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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 9. ALCOHOLIC BEVERAGES [23000 - 25762] (*Division 9 added by Stats. 1953, Ch. 152.*)

CHAPTER 16. Regulatory Provisions [25600 - 25692] (*Chapter 16 added by Stats. 1953, Ch. 152.*)

ARTICLE 4. Responsible Beverage Service (RBS) Training Program Act of 2017 [25680 - 25686] (*Article 4 added by Stats. 2017, Ch. 847, Sec. 2.*)

25680. For purposes of this article:

(a) "Alcohol server" means a person who serves alcoholic beverages for consumption, or a person who manages or supervises that person, on premises licensed to serve alcoholic beverages pursuant to this division, including a designee for alcoholic beverage sales and service pursuant to temporary license.

(b) "Alcohol server certification" means a certification issued by a training provider to a person who has successfully completed an RBS training course, as demonstrated by the passage of an exam.

(c) "RBS training course" means a course administered by a training provider that is designed to instruct and educate alcohol servers on responsible practices regarding the sale and service of alcoholic beverages that includes, but is not limited to, instruction on the following subjects:

(1) The social impact of alcohol.

(2) The impact of alcohol on the body.

(3) State laws and regulations relating to alcoholic beverage control, including laws and regulations related to driving under the influence.

(4) Intervention techniques to prevent the service or sale of alcoholic beverages to underage persons or intoxicated patrons.

(5) The development of management policies that support the prevention of service or sale of alcoholic beverages to underage persons or intoxicated patrons.

(d) "RBS training program" means a statewide Responsible Beverage Service training program administered or authorized by the department that provides RBS training courses to licensees and their agents and employees.

(e) "Training provider" means any of the following:

(1) A training provider accredited by an accreditation agency, provided that the accreditation agency is authorized by the department to accredit training providers offering RBS training courses.

(2) A training provider approved by the department, pursuant to rules promulgated by the department pursuant to subdivision (b) of Section 25681.

(3) The department when offering RBS training courses.

(*Added by Stats. 2017, Ch. 847, Sec. 2. (AB 1221) Effective January 1, 2018.*)

25681. (a) The department shall develop, implement, and administer a curriculum for an RBS training program that will make RBS training courses available, both in person and online, to all persons required to obtain an alcohol server certification pursuant to this article. RBS training courses shall, at a minimum, be offered in English and Spanish.

(1) The department may be a provider of RBS training courses.

(2) The department shall authorize one or more accreditation agencies to accredit training providers to offer RBS training courses that meet the curriculum requirements established by the department. The department may collect fees to cover its reasonable costs for the review, approval, and renewal of the approval of accreditation agencies.

(3) An accredited training provider shall register with the department once accredited.

(b) (1) The department may approve training providers that are not accredited by an accreditation agency authorized by the department. The department shall promulgate regulations setting forth the requirements for approval for training providers that are not accredited. At a minimum, training providers that are not accredited shall:

(A) Possess background and expertise in the fields of alcohol, training, hospitality, and psychology.

(B) Keep records of all certifications issued and, upon request, make these available to the department or other law enforcement agencies.

(C) Provide technical support to servers and customers.

(D) Maintain strict data security protocols.

(E) Comply with any other requirements established by the department.

(2) The department may collect fees to cover its reasonable costs for the review, approval, and renewal of the approval of training providers that are not accredited by an accreditation agency.

(c) A training provider shall register with the department once accredited by an authorized accreditation agency or approved by the department.

(d) A training provider shall issue alcohol server certifications to persons who have successfully completed an RBS training course and passed an exam.

(e) An alcohol server certification shall be valid for a period of three years from the date of issuance and shall be valid for any person employed by a licensee that is subject to this article.

(f) (1) Commencing on or before January 1, 2027, the RBS training courses shall include all of the following:

(A) Best practices on how to prevent or protect a person from drink spiking.

(B) Best practices if the person believes they have, or someone they know has, been drugged as a result of drink spiking.

(2) For purposes of this subdivision, "drink spiking" means putting alcohol or drugs into another person's drink without their knowing and express consent, also known as roofying.

(Amended by Stats. 2024, Ch. 829, Sec. 1. (AB 2402) Effective January 1, 2025.)

25682. (a) Beginning July 1, 2022, a licensee that is subject to this article shall not employ or continue to employ any alcohol server without a valid alcohol server certification.

(1) An alcohol server who was employed by the licensee prior to July 1, 2022, shall obtain an alcohol server certification by August 31, 2022.

(2) An alcohol server who is employed by the licensee on or after July 1, 2022, shall obtain an alcohol server certification within 60 calendar days of employment.

(b) (1) A licensee that is subject to this article shall ensure that each alcohol server it employs has a valid alcohol server certification. The licensee shall maintain records of certifications for inspection, upon request, by the department.

(2) Except for a violation of subdivision (c), it shall be a defense against any action for a violation of this article that the alcohol server was within 60 calendar days of initial employment or, with regard to employees employed prior to July 1, 2022, between July 1, 2022, and August 31, 2022, inclusive.

(c) A nonprofit organization that has obtained a temporary daily on-sale license or a temporary daily off-sale license from the department shall designate a person or persons to receive RBS training prior to the event, and that designated person or persons shall remain onsite for the duration of the event.

(Amended by Stats. 2020, Ch. 14, Sec. 1. (AB 82) Effective June 29, 2020.)

25683. A person shall not perform duties that include the sale or service of alcoholic beverages for consumption on licensed premises, and shall not manage that person, without a valid alcohol server certification.

(Added by Stats. 2017, Ch. 847, Sec. 2. (AB 1221) Effective January 1, 2018.)

25684. The failure of a licensee to comply with this article shall be grounds for disciplinary action. A violation of this article shall not be grounds for any criminal action, pursuant to this division, against a licensee or an agent or employee of a licensee.

(Added by Stats. 2017, Ch. 847, Sec. 2. (AB 1221) Effective January 1, 2018.)

25685. (a) The department may adopt rules that it determines necessary for the administration of the provisions of this article.

(b) The department may charge fees as necessary to cover its reasonable costs for administering the program authorized by this article.

(c) The department may charge a fee, not to exceed five dollars (\$5) per person, for administering the exam required for an alcohol server certification.

(d) If the department offers an RBS training course, the fee charged by the department for that course shall not exceed fifteen dollars (\$15) per person.

(e) Any moneys collected under this article shall be deposited in the Alcohol Beverage Control Fund.

(Amended by Stats. 2019, Ch. 29, Sec. 72. (SB 82) Effective June 27, 2019.)

25686. Nothing in this section shall be construed to expand the existing duties of a licensee in connection with the sale and service of alcoholic beverages. An alcohol server shall continue to be subject to subdivisions (b) and (c) of Section 25602.

(Added by Stats. 2017, Ch. 847, Sec. 2. (AB 1221) Effective January 1, 2018.)