AACEA STUDENT MANUAL Online Course

California RBS Training

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Module 1: The purpose of the RBS program

- Enrollment Agreement.
- Who is required to attend a Responsible Beverage Service Training.
- It is illegal to serve alcohol without attending a Responsible Beverage Service Training Program.
- Steps to receiving your certification.
- Seminar Objectives.

The State of California requires that all servers, managers, bartenders, or persons who supervise persons who serve alcohol in an on premises establishment licensed by the Alcoholic Beverage Control (ABC). The license grants the privilege to serve alcoholic beverages to patrons who then consume the beverage within the licensed premise.

Failure to comply with Business and Professions Code § 25684 shall be grounds for disciplinary action. A violation of this article shall not be grounds for any criminal action, pursuant to this division, against a licensee or an agent or employee of a licensee.

Servers, managers, means any person who trains, hires, or oversees alcohol servers at an ABC licensed premises, or any person who makes policy or operational decisions dictating how alcohol service is performed at an ABC licensed premises, including but not limited to, when to check identification or when to refuse service to a patron. In short, anyone who does the following actions:

- Checking a patron's identification.
- Taking a patron's alcoholic beverage order.
- Pours alcoholic beverages for patrons.
- Serving alcoholic beverages to patrons.
- The RBS seminar must be passed within 60 days of initial employment.

(Initial employment means the date an employee signs an employment contract or employee tax and indemnification documents whichever is sooner.)

You will be issued a certification number that is provided to you when you register with ABC, the number will become "Active" once you successfully complete training and pass the final certification exam.

- RBS in California is a certification, not a permit or license.
- There will not be a physical card that is issued to you.
- ABC on-premises licensees must independently confirm any employed or contracted alcohol server is certified under Business and Professions Code § 25682.
- The certification is valid for 3 years.
- Must be renewed every 3 years by taking an approved California Responsible Beverage. Service Training Program and passing the final exam.

- Once you complete and pass this course, your RBS exam will be available within 24 hours. You will receive an email from the ABC/RBS Portal notifying that your exam is ready.
- You will have 30 days to take the final exam.
- There is a $3.00 charge paid to the ABC.
- A score of 70 percent must be achieved to pass the final exam.
- You will have 3 attempts to pass, if you don't pass the exam after the third attempt you will need to retake the course and repay the ABC $3.00 to take the final exam.

Seminar Objectives:

- Alcohol and the hospitality industry.
- How you as a server can impact your community with responsible alcohol service.
- DUI and its impact on society.
- The liability you can be accountable for, both civil and criminal.
- California Liquor Laws.
- Alcohol as a drug and its effect on the body and behavior.
- Facts and Myths about alcohol.
- What alcohol is?
- Alcohol's path through the body.
- Alcohol and drugs don't mix.
- Factors influencing the effect of alcohol.
- Recognizing drinking levels.
- Recognizing the problem drinker and techniques for servers to help.
- Overview of state alcohol laws.
- Techniques for dealing with the problem customers.
- Intervention techniques.
- Establishing house rules for regulating alcoholic beverages.
- Alternative means of transportation and getting the customer home safely.

Module 2: Alcohol and the Hospitality Industry

- Why do you work in the hospitality industry?
- What do you expect from working in the hospitality industry?
- By controlling the problems with alcohol, you will make more money.
- Why do people drink?
- What problems do you see happening from alcohol consumption?
- Statistics of the problems and the impact they have on society.
- The Implied Consent Law
- DUI
- The costs incurred from DUI.
- How you as a server can directly impact DUI.

Alcohol sales benefits for the community:

- Community networking
- Increased jobs and revenue
- Social events and fundraisers
- Good for tourism
- Provides entertainment

The way the establishment is operated is how community will be impacted:

- Positive or negative.
- Positive always wins. (Not only does alcohol sales benefit your establishment, it benefits all of the economy and community when served responsibly, it impacts community networking, increased jobs and revenue, social events and fundraisers, it's good for tourism, and provides entertainment. How you run your establishment is how the impact of it will have on your community - positive or negative.)
- Engaging with customers is better service.

