HOUSE DOCKET, NO. 2400 FILED ON: 1/17/2013

HOUSE . . . . . No. 261

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Murphy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to third party training and background checks for violent history for security staff at bars and clubs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James M. Murphy	*4th Norfolk*

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HOUSE . . . . . No. 261

By Mr. Murphy of Weymouth, a petition (accompanied by bill, House, No. 261) of James M. Murphy for legislation to require background checks and training of security staff employed at bars and clubs serving alcoholic beverages. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1833* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to third party training and background checks for violent history for security staff at bars and clubs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Background Checks.

No person may perform the duties of security staff (bouncers, doormen, floor staff, or other persons performing duties related to admission of patrons and/or maintaining order and safety) at bars, clubs, pubs, taverns, or any other establishment serving alcoholic beverages pursuant to a license authorized by section 12 of chapter 138 of the general laws of Massachusetts unless the proprietor, owner, or manager of the establishment has performed a CORI check pursuant to chapter 6 of the general laws of Massachusetts and chapter 803 of the Code of Massachusetts Regulations, that person has been found qualified to perform the required duties, and that such determination of qualification has been memorialized in writing by the proprietor, owner, or manager. The background check should focus on violent criminal history or other incidents that are strictly related to the duties of the position.

Section 2. Third-Party Training.

No person may perform the duties of security staff (bouncers, doormen, floor staff, or other persons performing duties related to admission of patrons and/or maintaining order and safety) at bars, clubs, pubs, taverns, or any other establishment serving alcoholic beverages pursuant to a license authorized by section 12 of chapter 138 of the general laws of

17 Massachusetts unless (i) the person has satisfactorily completed a program of third-party training
18 to identify a problem patron exhibiting behavior including, but not limited to, aggressive
19 behavior, underage consumption of alcoholic beverages, presentation of false/fake identification,
20 (ii) the person has satisfactorily completed a program of third-party training to employ best
21 practices regarding safe removal of the aforesaid problem patron from the premises without
22 physically harming the problem patron, another patron, or any staff member, (iii) the person has
23 received a certificate indicating satisfactory completion of the training from the third-party
24 trainer, and (iv) the proprietor, owner, or manager of the establishment has verified such
25 completion and memorialized such verification in writing.

26 Section 3. Regulatory Authority.

27 The Executive Office of Public Safety shall have the authority to promulgate rules and
28 regulations necessary to implement and enforce these sections.

29 Section 4. Severability.

30 If any provision of this act or the application of such provision to any person or
31 circumstance shall be held invalid, the validity of the remainder of this act and the applicability
32 of such provision to other persons or circumstances shall not be affected thereby.

33 Section 5. Implementation.

34 The provisions of this act shall be effective thirty (30) calendar days after passage.