locations with a single Report of Server, Seller, or Manager Training form. This form must be designated as a corporate training form and will be held in the Responsible Vendor Program Division in a corporate file. Licensees using this method of reporting shall initially provide memos on corporate letterhead for each certified license number that will direct the verification of training to the corporate file.

(b) Licensees holding multiple licenses for any licensed premises and who train employees to work under each license may document training under the primary license number, provided memos on corporate letterhead are provided to the Responsible Vendor Program Division for each certified license number that will direct the verification of training to the primary license number.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998. **Amended:** Published January 31, 2025; effective March 17, 2025.

20-X-12-.10 Integrity Of Examinations.

(1) No individual shall subvert or attempt to subvert the examination process.

(2) Any licensee or agent thereof who subverts or attempts to subvert the examination process shall subject the licensee's certification to denial or decertification.

(3) Any examinee who subverts or attempts to subvert the examination process shall have his score declared invalid for one year from the date of such misconduct. The examinee may thereafter, upon retraining, retake the examination.

(4) Conduct which subverts or attempts to subvert the examination process shall include, but not be limited to:

(a) Removing from the examination room any of the examination materials.

(b) Reproducing or reconstructing any portion of the examination.

(c) Aiding, by any means, in the reproduction or reconstruction of any portion of the examination.

(d) Distributing, receiving, or having unauthorized possession of examination materials.

(e) Communicating with any other examinee during the administration of the examination.

(f) Copying answers from another examinee or permitting one's answers to be copied by another examinee.

(g) Having possession of any book, notes, written or printed materials of any kind except those materials distributed at the examination site by the vendor or his agent.

(h) Impersonating an examinee or having an impersonator take the examination.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.11 Denial, Decertification, And Non-Compliance.

(1) A responsible vendor whose certification is denied or revoked may request, in writing, a hearing before the ABC Board.

(2) Certification may be denied or revoked for any of the following reasons:

(a) Violation of any provision of the Act.

(b) Violation of any appropriate statutory authority or law resulting in administrative sanctions.

(c) Attempting to obtain or obtaining certification by means of fraud, misrepresentation, or concealment of material facts.

(3) Thereafter, a minimum of 90 days shall expire before any new certification application shall be considered. The ABC Board may establish guidelines for reinstatement. All employees shall be retrained in an ABC Board approved course.

(4) Certified responsible vendors found to be out of compliance may be required to comply within a specified time, retrain, or to undertake other corrective actions at the discretion of the ABC Board.

(5) Decertification of a licensee may be recommended by the Responsible Vendor Program staff to a Mitigation-Decertification Committee. Final decisions of such committee may be appealed to the ABC Board.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.12 Payment Of Surcharge.

The licensee is required to pay a surcharge in the amount of $35 at the time of application for certification and/or renewal. This surcharge is non-refundable nor subject to being prorated. The surcharge shall be payable to the ABC Board by cash, cashier's check or money order. The surcharge will be collected by the central office of the ABC Board and shall be used for the administration of the responsible vendor program.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.

History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.13 Transfer Of Certification.

No certification issued under the provisions of the Act shall be transferred or otherwise conveyed to another person.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-4; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.

20-X-12-.14 Cancellation Of Certification.

(1) Certification shall be automatically voided upon the transfer, cancellation, non-renewal, or revocation of the ABC Board license. Suspension of an ABC Board license may be grounds for cancellation of Program certification.

(2) A responsible vendor may request cancellation of certification at any time by requesting the same in writing from the ABC Board. However, voluntary cancellation shall be denied when the ABC Board has notified the responsible vendor that decertification proceedings have been or will be brought against the licensee.
Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-10-1, et seq.
History: Repealed and New: Filed August 21, 1998; effective October 16, 1998.