People drink for different reasons:

- Thirsty
- Taste
- Habit
- Entertainment
- Loosen up
- Peer pressure
- Many other reasons

When alcohol is not served or consumed responsibly:

- Customers may get ill from over consuming alcohol in your establishment.
- According to the U.S. Justice Department about 3 million violent crimes occur each year in which victims perceived the offender as have been drinking
- 2/3 of victims who suffered violence by an intimate partner reported that alcohol was a factor.
- Alcohol is present in + 50% of all incidents of domestic abuse
- 47% of homicide victims
- 39% of those killed by unintentional injury
- 29% of suicides tested positive for alcohol
- An estimated 148-163 billion dollars are spent every year because of alcohol abuse
- More than half of boating deaths are alcohol related
- 50% of all drowning deaths are alcohol related

When alcohol is abused:

Increased calls to first responders:

- Emergency medical transporters
- Law enforcement
- Fire department calls

Public health issues:

- Binge drinking
- Alcoholism
- Excessive noise
- Litter
- Public indecency
- Noise
- Litter
- Crime
- Public indecency
- Public health risks

Personal health issues:

- Heavy alcohol use can cause massive health issues
- Cancer
- Liver problems (Cirrhosis of the liver)
- Sexual dysfunction
- Emotional problems

- The Central Nervous System is the brain and spinal cord. chronic alcohol use damages both of these and in time the body will just give out

Financial impact:

- 31.8 Billion dollars a year (CDC – Centers for Disease Control and Prevention)
- 18.6% of adults reported binge drinking(4 or more drinks in one occasion for females and 5 or more drinks for males in one occasion) (CDC – Centers for Disease Control and Prevention)
- Excessive drinking results in 10,572 deaths in California (CDC – Centers for Disease Control and Prevention)
- (www.americashealthrankings.org/explore/annual/measure/ExcessDrink/state/CA)

Alcohol Impaired Driving:

Slows reaction times, reduced or decreased vision, Impairs judgment, Reduces concentration and coordination

- It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle
- It is unlawful for a person who has 0.08% or more, by weight of alcohol, in his or her blood to drive a vehicle.
- It is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle.

The average first offence DUI will cost approximately $10,000.00 or more! Multiple DUI charges will be more. (Per MADD and various California Dui attorneys.)

- ~~www.martenslawfirm.com~~
- www.madd.org/statistics

Some financial costs for a first offence DUI:

- Fines
- Towing/impound fee
- Treatment program
- Court costs
- DUI attorney fees
- Restitution fund
- DMV reissue fee
- Insurance premium increase
- Lost time of work, which means lost earned income

Module 3

Rights, responsibilities, and liabilities that apply to the server

- Rights are actions that you can choose to take in the responsible running of your business. Many of them are specified in the law (e.g., Business and Professions Code and Government Code). As an example, you have the right to refuse service if someone fails to show you adequate I.D. Or they are showing signs of intoxication
- Responsibilities are actions that you must take under specified circumstances. Again, many of them are spelled out in the law.
- Liability occurs when you are held responsible for injury and damage that either occurs to your patrons or is caused by them. Some forms of liability are specified in the law–this is known as statutory liability. Other forms evolve through common law – a set of principles that guide the laying of responsibility in any specific case.
- The purpose of penalties is not punishment, but to deter licensee's using license privileges in ways contrary to law that puts the community's health, safety, and welfare at risk, Penalties include the suspension of license privileges, the imposition of conditions and revocation of license.
- Licensees are strictly liable for all activities that occur at the licensed business and for the acts of their agents/employees. If an administrative violation occurs on the licensed premises, the licensee for that premises is at risk for administrative penalties
- You can refuse service to anyone except for these reasons, Race, color, Gender, religion, ancestry, disability, or marital status.

Types of liability against the server:

- Liability occurs when you are held responsible for injury and damage that either occurs *to* your patrons or is caused *by* them. This could include injury and damage from things such as slips and falls, fights or drunk driving collisions.
- The liability of licensees and their employees falls into three areas of law: criminal, administrative, and civil. One situation that could potentially result in all three types of liability is the sale of alcohol to a minor.

