

## **ATC Responsible Business Pilot Program**

Dear Permit Holder:

As Commissioner, I know that most business owners are committed to preventing their employees from selling to underage persons. In an attempt to partner with these “well intentioned” businesses, the Louisiana Office of Alcohol & Tobacco Control (ATC) is initiating a “Responsible Business” pilot program. This *voluntary* program will provide a source of mitigation from multiple offenses for the sale and/or service of alcoholic beverages and/or tobacco products to minors for qualifying businesses. A qualifying business must demonstrate a strong commitment to voluntary compliance with the alcoholic beverage and tobacco control laws and regulations by taking proactive measures to prevent the sale and service of alcohol and/or tobacco to underage persons.

### **How the program will work:**

Currently, ATC administrative violations remain on your record for a period of three years and the penalty is increased for each additional violation of the same type within that three year period. *However*, under this pilot program, qualifying businesses which commit to implementing and continuously completing ALL of the procedures set out below will have the time period that a violation remains on their record, relative to the sale and/or service of alcoholic beverages and/or tobacco products, *reduced from three years to two years*. This pilot program may potentially reduce the penalties associated with cumulative offenses.

In other words, by demonstrating a strong commitment to preventing underage sales through the implementation and fulfillment of these proactive procedures, ATC will clear your record of each underage sale and/or service violation in two calendar years from the date said violation was issued. (Note: cumulative violations will still apply for subsequent violations issued within the two year period.)

### **Required procedures for participation in the pilot program:**

In order to participate in the “Responsible Business” pilot program, your business must agree to implement and continuously complete ALL of the following procedures:

1. Employee Discipline - The business must agree to discipline any employee found by ATC to have sold and/or served either an alcoholic beverage or tobacco product to an underage person. If the same server is found by ATC to have sold and/or served either alcohol or tobacco to an underage person for a second time within a two year period, the business must agree to immediately terminate the employee and not employ that person for at least a period of one year.

2. Employee Training - The business must agree to conduct a training course at least once a year for **all** employees relative to the responsible sale and/or service of alcoholic beverage and tobacco products. Additionally, the business must submit a report to ATC of the date, time, and duration of each training session, along with a list of printed names and signatures of each employee that attended each training session one year after your program has been approved and each year after that or upon request of an ATC agent.
3. Responsible Vendor (RV) Certification - The business must agree to ensure that all employees maintain a valid RV certification and that each new hire be RV certified **prior to hiring**.
4. Secret-Shopper Program - The business must agree to institute a secret shopper program, which must receive prior written approval from the ATC Commissioner and comply with ALL of the following:
  - Send an underage secret shopper into your business at least once a quarter to attempt a purchase of alcohol and tobacco products (depending on what type of permit you hold).
  - The secret shopper must be under the age of 21 years for alcohol and under the age of 18 years for tobacco.
  - The secret shopper cannot be under the age of 17 years.
  - The secret shopper shall not be allowed to consume alcoholic beverage or use tobacco products at any time.
  - The ATC report of secret shopper findings form (attached and on our website at [www.atc.la.gov](http://www.atc.la.gov)) shall be fully completed and submitted to ATC one year after you received approval from ATC to begin your program and each year after that or upon request by an ATC agent.
  - No violations will be issued by ATC for any sales made to your secret shopper; however, the employee that sells and/or serves an alcoholic beverage or tobacco product to an underage secret shopper shall be dealt with according to your policy and procedures.
  - If the secret shopper is denied the sale and/or service of an alcoholic beverage or tobacco product, the employee who denied the sale and/or service shall be given a certificate of commendation and at least a \$25 reward from the business.
  - You can choose to either perform secret shopping in-house by your own business where your business hires the secret shoppers and administers the programs, or you may contract with a third party company. Either way, the secret shopper program must be approved by the ATC Commissioner in advance.

**Disqualifying factors:**

A business will be immediately disqualified from participation in the “Responsible Business” pilot program upon finding:

1. An owner or the spouse of an owner sold and/or served an alcoholic beverage or tobacco product to an underage person; or
2. It is determined by the ATC Commissioner that the business has not genuinely complied with *all* of the provisions of this program.

If you are interested in participating in this voluntary program or you have questions, please email us at [ResponsibleBusinessProgram@atc.la.gov](mailto:ResponsibleBusinessProgram@atc.la.gov) to sign up and get started. You will then be contacted by ATC to set up your program. Please be patient with us due to the expected high demand of this program.

Sincerely,

A handwritten signature in black ink, appearing to read "Juana Lombard", written in a cursive style.

Juana Lombard, Commissioner  
Office of Alcohol and Tobacco Control