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March 8, 2024

Alcohol Committee Members,

As the committee works on updating the city alcohol ordinance, I would like to encourage the committee to incorporate Responsible Beverage Server (RBS) Training as a requirement for receiving any classification of alcohol license.

Several communities, including Williston, Dickinson, Grand Forks, Fargo, Watford City, and West Fargo have RBS training in their city ordinances. Those ordinances have been attached for your convenience.

On page 4 of the current City of Minot Application for alcoholic beverage license, applicants attest to the following: *Do you promise and agree not to sell? or permit sale on said premise to a minor, incompetent person, or a person who is an inebriate or habitual drunkard, or to any one thereof?* Requiring RBS training would ensure staff are trained to meet this requirement.

There are numerous advantages to requiring the training of staff who serve alcohol.

The advantage for staff is their education on the liability they are subject to when serving alcohol in the course of their job. North Dakota Century Code (NDCC) 5-01-06 .1 *Claim for relief for fault resulting from intoxication* reads as follows:

- 1. Every spouse, child, parent, guardian, employer, or other individual who is injured by any obviously intoxicated individual has a claim for relief for fault under section 32-03.2-02 against any person who knowingly disposes, sells, barters, or gives away alcoholic beverages to an individual under twenty-one years of age or to an incompetent or an obviously intoxicated individual, and if death ensues, the survivors of the decedent are entitled to damages defined in section 32-21-02. If a retail licensee is found liable under this section and exemplary damages are sought, the finder of fact may consider as a mitigating factor that the licensee provided to an employee alcohol server training that addressed intoxication, drunk driving, and underage drinking.*

This training covers what the law says about fault when it comes to serving alcohol. It includes identifying when a person may be intoxicated or otherwise impaired. It trains staff how to identify fake ID's and their legal responsibility when they identify one.

License holders also benefit from the required server training. As stated in the above NDCC, training can be a mitigating factor when a licensee is found liable. Retailers may also get discounts on liability insurance if they provide training to staff.

RBS is not a new concept for alcohol establishments in Minot. First District Health Unit (FDHU) has had an RBS training component for its food establishments for several years within our food code. One

difficulty we run into is that we don't have a mechanism to enforce mandatory training for all staff. Also, the food code does not cover off sale liquor establishments, which potentially leaves a category of beverage servers untrained.

Incorporating RBS into the city alcohol ordinance would provide a consistent requirement for all businesses that sell alcohol. It would also ensure employees receive adequate training to do their job safely.

Thank you for your consideration of the matter. If you have any questions, please feel free to contact me.



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