Type of Liability	Arena	Results
Criminal	Court	Fine, Community Service, Jail
Administrative	The ABC	Fine, Suspension, Revocation
Civil	Lawsuit	Money -Judgment against you

Criminal Liability (Court/Against the Server)

- Individual seller/server held responsible for crime observed by law enforcement officer

- Penalties
  - fine
  - community service
  - jail

Administrative Liability (The ABC/Against the Licensee)

- Fines range from $750 – $20,000
- Suspension of license
- Revocation of license
- Licensee may accept penalty recommendation or request a hearing
- Penalties decided on a case-by-case basis
- The type of violation, facts of case and licensee's past record taken into account
- Administrative disciplinary action that protects the public welfare and morals

Civil Liability (Lawsuit/Against Everyone)

Civil liability refers to the potential civil legal liability of licensees and their seller/servers for injuries caused by their intoxicated patrons. Section 25602.1 of the Business and Professions Code defines statutory civil liability in California. Under the statute, liability exists only when the patron was obviously intoxicated *and* under age 21 at the time of the sale or service of an alcoholic beverage.

Common Law Duties of Care

- Under common law, a licensee has a duty to exercise reasonable care for the safety of his or her patrons. When a licensee is negligent in exercising reasonable care, an aggrieved party may file a common law action in court and civil damages may result. Therefore, if the service of alcohol is negligent, common law liability may result under common law duties of care, regardless of the customer's age.
- Reckless conduct may also give rise to a lawsuit under common law. Reckless conduct goes beyond mere negligence. Reckless conduct is when a person has intentionally done an act of an unreasonable character; has disregarded a risk that he or she knew or should have known and it was highly probable that harm would follow. It is usually accompanied by a conscious indifference to the consequences.

If the service of alcohol is characterized as reckless, the drinker, whether a minor or an adult, can recover damages, even from self-inflicted injuries. Reckless service could, at a minimum, lead to a wrongful death lawsuit by the drinker's beneficiaries in the case of death.

California law does allow lawsuits to commence:

- If a minor was served alcohol and caused damages
- If another customer warns the establishment (owner and or employees) of danger but they fail to cut the drinker off, the law could hold them liable.
- If the establishment allowed a person on the premises whom they knew had a predisposition for causing trouble or let a fight continue longer than they reasonably should have, the court may also hold the establishment liable.

Example: An establishment serves a minor to the point of intoxication, the minor leaves the establishment, drives off and hits a pedestrian injuring them. The pedestrian who suffered injuries can sue the minor who was drinking and the establishment who served the minor.

An establishment can be held liable for damages caused by its employees breaking the law which causes injuries.

This is a true case that happened here in California.

After the employee got off shift the employee drank to the point of intoxication, when they drove off, they hit a skateboarder with their car. The injured party sued for damages, claiming the restaurant was negligent about its rules regarding drinking on the job.

What are the potential legal consequences of breaking a California ABC law?

- Criminal liability – if convicted you will have to pay fines and or could go to jail. A minimum $1,000 fine and 24 hours of community service.
- If a person buys alcohol and furnishes it to a minor who consumes it and causes great bodily injury or death to himself or others, the furnisher faces a minimum 6-12 months in county jail and a $1,000 fine.

Administrative Liability (ABC/Against the Licensee)

- Fines - $750 – $20,000
- Suspension of license
- Revocation of license

Civil Liability (Lawsuit/Against Everyone):

- You lose your home, your life savings, and whatever else you've accumulated.

Licensing consequences:

- You lose your liquor license.

Civil consequences:

- What can I be sued for?
- Who can sue me?
- What types of damages will I have to pay? (Peter Mullenix – Attorney)

How to avoid Liability:

- Don't serve anyone who appears intoxicated
- Always check identification.

Who can sue me?

- The person injured can sue you.

What types of damages will I have to pay?

- The injured person's pain and suffering, both the suffering already experienced and to be experienced in the future.
- The injured person's lost earnings. if the injury causes permanent disability, the value of wages and benefits that would reasonably have been earned if the disability had not occurred
- You may have to pay for the injured person's medical and hospital expenses.
- The costs to repair or replace any damaged property.
- The costs could be unlimited and you could face criminal charges for serving a minor.

It is ABC Licensee's duty to ensure policies are created to guide employees in the service of alcoholic beverages for consumption in their licensed premises according to legal standards.

How can you reduce the risk of liability?

- Have written policies
- Any incident will be documented in an Incident log.
- Promote food and non-alcoholic drinks
- Promote safe rides
- Implement a no drinking on duty policy
- Have responsible promotions
- Provide training for staff
- Maintain adequate staffing
- Hire qualified employees
- Support employees' decisions
- Prohibiting promotions that encourage intemperate consumption of alcoholic beverages or unlawful discrimination.

