



MEMORANDUM

To: Liquor Commissioners

From: Tracey Covert, City Clerk

Date: March 21, 2013

Re: Liquor Commission Public Hearing of March 26, 2013 located at the
Bloomington Center for Performing Arts, Ballroom, 600 N. East St.

5:00 p.m. Discussion of proposed ordinance regarding BASSET Training

cc: Legal Dept.

TC/rg

**SAMPLE BASSET ORDINANCE
ILLINOIS LIQUOR CONTROL COMMISSION**

“BLANKET” ORDINANCE

A Blanket type of ordinance, requires anyone who sells or serves alcoholic beverages, including management personnel, to show proof of completion of BASSET training.

EXAMPLE OF BLANKET ORDINANCE

(a) For licenses on or after (A date 90 days after passage of Ordinance) and all original or renewal applications for a class (Chosen by the LLA) liquor licenses shall be accompanied with proof of completion of a State certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purchases of alcoholic beverages, pursuant to that license.

(b) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12 (11.1) and 6-27 and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion.

(c) After (90 days after passage of Ordinance), any new owner, manager, employee, or agent requiring BASSET training, shall within ninety(90) days from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

(d) A photo copy of certificate of completion for all owners, managers, employees, or agents required by this ordinance to have BASSET training shall be maintained, by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.

(e) Municipalities and establishments must honor all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs.

Explanations of Blanket Ordinance

Paragraph (a):

Gives a ninety day grace period, after passage of the ordinance for establishments, owners, managers, agents, and staff to be in compliance.

A copy of certificates should become part of the application for new licensees and accompany renewal applications, every year.

The definitions of people required to take BASSET training is used to include all persons who come in contact with customers, regardless if they actually sell or serve the alcoholic beverages.

In many establishments, management reserves the right to decide how problem customers are handled, if an ID is acceptable, call for a paramedic assistance, and often do not receive training in these areas as well as state and local laws. BASSET training covers these and other topics. The umbrella term “sellers and servers” by strict definition would not include management in some cases.

Employees who check ID’s, doorman, bouncers, etc., inherently give bartenders and wait staff a feeling of complacency that IDs have been checked and are first line resources in handling out of the ordinary situations. BASSET training includes such situations in its curriculum.

Paragraph (b):

Under new guidelines, anyone who would like to be a licensed provider of BASSET training should present a current BASSET license, issued by the ILCC and trainers for the program should have on file a certificate of completion of instructor training.

This paragraph puts the burden of proof on providers and establishments to prove adherence to the ordinance. Before paying money to a BASSET provider, the establishment can verify that the program will meet the requirements of the ordinance.

ILCC requires that BASSET providers issue certificates of completion. Therefore, as part of the registering process, they would include a copy of what their certificate looks like for inspection and verification purposes.

Paragraph (c):

As with paragraph (a), this gives new employees ninety days to be in compliance with the ordinance,

instead of requiring training before employment can occur.

Paragraph (d):

Due to the high turnover rate of employees within the liquor industry, filing of certificates with the Clerk's Office becomes an unnecessary and burdensome task. Establishments shall maintain copies of certificates in a manner accessible by designees of the Liquor Board, who are authorized to make inspections, police officers, health inspectors, etc.

It also allows the inspector to hold the establishment in violation of the ordinance if upon request to see certificates, they are told that "unfortunately", they are locked in a cabinet, and the person with the key is not there: the manger is not there; nobody knows where they are, and other such excuses.

Paragraph (e):

Every BASSET or any type of seller/server training programs must be approved by the ILCC and comply with the standardized curriculum. If all communities subscribe to the state applied curriculum, uniform and consistent training will produce more consistent results.

“SELECTIVE” ORDINANCE

This type of ordinance is designed to allow for consideration of exposure to the sale and or use of alcohol. Establishments where the primary source of income is derived from liquor sales and liquor is sold and served mainly for consumption on premises: bars, nightclubs, taverns, etc. and food is incidental to the sale of alcohol inherently impose a greater likelihood of alcohol-related incidents to the community and should be considered a high risk establishment.

A restaurant type of establishment where food is the primary source of income and sales of alcoholic beverages are secondary, by its nature, is a medium to low risk threat to the community.

Under the same classifications, a major food or pharmacy type of establishment, that considers the sale of alcohol a minor part of gross sales are considered low risk establishments. Where as, liquor stores, convenient grocery stores, or gas stations would impose a higher risk. Security, management, and accessibility are not as controlled in high risk establishments.

