

HOUSE No. 275

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 SECTION 1. Background Checks.

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

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

Section 3. Regulatory Authority.

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

Section 4. Severability.

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

Section 5. Implementation.

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