Create house policies:

- All required staff will take a California Responsible Beverage Service Training Program Course (RBS).
- Drinks high in alcohol will be limited to how many can be served to one guest.
- Servers will always serve non-alcoholic drinks with alcoholic beverages such as water
- Servers should suggest top shelf vs. well drinks.
- If a guest becomes unruly, they will be asked to leave. If the same guest consistently causes problems, they might be asked to not come back.
- All guest ID's will be checked.
- Management will make a commitment to responsible alcohol service and ongoing server training.
- Implement a designated driver program, while developing responsible marketing strategies. A designated driver will receive free or discounted non-alcoholic beverages. In all advertising, the above will be mentioned. Make food available at a discounted price to a designated driver.
- Remember, you as a server of alcoholic beverages, have the right to deny service to a guest who you feel is intoxicated or who might be a minor.
    - We have a responsibility (as servers of alcoholic beverages) to be Gatekeepers of persons obtaining alcohol in public.
    - Any calls to law enforcement will be documented in an Incident Log.

Policies that will cover critical RBS policies:

- Listening to patron complaints, compliments, and suggestions for improvement of service, and sharing that feedback with management.
- How to handle potentially violent situations,
- How you interact with law enforcement.
- How to deal with guests that are intoxicated when they arrive
- How you can get them a safe ride home
- Encourage all customers have a safe ride to their next destination

Policies for prevention of service or sales to intoxicated persons:

- Slowing service to the drinker
- Serving one drink at a time.
- Monitoring the guest's alcohol consumption.
- When alcoholic beverage service is stopped to a patron, the event will be documented in an Incident log.
- Do what you can to stop overconsumption so the patron doesn't become ill in your

establishment. If it occurs, the event will be documented in an Incident log.

Policies about minors and how deal with them, as well as how and when to check ID's:

- How to handle a minor making excuses for not having identification,
- Monitoring common behaviors of minors seeking alcohol service
- Watching for secluded locations on the licensed premises where minors' activity cannot be monitored.
- If identification is seized, the event will be documented in an Incident log.
- If a minor is refused service, the event will be documented in an Incident log.

Module 4

What the Alcoholic Beverage Control (ABC) is:

The ABC is a regulatory agency as well as a law enforcement agency. The ABC licenses businesses to sell /serve alcoholic beverages. Alcohol related laws are enforced by state and local law enforcement agencies.

Here's what the ABC website states:

- The mission of the Department of Alcoholic Beverage Control is to provide the highest level of service and public safety to the people of the State through licensing, education, and enforcement.

Our Values:

Trust – We serve the public and one another with fairness and integrity.
Innovation – We embrace emerging change for continuous improvement.
Professionalism – We are ethical and respectful in all that we do.

Our Vision:

- Protect California communities through excellence in alcohol regulation and education.

Organization of the ABC:

The Department is divided into three elements:

- Administration
- Licensing
- Compliance

The ABC regulates alcoholic beverages, ABC Agents are peace officers under Section 830.2 of the California Penal Code and are empowered to investigate and make arrests for violations of the Business and Professions Code that occur on or about licensed premises. Agents are further empowered to enforce any penal provisions of the law any place in the State. All state law enforcement officers are required to enforce alcohol laws, and local law enforcement officers are required to send the department all arrest reports and calls for service at ABC licensed locations.

The definition of a sworn peace officer in California: CA Codes: (830-832.17) 830. Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer.

Any sworn peace officer, either from the ABC or a local enforcement agency has the right to inspect the premises. They can be in uniform or plain clothes, they have the right to visit and inspect any licensed premises at any time during business hours, the right to inspect is not dependent on probable cause or obtaining a warrant. The right to inspect extends to the bar, back

bar, store room, office, closed or locked cabinets, safe kitchen or any other area within the licensed premises. ABC on-premises licensees' employment and payroll records shall be kept for four years and made available for inspection by ABC agents upon request.

If the peace officer is interfered with in any way, it is grounds for arrest and license revocation.

The ABC's agent's right to inspect also includes to licensee records that are required to be kept under the Business and Professions Code Division 9.

Remember, law enforcement is there to protect you from any harm to you, your establishment and patrons.

They are there to assist Any illegal or violent incidents, occurring on the ABC licensed premises, When you interact with all sworn peace officers, including ABC agents and local law enforcement, be courteous to them, supply them with any information they ask for, as you are expected to do so.