EXAMPLE OF SELECTIVE ORDINANCE

(a) For licenses effective on or after (A date 90 days after passage of Ordinance) and all original or renewal applications for a class (Chosen by LLA) liquor licenses shall be accompanied with the proof of completion of an State of Illinois Liquor Control Commission certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all management personnel and anyone whose job description entails pouring, mixing, or dispensing of alcohol working on the premises pursuant to that license.

(b) All persons who sell or serve alcoholic beverages and anyone whose job description entails the checking of identification for the purchase of alcoholic beverages in establishments where the majority of gross revenue is collected by the retail sale of alcoholic beverages shall also be required to complete BASSET training.

(c) At least one person shall be required to be on premise, who has completed BASSET training, during hours when alcoholic beverages may be purchased.

(d) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12 (11.1) and 6-27

and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion.

(e) After (A date of 90 days after passage of Ordinance), any new employee, manager, or agent requiring BASSET training, shall within ninety (90) days from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

(f) A photo copy of certificate of completion for all employees, managers, or agents required by this ordinance to have BASSET training shall be maintained, by the establishment, in a manner that will allow inspection, upon demand, by any designee if the Liquor Control Commissioner.

(g) The Liquor Commissioner reserves the right to require BASSET training for all employees of any establishment when deemed necessary. A ruling of this kind shall remain binding until repealed by the Liquor Commissioner.

Explanations of Selective Ordinance

Paragraph (a):

This has the same effect as the “Blanket” ordinance in giving a ninety day grace period for compliance but only requires all management personnel involved in the sale of alcoholic beverages to be certified. This wording makes the general manager and manager of the liquor department subject to the ordinance and not the managers of other departments (meat, produce, cosmetics, etc.).

Paragraph (b):

This separates high and low risk establishments in terms of employees who are required to take training.

Paragraph (c):

The purpose here is to close any loopholes. Some high risk, off premise consumption establishments (convenient grocery stores, gas stations, etc.) would not fall under the category of “majority of gross revenues...”, but often only one employee is left alone to run the operation. This section of the

ordinance requires that regardless of gross revenue, one person must be on premise who has received training.

Paragraphs (d), (e), (f):

Same as “blanket” type of ordinance.

Paragraph (g):

The Liquor Commissioner can require BASSET training for all employees of any establishment without that ruling, in essence, being in contradiction with the ordinance.

BASSET “LICENSING” ORDINANCES- (Blanket and Selective)

There are differences between an ordinance requiring BASSET certification and one requiring licensing of sellers and servers. Licensing sellers and servers of alcohol gives the LLA more control over the employees of establishments.

With a licensing ordinance, the LLA can require that employees be subjected to a routine investigation by the police department. This may prevent individuals of unsavory character from working in an environment that may promote a base of operation for illegal activities. It also allows the police department the option of removing employees from their job and not allowing them to work in any establishment under their jurisdiction.

There is a cost factor in doing investigations, record keeping, etc. It is the LLA’s option to set appropriate fees at the time the ordinance is adopted.

EXAMPLE OF A BASSET TRAINING AND LICENSING “BLANKET” ORDINANCE

(a) For licenses effective on or after (A date of 90 days after passage of Ordinance) and all original or renewal application for a class (Chosen by LLA) liquor license, it shall be unlawful to employ or have act as agent any person who sell or serve alcoholic beverages, all management personnel working on the premises, and anyone whose job description entails the checking of identification for the purchases of alcoholic beverages, pursuant to that license, unless said person obtains from the LLA a license to perform activities pursuant to the retail sale of alcoholic beverages.

(b) A license shall be issued by the LLA to said applicant upon proof of completion of a BASSET program and upon receipt from the LLA’s Police Department of a background check of the applicant. The LLA shall prepare an appropriate form which all such applicants must fill out.

(c) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12 (11.1) and 6-27

and Title 77 of the Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file with the LLA's clerk all licenses and certificates to prove current qualifications and provide a picture type ID to participants as proof of completion.

(d) After (A date 90 days after passage of Ordinance), any new employee, managers or agent requiring licensing, upon the beginning of their employment with that licensee, file for a license and shall until issuance or denial of said license, not to exceed ninety (90) days from date of filing, work under the supervision of a person who has been issued a license required by this ordinance.

