

**WISCONSIN DEPARTMENT OF REVENUE  
DIVISION OF INCOME, SALES, AND EXCISE TAX**

**NOTICE OF PROPOSED GUIDANCE DOCUMENTS**

Pursuant to sec. 227.112, Wis. Stats., the Wisconsin Department of Revenue, Division of Income, Sales, and Excise Taxes hereby seeks comment on the proposed guidance document listed in the table below.

**SUBMITTING PUBLIC COMMENTS**

Public comments on proposed or adopted guidance documents may be submitted online at: <https://www.revenue.wi.gov/Pages/contactUs/proposed-Guidance.aspx>.

**DEADLINE FOR SUBMISSION**

The period for public comment for proposed guidance documents ends 21 days after publication in the Administrative Register, unless the Governor approves a shorter commenting period.

<b>Document Number</b>	<b>Document Title</b>
<b>100256</b>	Providing a Responsible Beverage Server Course - Common Questions

State of Wisconsin  
Department of Revenue

# Providing a Responsible Beverage Server Course

**This is a proposed guidance document. The document has been submitted to the Legislative Reference Bureau for publication in the Administrative Register for public comment as provided by sec. 227.112(1), Wis. Stats.**

1. How do I become an approved Responsible Beverage Server (RBS) Course provider in Wisconsin?
2. How do I get the tobacco and cigarette seller portion of my course approved?
3. How do I create content for the course?
4. What are the course expectations?
5. What are the requirements for a course's certificate of completion?
6. What are the exam expectations?
7. Won't revealing the correct answers to incorrect responses compromise exam integrity?
8. Does the comprehensive exam require tobacco seller-related questions?
9. Is there a mandatory time limit for the course?
10. Who reviews the course at Department of Revenue (DOR)?
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13. What does Department of Revenue (DOR) look for when reviewing the course?
14. Is there a fee to become an approved course?

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1. **How do I become an approved Responsible Beverage Server (RBS) Course provider in Wisconsin?**

The Wisconsin Department of Revenue: Alcohol and Tobacco and Enforcement Unit (A&T Unit) handles the approval process for course providers. Interested course providers should contact the A&T Unit expressing their interest. The best way to contact the A&T unit is via e-mail: [DORAlcoholTobaccoEnforcement@wisconsin.gov](mailto:DORAlcoholTobaccoEnforcement@wisconsin.gov).

All courses must also have a tobacco, cigarette, and nicotine seller component that is approved by the Wisconsin Department of Health Services (DHS).

## 2. **How do I get the tobacco and cigarette seller portion of my course approved?**

The Wisconsin Department of Health Services (DHS) must approve the tobacco seller-related content for the course. Nancy Michaud is the current coordinator at DHS.

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## 3. **How do I create content for the course?**

All course content must be original, with the exception that courses are encouraged to extensively quote and paraphrase from [Publication 302](#), *Wisconsin Alcohol Beverage and Tobacco Laws for Retailers*, Wisconsin statutes and administrative rules, or other guidance documents posted on Department of Revenue's website.

Course providers may not copy, paraphrase, or reproduce content from another course or from any other third-party without express approval from the owner of the content. If using materials hosted on or produced by a third-party platform, the course provider is accountable for the content and continuous availability.

Finally, the use of any statistics or factual claims must be accompanied by citation to a reputable source (scholarly journal, government agency report, or similar verifiable source).

The tobacco seller course content may use either the Wisconsin Department of Health Services (DHS) curriculum and test at [WITobaccoCheck.org](http://WITobaccoCheck.org) (recommended) or create original course content meeting DHS approval.

- Tobacco seller courses using [WITobaccoCheck.org](http://WITobaccoCheck.org) must contact DHS to set up a unique link to and from the site.
- Course providers creating original tobacco content are encouraged to use study guides from [WITobaccoCheck.org](http://WITobaccoCheck.org).

## 4. **What are the course expectations?**

All RBS courses are required to have content that covers the responsibilities of sellers of alcohol beverages and tobacco-related products.

The Wisconsin Department of Health Services (DHS) must approve the tobacco seller-related content of the course. The Wisconsin Department of Revenue will not approve any course without DHS's approval of the tobacco seller-related content.

Approved courses must contain the majority of the content found in [Publication 302](#), *Wisconsin Alcohol Beverage and Tobacco Laws for Retailers*. Approved courses will also review all key points of [Chapter 125](#) and the enforcement portions of [Chapter 139](#) of Wisconsin Statutes. Wisconsin

Administrative Code Chapters Tax 7 and 8 may also help provide relevant content.

Courses should also have curriculum covering the importance of responsible alcohol beverage service; the effects of alcohol beverages on the body; levels of intoxication; and techniques for controlling over-consumption.

Courses must have a direct link and specific reference to the False Identification / False Driver's License Checking Guide found on page 14 of [Publication 302](#).

Courses should discuss the required business practices expected of retailers of alcohol beverages, including the requirement to hold a Wisconsin seller's permit and registration with the federal [Alcohol and Tobacco Tax and Trade Bureau](#).

Once the course is approved, there must be a direct link to the approved course; not a parent company with several states and course versions to choose from. Department of Revenue will post this direct link on our [website](#) under the approved "online instruction providers" heading.