Document the events that occurred for the purpose of a call to law enforcement or peace officers.

This also includes an injury, medical treatment, or hospitalization of a person on the ABC licensed premises. Including; illegal or violent incidents occurring on the ABC licensed premises

Keep a record of when and why law enforcement was contacted, if need be, because excessive or frequent calls from the ABC licensed premises can be grounds for an administrative action to suspend or revoke the license.

By keeping records, you will be able to make a better judgment call as you review Policy changes to avoid frequent need for law enforcement assistance could include the hiring of more employees, closing earlier, hiring security guards, changing the type of music played, and increasing lighting on the premises

TRACE - Target Responsibility For Alcohol Connected Emergencies Program:

- The Department of Alcoholic Beverage Control (ABC) should be notified immediately of any death or serious injury involving underage drinking.
- TRACE is a protocol wherein first responders to alcohol-related emergencies immediately notify ABC when an incident involves a person under 21 and an alcoholic beverage that results in great bodily injury or death.
- ABC Agents will conduct a simultaneous investigation to determine where the alcoholic beverages were acquired, purchased, or served.
- Agents will be alert to the collection of evidence that may indicate where the alcoholic beverage was obtained. Such evidence can include false identification, receipts, bags, labels, and statements of witnesses.
- A timely notification to the TRACE Unit greatly improves the chance of a successful investigation.
- If the TRACE investigation determines that an ABC licensed location sold or furnished alcoholic beverages to a minor, the Department will file administrative action to suspend or revoke the license of that business.
- The TRACE Protocol was developed by the Department of Alcoholic Beverage Control, Office of Traffic Safety, California Attorney General's Office, California Highway Patrol, California Police Chiefs Association, and California State Sheriffs' Association.
- The definition of and penalties for infractions in California:

- An infraction is a public offense, but arguably not a crime, and is not punishable by imprisonment.
- Any person convicted of an infraction may only be punished by a fine.The maximum fine is $250.00

California misdemeanors fall into two basic categories:

1. "Standard" California misdemeanors, punishable by up to 6 months in jail and/or a fine of up to $1,000; and
2. "Gross" or "aggravated" misdemeanors," punishable by up to 364 days in jail and/or a fine of up to $1,000 or more

In California, a felony is a crime that carries a maximum sentence of more than one year in jail or prison. The most serious California felonies can even be punished by death.

People convicted of a felony in California may also be fined up to $10,000 in addition to - or instead of - imprisonment

There are different types of liquor licenses in California, and each of them have rules and regulations

An infraction of the law may result in:

- Monetary fine
- Revocation or suspension of liquor license
- Jail time for the individual employee

Types of Licenses

Number 40 license:

- On-sale beer (Bar/ Tavern) Authorizes the sale of beer for consumption on or off the premises where sold.
- No wine or distilled spirits may be on the premises.
- Full meals are not required; sandwiches or snacks must be available.
- Minors are allowed on the premises.

Number 41 license-On sale beer and wine a eating place:

- Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes).
- Must operate and maintain the licensed premises as a bona fide eating place.
- Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises.
- Minors are allowed on the premises.

Number 42 license – On sale Beer & Wine Public Premises:

- Authorizes the sale of beer and wine for consumption on or off the premises where sold.
- No distilled spirits may be on the premises.
- Minors are not allowed to enter.
- Food service is not required.

Number 47 license – On Sale General Eating Place:

- (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises.
- Authorizes the sale of beer and wine for consumption off the licensed premises.
- Must operate and maintain the licensed premises as a bona fide eating place.
- Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises.
- Minors are allowed on the premises.

Number 48 license – On Sale General - Public Premises:

- (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold.
- Authorizes the sale of beer and wine for consumption off the premises where sold.
- Minors are not allowed to enter and remain.
- Food service is not required.
- Senate Bill 1193 requires specified businesses including-on sale general public premises licenses (type 48) and other establishments, as of April 1, 2013, to post a notice informing the public and victims of human trafficking of telephone hotline numbers to seek help or report unlawful activity. There are specific posting mandates, language requirements, and penalties for failure to post. Each mandated business is required to post the notice in English and Spanish. In addition, for businesses located in specific counties, a third language posting is required.
- Where Must the Public Notice Be Posted?

  Civil Code § 52.6 requires that a specified business or other establishment must post the notice in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted.