(e) No license shall be issued to a person:

1. Who has been convicted of a felony under the laws of the State of Illinois or of the United States.
2. Who has been convicted of any violation of LLA Ordinance or other acts opposed to decency or morality.
3. Engaged in the sale of alcoholic beverages to a minor.
4. Engaged in gambling.
5. In possession or engaged in the sale of cannabis or controlled substances.

(f) The singular or plural of any such felony, misdemeanor or any violation of the Liquor Code shall be grounds for suspension or revocation of the issued license by the Liquor Commissioner.

(g) The LLA shall issue to the applicant a license and a facsimile of that license shall be maintained in a manner, by the establishment, that will allow inspection, upon demand, by any designee of the Liquor Control Board.

(h) Each license shall be valid for one (1) year from the date of issuance. Renewal licenses shall be issued upon completion of the background check by the LLA's Police Department.

(i) The fee for said license shall be determined by the LLA upon original application and upon renewal.

(j) LLA's will honor all ILCC approved BASSET programs.

Explanation of BASSET Training and Licensing "Blanket" Ordinance

Other than the record keeping portions, a licensing ordinance, as written, gives the Liquor Commissioner a lot of leeway in protecting the health, safety, morals, and welfare of the community,

where liquor establishments are concerned.

Paragraph (f):

This does not require conviction in a criminal court for suspension or revocation of an individual's license. Even if a criminal court is unable to convict under proof beyond a reasonable doubt or for other constitutional or legal reasons, the Liquor Commissioner can still revoke or suspend under the Liquor Code on the grounds of preponderance of the evidence in a civil matter.

“Blanket” and “Selective” licensing ordinances would only differ with beginning paragraphs which identify individuals covered by the ordinance. Paragraphs (c) through (i) would be become (d) through (j) for a “selective” type of ordinance.

**EXAMPLE OF A BASSET TRAINING AND LICENSING “SELECTIVE”
ORDINANCE**

(a) For licenses effective on or after (A date 90 days after passage of Ordinance) and all original or renewal application for a class (Chosen by LAA) liquor licenses, it shall be unlawful to employ or have act as agent any management personnel and anyone whose job description entails the pouring, mixing, or dispensing of alcohol on the premises pursuant to that license, unless said person obtains from the LLA a license to perform activities pursuant to the retail sale of alcoholic beverages.

(b) All persons who sell or serve alcoholic beverages and anyone whose description entails the checking of identification for the purchase of alcoholic beverages in establishments where the majority of gross revenue is collected by the retail sale of alcoholic beverages shall also be required to be licensed by the LLA.

(c) At least one person shall be required to be on premises, who has a current license, during hours when alcoholic beverages may be purchased.

(d) A license shall be issued by the LLA to said applicant upon proof of completion of a BASSET program and upon receipt from the LLA's Police Department of a background check of the applicant. The LLA shall prepare an appropriate form which all such applicants must fill out.

(e) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12 (11.1) and 6-27 and Title 77 of the Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file with the LLA'S clerk, all licenses and certificates to prove current qualifications and provide a picture type ID to participants as proof of completion.

(f) After (A date 90 days after passage of Ordinance), any new employee, manager or agent, requiring licensing, upon the beginning of their employment with that licensee, file for a license and shall until issuance or denial of said license, not to exceed ninety (90) days from date of filing, work under the supervision of a person who has been issued a license required by this ordinance.

(g) No license shall be issued to a person:

1. Who has been convicted of a felony under the laws of the State of Illinois or of the United States.
2. Who has been convicted of any violation of a LLA Ordinance or other acts opposed to decency or morality.
3. Engaged in the sale of alcoholic beverages to a minor.
4. Engaged in gambling.
5. In possession or engaged in sale cannabis or controlled substances.

(h) The singular or plural of any such felony, misdemeanor or any violation of the Liquor Code shall be grounds for suspension or revocation of the issued license by the Liquor Commissioner.

(i) The LLA shall issue to the applicant a license and a facsimile of that license shall be maintained in a manner, by the establishment, that will allow inspection, upon demand, by any designee of the Liquor Control Commissioner.

(j) Each license shall be valid for one (1) year from the date of issuance. Renewal licenses shall be issued upon completion of the background check by the LLA's Police Department.

(k) The fee for said license shall be determined by the LLA upon original application and upon renewal.

(l) LLA's must honor all ILCC approved BASSET programs.

CONCLUSION

These four examples are the compilation of ordinances already in effect in 50 known municipalities that mandate BASSET training. Intent, wording, manageability, and feedback from committee members were taken into account in preparation of this report.