#### 5. **What are the requirements for a course's certificate of completion?**

All courses should provide a certificate of completion to students that complete the course and earn at least 80% on the course's comprehensive exam. The certificate of completion must have the name of the approved provider; not the parent company or any other name.

The certificate must have the following text included: "This certificate represents the successful completion of an approved Wisconsin Department of Revenue Responsible Beverage Server Course in compliance with secs. 125.04(5)(a)5., 125.17(6), and 134.66(2m), Wis. Stats."

Students present the certificate of completion to their municipal clerks when applying for an Operator's License. Clerks look for the approved provider's name, clearly stated, and the statutory references above before determining if a certificate of completion is valid.

#### 6. **What are the exam expectations?**

Exams must be comprehensive of the entire course material, including questions that specifically relate to Wisconsin statutes. If the course uses the [WITobaccoCheck.org](#) exam to complete the required tobacco seller-related portion, the final exam does not need to include questions related to the tobacco seller-related content.

The passing threshold for the exam must be at least 80%.

The exam must provide students the opportunity to re-take the test if not passing on their first attempt. After the completion of the exam, whether passing or failing, a student's incorrect responses must be displayed as well as information that provides students the correct response. The goal is for all students to master all concepts of the course, which is why specific exam feedback is necessary. Courses may accomplish this in a variety of ways and should contact Department of Revenue while designing their course to ensure the exam meets these requirements.

#### 7. **Won't revealing the correct answers to incorrect responses compromise exam integrity?**

The purpose of the course is for each student to master all parts of the course curriculum, whether initially passing the exam or not. Knowing areas that the student has not mastered is a critical component. Exam providers may choose the method by which they relay the correct information to

students to minimize the risk of compromising exam integrity. Department of Revenue can provide feedback and suggestions for how to strengthen exam integrity while meeting this requirement.

**8. Does the comprehensive exam require tobacco seller-related questions?**

It depends. If the course is using the Department of Health Services (DHS) [WITobaccoCheck.org](http://WITobaccoCheck.org) content and related exam, the final exam does not need to also contain tobacco seller-related questions. However, if a course provider creates original content approved by DHS, then the final exam must contain tobacco seller-related questions. You must provide the questions to DHS for review with the related course content.

**9. Is there a mandatory time limit for the course?**

Approved courses tend to take about 4 hours or longer to complete. That amount of time can vary depending upon the course structure and how the course displays information. If a course includes all required components, it would be difficult to include all this material in less than 4 hours.

**10. Who reviews the course at Department of Revenue (DOR)?**

The Wisconsin Department of Revenue: Alcohol and Enforcement Unit provides the ultimate approval for Responsible Beverage Server courses. Other DOR employees may work with you on the course prior to final submission and approval.

**11. How long does the approval process take?**

Course review takes a significant amount of time, usually at least a month, once a course has been submitted to the Department of Revenue (DOR). It can take even longer depending upon how many courses are currently under review or re-approval.

Once DOR reviews the course, we will provide a detailed analysis of the course, including required content revisions. This is usually just the first of several rounds to get the course content to an approved level. Department of Revenue will continue to work with you until the course gains approval. Ensuring that the course undergoes careful proofreading and revisions on your end prior to each round of review significantly expedites the process.

The entire process usually takes between two and three months once the course is submitted to DOR for initial review.

The tobacco seller course approval is a separate process conducted by the Wisconsin Department of Health Services (DHS). If the course utilizes a unique link to [WITobaccoCheck.org](http://WITobaccoCheck.org), approval may take 1-2 weeks and will not require re-approval. The approval process for courses creating original content may take at least three months.

**12. How long are RBS course approvals valid?**

Department of Revenue (DOR) continuously reviews both new and previously-approved courses to ensure that the course content is up-to-date and reflects current statutes. Department of Revenue staff will reach out to approved course providers either after significant law changes or on a routine schedule to review courses to ensure they continuously meet DOR standards.

Courses that fail to update their courses to reflect changes in Wisconsin statutes or do not make required revisions identified by the Department of Revenue or the Department of Health Services risk their course approval being revoked.

**13. What does Department of Revenue (DOR) look for when reviewing the course?**

The primary concern of DOR's review is that the content includes all required components and that the exam meets DOR's requirements discussed in Question 5 on this page. We will also review the course and exam for functionality.

All information must be current, correct, and easy to understand. Similarly, the course should be free of any typographical errors, significant grammar problems, or general proofreading shortcomings.

While DOR does not generally comment on the course's presentation style, DOR may require changes if there are significant problems with the audio track (if included) or visual display.

**14. Is there a fee to become an approved course?**

No.

## Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of February 28, 2020: Sections 125.04(5)(a)5., 125.17(6), and 134.66(2m) Wis. Stats.

Laws enacted and in effect after February 28, 2020, new administrative rules, and court decisions may change the interpretations in this document. Guidance issued prior to February 28, 2020, that is contrary to the information in this document is superseded by this document, pursuant to sec. 73.16(2) (a), Wis. Stats.

### FOR QUESTIONS OR COMMENTS CONTACT:

MS 6-40

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