  Liability and Penalty for Failing to Post the Public Notice Civil Code § 52.6(e) creates civil liability for a business or establishment that fails to comply with the posting requirement. The penalty for violating this law is $500 for a first offense and $1,000 for each subsequent offense.

Number 51 license – Club:

- Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold.

- No off-sale privileges. Food service is not required.
- Minors are allowed on the premises.

Number 52 license – Veterans Club:

- Authorizes the sale of beer, wine and distilled spirits to members and guests only for consumption on the premises where sold.
- Food service is not required.
- Minors are allowed on the premises.

Number 61 license– On Sale Beer – Public Premises:

- (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises.
- Wine or distilled spirits may not be on the premises.
- Minors are not allowed to enter and remain (warning signs required).
- Food service is not required.

Number 75 license – Brew Pub – Restaurant:

- Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer.
- This license does not authorize the sale of alcoholic beverages for consumption off the premises where sold.
- Minors are allowed on the premises.

License numbers 41, 47, & 49:

- Food requirements must make actual and substantial sales of meals, during the normal meal hours that they are open,
- At least five days a week.
- Normal meal hours are: Breakfast 6:00 a.m. -9:00 a.m.; lunch 11:00 a.m. -2:00 p.m.; and dinner 6:00 p.m. -9:00 pm
- Premises if not open five days a week must serve meals on the days they are open
- The premises must be maintained and equipped in good faith.
- The premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, posters, signs, and enough goods to make substantial meals.
- The premises must comply with all regulations of the local health department.
- Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not in compliance.
- Meals means the usual assortment of food commonly ordered at various hours of the day.
- The service of only sandwiches or salads is not considered to be in compliance. However, certain specialty entrees such as pizza, fish or ribs and an assortment of other

foods such as soups, salads or desserts may be considered a meal.

- Failure to maintain the food requirements is not a criminal infraction, it would be an Administrative infraction handled by the ABC on a case by case basis.
- Hours of operations:
  Hours of alcohol sales and service are between the hours of 6:00 AM to 2:00 AM. This includes employees having drinks after closing, even if the drinks were paid for prior to 2:00 AM. By 2:00 AM all alcohol must be removed from the guest.

B & P Code 25612.5. Retail Operating Standards:

- This law applies to stores (License Types 20 & 21), bars, and taverns
- (License Type 40, 42, 48 and 61),
- But does not apply to bona fide eating places (License Types 41, 47 or 75), convention centers, exhibit halls, auditoriums, ballparks, stadiums, coliseums, hotels, motels, certain marine parks, wineries or beer manufacturers.

1) A prominent, permanent sign or signs stating **"NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES"** shall be posted in a place that is clearly visible to patrons of the licensee. The size, format, form, placement, and languages of the sign or signs shall be determined by the department. This paragraph shall apply to a licensee only upon written notice to the licensee from the department. The department shall issue this written notice only upon a request, from the local law enforcement agency in whose jurisdiction the premises are located, that is supported by substantial evidence that there is loitering adjacent to the premises.

2) No alcoholic beverages shall be consumed outside the edifice of an on-sale retail establishment.

3) The exterior of the premises, including adjacent public sidewalks and all parking lots under the control of the licensee, shall be illuminated during all hours of darkness during which the premise is open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, the required illumination shall be placed so as to minimize interference with the quiet enjoyment of nearby residents of their property.

4) Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking lots under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.

5) Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti within 72 hours following the beginning of the next weekday.

6) A copy of the applicable operating standards shall be available during normal business hours for viewing by the general public.

- Only the licensee will be held accountable for the Retail Operating Standard.

Removing opened bottles of wine from a restaurant with a type 41 & 47 license:

- Cork the bottle,
- Put a line on the bottle marking how much wine is still in the bottle, initial and date it.
- Put the wine in a bag and staple a copy of the receipt to the bag and ask the guest to put the bottle in the car's trunk, so they don't violate an open container law.
- Establishments can only have the type of alcohol on the premises that it is licensed for.
- Type 41 licenses may possess brandy, rum, or liquors for cooking purposes
- Write for cooking only on the label of the brandy, rum or liquors
- You cannot substitute brands of alcohol being sold unless the guest is informed first.

Module 5: Laws continued

Per California civil code 51.6 all persons pay the same amount as anyone else would. Such as "Ladies night" where women would be given discounted drinks as men would be charged a higher price.

