

State of Rhode Island Supplement

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The following information is specific to the State of Rhode Island. All of the material included in this supplement must be included in all training classes in the State of Rhode Island. Failure to cover this material will result in the training class being deemed invalid. If you have any questions regarding the supplement, please contact the National Restaurant Association Educational Foundation at (800) 765-2122.

Drinking by Underage Persons

In the State of Rhode Island, license holders shall not sell, furnish, or allow the consumption of alcoholic beverages to any person who has not reached his or her twenty-first (21st) birthday upon any licensed premises.

Acceptable Forms of Identification

In the State of Rhode Island, the following forms of identification are acceptable:

- A motor vehicle operator's license, which bears the date of birth of the licensee, and which is issued in Rhode Island or any other state.
- An armed service identification card
- Valid Passport
- Rhode Island identification card

Alcohol Server Certification Permits

In the State of Rhode Island, it is a requirement that all persons who sell or serve alcoholic beverages, anyone serving in a supervisory capacity over those who sell or serve alcoholic beverages, anyone whose job description entails the checking of identification for the purchase of alcoholic beverages and valet parking staff must receive Alcohol Server Training.

Eligible employees are required to complete the certified training within sixty (60) days of the date of hire. The trainees must receive a score of 75% or better on the certification exam. Certificates must be renewed every three years.

Each licensee must submit to their municipality information verifying that all persons required to have training employed by the licensee for more than sixty (60) days in the past year have completed a certified training program within the last three (3) years.

Those individuals required to have training must have their valid server permits on the premises when engaged in the sale or service of alcoholic beverages.

Service of Liquor to a Visibly Intoxicated Person

In the State of Rhode Island, anyone who recklessly serves liquor to a visibly intoxicated individual is liable for damages proximately caused by that individual's consumption of liquor.

Service of liquor is reckless if a defendant intentionally serves liquor to an individual when the server knows that the individual being served is a minor or is visibly intoxicated, and the server consciously disregards an obvious and substantial risk that serving liquor to that individual will cause physical harm to the drinker or to others.

Some specific serving practices that are admissible as evidence of reckless conduct include, but are not limited to, the following:

- Active encouragement of intoxicated individuals to consume substantial amounts of liquor
- Service of liquor to an individual who is under twenty-one (21) years old when the server has actual or constructive knowledge of the individual's age
- Service of liquor to an individual that is so continuous and excessive that it creates a substantial risk of death by alcohol poisoning

Regulations Regarding Happy Hour and Open Bar

No licensee, employee or agent of any licensee who is licensed to sell alcoholic beverages shall:

- Cause or require any person or persons to buy more than one drink at a time by reducing the price of that drink
- Increase the volume of alcohol contained in any alcoholic beverage without proportionately increasing the price
- Sell, propose to sell or deliver to any person or persons an unlimited number of drinks during a certain period of time for a fixed price
- Allow or encourage any game or promotion on the premises which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as prizes for consumption on the premises

Licensees shall not advertise or promote in any manner, or in any medium, happy hours, open bars, two-for-one nights and /or free drink specials.

There are no prohibitions against offering free food or entertainment at any time. There are no prohibitions against including an alcoholic beverage as part of a meal package or delivering wine by the bottle or carafe when sold with meals or to more than one person. There are no prohibitions against wine tasting.

Hours of Operation

In the State of Rhode Island, an establishment may be open for business and regularly patronized at least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided that no alcoholic beverage is sold or served after one o'clock (1:00) a.m., nor before six o'clock (6:00) a.m.

Class B licensees may pay an additional fee if approved to open for business at twelve o'clock (12:00) p.m. and on Fridays and Saturdays and the night before legal state holidays may close at two o'clock (2:00) a.m.

Criminal and Administrative Penalties for the Server, Owner, and Manager, in the State of Rhode Island

Any person who sells or suffers to be sold or delivered any beverage to a person who has not reached his or her twenty-first (21st) birthday either for his or her own use or the use of his or her parents or any other person, or allows any person who has not reached his or her twenty-first (21st) birthday to drink beverages on licensed premises or suffers or allows any persons who have not reached their eighteenth (18th) birthday to sell or serve any beverage on the premises shall for the first offense be subject to a fine of \$250. For the second offense, be subject to a fine of \$500 and for the third and any subsequent offense, be subject to a fine of \$750. If there are no offenses in three (3) successive years from the date of the last offense, then the next offense shall be treated as a first offense.

Alcoholic beverage retail licensee's and any employee or agent of the licensee along with any person who, at the time of an act of giving rise to liability, was required by law to have had an alcoholic beverage retail license and any employee or agent of that person is liable for negligently serving liquor to a minor and damages proximately caused by the minor's consumption of the liquor.

Alcoholic beverage retail licensee's and any employee or agent of the licensee along with any person who, at the time of an act of giving rise to liability, was required by law to have had an alcoholic beverage retail license and any employee or agent of that person is liable for recklessly serving liquor to a minor and damages proximately caused by the minor's consumption of the liquor.

Damages may be awarded for all injuries recognized under Rhode Island common or statutory law. Punitive damages may be awarded in all actions based on reckless conduct. Punitive damages may not be awarded for actions based on negligent conduct

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