There are several municipalities in the State of Illinois seeking to mandate BASSET in their local ordinances. The educating and training of sellers/ servers is being sought after by the industry, law enforcement and governing officials.

BASSET training is voluntary in the State of Illinois, while states like Washington, Louisiana, New Mexico, and Texas mandate it. Part of the Illinois Liquor Control Commission's role along with regulating the alcoholic beverage industry, is encouraging responsible service of alcohol.

The ILCC hopes that more sellers/ servers get trained and local municipalities will make BASSET training available in their communities.

**SAMPLE BASSET ORDINANCES
VARIOUS MUNICIPALITIES**

SAMPLE ORDINANCE I

Employees:

- (A) On **DATE**, all holders of any class of liquor license with the City shall require all employees who serve, sell, or distribute alcoholic liquor to successfully complete a Beverage Alcohol Sellers and Servers Education and Training (“BASSET”) certified class sponsored or approved by the City **DEPARTMENT**. One day licenses shall be exempt from the requirement herein, but shall comply in all other respects to the conditions imposed upon a one day license by the mayor acting as the local liquor control commissioner.
- (B) All holders of licenses shall maintain copies of all employee BASSET certificates on the licensed premises for inspection by the City. Further, BASSET certificates shall be carried and exhibited on demand in order to show compliance with these provisions to a requesting City police officer, Mayor or designee.
- (C) All new employees employed after **DATE**, shall be allowed **NUMBER (XX)** days from the employee’s first date of employment to complete the required BASSET training or must be registered for BASSET training sponsored by the City within **NUMBER (XX)** days from the employee’s first date of employment. The license holder shall be required to provide verification of the employee’s first date of employment for the purposes of this section upon demand.
- (D) The liquor commissioner may in his or her sole discretion extend the time for completion of training for an additional **NUMBER (XX)** day period. All requests for an extension shall be in writing and delivered to the mayor at least fifteen (15) days before the deadline for the BASSET training certification.
- (E) Any license holder who violates the provisions of this section by employing a person or persons without a valid BASSET certificate shall be guilty of an offense and fined one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and five hundred (\$500.00) for the third offense during a twelve (12) month period. Further, if a fourth offense occurs in a twelve (12) month period, the City issued liquor license shall be revoked for the license holder.

SAMPLE ORDINANCE II

Training Required: It shall be unlawful to sell or to offer for sale alcoholic liquor unless a minimum of one person is present who has successfully completed an alcohol training course as approved by the liquor control commissioner. All original and renewal applications for all classes of liquor licenses shall be accompanied with proof of completion of the training for Beverage Alcohol Sellers and Servers Education and Training (BASSET).

SAMPLE ORDINANCE III

Alcohol Education Training Requirements:

- A. The renewal of application for a class **SPECIFY CLASSES** license shall be accompanied with proof of completion of a state certified alcohol education and training program approved by the City liquor commission for all persons who have been employed **NUMBER (XX)** days or more and who serve or sell alcoholic beverages pursuant to that license.
- B. New employees or managers of a licensee who are required to complete alcohol training shall within **NUMBER (XX)** days from the beginning of their employment with that licensee, complete the alcohol education program and unless said alcohol education program is successfully completed within said **NUMBER (XX)** day period, shall be prohibited from serving or selling alcoholic beverages pursuant to that license. Until completion of the alcohol education training program, but in no event to exceed **NUMBER (XX)** days, such new employee shall work under the supervision of a person who has completed such alcohol education training program.
- C. A photocopy of the certificate of completion of the alcohol program must be filed with the City Clerk and maintained in the manager's office on the premises of the licensee.

SAMPLE ORDINANCE IV

Training Required:

- A. All holders of any class of liquor license within the City shall require the general manager of the business to successfully complete Beverage Alcohol Servers and Sellers Education Training (BASSET) certified training class. A copy of the completed BASSET training certificate shall be filed with the City Clerk's office.
- B. All new general managers shall be allowed **NUMBER (XX)** months from their first date of commencement of work performed to complete their required BASSET training.
- C. Anyone who is issued a class **SPECIFY CLASSES** license shall have at least one person who is BASSET trained and certified who shall be at the location where alcoholic liquor is being served at all times during the event. Such person shall have supervisory authority over and be responsible for the actions of all employees and volunteers not having the required training.
- D. Failure to comply with the provisions of this section may subject the licensee to the penalties for violation of this chapter, up to and including revocation of the license.