Specials and happy hour regulations:

- It is illegal to offer free drinks,
- Two-for-one drink specials
- All you can drink specials.
- The establishment can offer food and drink combination specials as long as the alcoholic drink is not free and the price of the meal alone is less than the price of the meal and the alcoholic drink together.

Employees and licensees cannot be intoxicated while working:

- If the employee or licensee is intoxicated while working, the establishment could receive a 30 day suspension.

Legal hours of alcohol sales / service:

- 2 o'clock a.m. and 6 o'clock a.m. of the same day.

Sale and/or Consumption After Hours Penalties:

- By public – 15 day suspension
- By employees and friends only – 10 day suspension
- By employees only – 5 day suspension

B & P Code 25601. Keeping Disorderly House:

Every licensee, or agent or employee of a licensee, who keeps, permits to be used, or suffers to be used, in conjunction with a licensed premises, any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to public morals, health, convenience, or safety, is guilty of a misdemeanor

- Occasional or isolated offenses 30 day suspension
- Recurring/aggravated offenses Revocation

B & P Code 25602. Obviously Intoxicated Person:

- Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor. It's also illegal to be intoxicated in public.
- No person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage pursuant to subdivision of this section shall be civilly liable to any injured person or the estate of such person for injuries inflicted on that person as a result of intoxication by the consumer of such alcoholic beverage.

Sales to obviously intoxicated person(s):

- 15 day suspension
- 2nd violation within 3 years – 25 day suspension
- 3rd violation within 3 years – 45 day suspension to revocation

Illegal Solicitation of Alcoholic Beverages:

- Nightclub hires female models solely to urge male guests to buy alcoholic drinks.
- Bar hires a salesman and pays him a commission on the number of drinks he can influence bar patrons to buy.
- Club owner hires a man and woman to interact with guests and influence them to buy shots of hard liquor.

If a licensee has knowingly permitted the illegal sale, or negotiations for the sales, of controlled substances or dangerous drugs on licensed premises:

- Violation of Section 24200.5(b) Revocation Violation of Section 25657(a) – Revocation
- Violation of Section 25657(b) and Section 303a PC – 30 day suspension To revocation
- Employees accepting alcoholic drinks – Rule 143 CCR – 15 day suspension

B & P Code 25177. Selling Refilled Spirits

- Every person who sells, offers for sale, or keeps for sale distilled spirits in any package which has been refilled or partly refilled is guilty of a misdemeanor.

B & P Code 25609. Substitution of Brands

Every person who, in response to an inquiry or request for any brand, type, or character of alcoholic beverages, sells or offers for sale under an on-sale license a different brand, type, or character without first informing the purchaser of the difference is guilty of a misdemeanor. Substitution of Brands – 25609 & 23614 B&P – 15 day suspension

B & P Code 25177. Selling Refilled Spirits

Every person who sells, offers for sale, or keeps for sale distilled spirits in any package which has been refilled or partly refilled is guilty of a misdemeanor.

- Refilling – 25176 & 25177 B&P Code: With different brand – *15* day suspension
- With same brand – *5* day suspension

Penal Code 382. Adulteration

You cannot adulterate any bottle of liquor / alcoholic beverage, such as adding water to the contents of the bottle.

- Contaminated Bottles (insects, etc.) – 347b PC – *5 day suspension*

Alcohol sales and cannabis

Although I cannot sell cannabis in my bar or restaurant licensed by ABC, can I offer it to consumers in other ways, or allow consumers to bring their own cannabis onto the premises and consume it?

No.

Can I infuse (or mix) alcoholic beverages with cannabis (either as a manufacturer or retailer)?

No.

PROP 65. NOTICE. CANCER/PREGNANCY WARNING SIGNS PROPOSITION 65 NOTICE TO ALCOHOLIC BEVERAGE LICENSEE.

- Sign is required under California Code of Regulations, Division 2, Chapter 3, Article 6, Section 12601 (b)(1)(D)
- For all establishments, a 10" x 10" black and white notice must be displayed at each public entrance where alcoholic beverages are served.

Required Posting of License:

Licensee shall post it in a conspicuous place upon the licensed premises

Minors and Bars - The Basics:

- No person under the age of 21 shall possess, consume, or purchase alcoholic beverages.

Fines for Breaking the Rules:

Bar owners wrongfully allowing minors in a public bar face a penalty of $1000 and/or 6 months in county jail.

- The penalty for the minor wrongfully in the bar is a fine of not less than $200.
- The penalty for selling alcohol to a minor is $250 and/or 24-32 hours Community Service
- Furnishing alcohol to a minor resulting in great bodily injury or death is a minimum 6 months in jail and/or maximum $1000 fine as well as civil liability.

For the establishment, the penalties are:

- Sales of alcoholic beverages to person(s) under 21 – 15 day suspension
- Permitting person(s) under 21 to consume – 15 day suspension
- Furnishing or causing to be furnished alcoholic beverages to person(s) under 21 – 15 day suspension
- 2nd violation of Section 25658 with in 36 months – 25 day suspension
- 3rd violation of Section 25658 within 36 months – Revocation (Note: priors must be final – B & P § 25658.1)
- Minor(s) on public premises – 25665 B&P – 10 day suspension
- Employment of minor(s) – 25663 B&P – 10 day suspension

For the seller of alcoholic beverages to a minor:

- Serving a minor is misdemeanor
- Serving a minor could have monetary fine and community service.

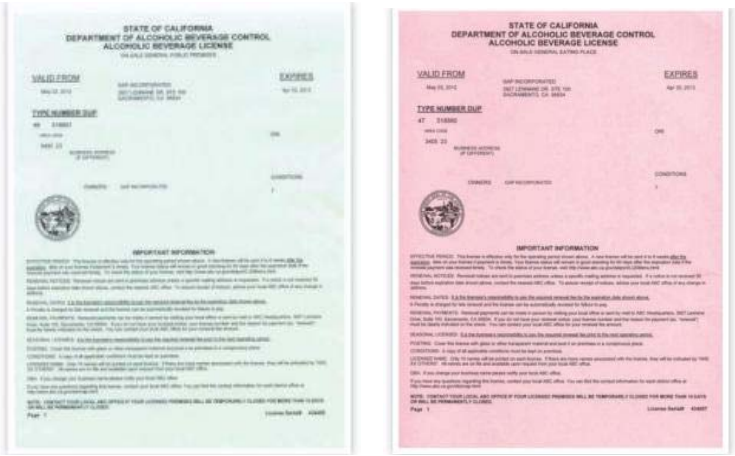
The Rules The Server Needs to Know:

1. **No one under 21**. Section 25665 of the California Alcoholic Beverage Control statute states that minors are not allowed to enter or remain within a bar. Persons under 21 years of age may not enter and remain in any premises licensed as a bar, except on lawful business. This includes children or infants.

2. **Bars Must Post Signs**. Bars are required to post a sign visible from the exterior at each public entrance and another one inside stating that no one under the age of 21 is allowed inside.

B & P Code 24046. Posting License

Upon receipt of any license, the licensee shall post it in a conspicuous place upon the licensed premises



Required Signage:

Pursuant to Section 25658.4 of the Business and Professions Code, you must post a sign in your store that warns customers about certain laws and penalties relating to the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, any person under the age of 21 years. The sign must be placed at an entrance or at a point of sale in your store, or in any other location in your store that is visible to your customers and employees.

Notice To Customers:

Pursuant to Section 25658.4 Business and Professions Code

This store will not sell alcoholic beverages in violation of the California Alcoholic Beverage Control Act.

We will refuse to sell an alcoholic beverage to any customer if we reasonably suspect any of the following:

- The customer is under the age of 21 years.
- The customer looks or acts intoxicated.
- The request to buy an alcoholic beverage is made between the hours of 2:00 a.m. and 6:00 a.m. on any day or in violation of legally required shorter hours of sale.
- The customer intends to drink the alcoholic beverage in this store or on adjacent property immediately outside this store.
- Any other violation of the California Alcoholic Beverage Control Act will occur as a result of the sale

CCR Rule 107. Retailers Required To Post Warning Notice:

- Premises licensed with an on-sale license for public premises shall maintain a clearly legible permanent sign,
- Not less than 7" x 11" in size reading, “No Person Under 21 Allowed”



- At or near each public entrance thereto in such a manner that such sign shall be visible from the exterior of each public entrance.
- The lettering of such a sign shall be no less than one inch in height.
- A sign of like size and content shall be maintained at a prominent place in the interior of the premises.

Minors - Restaurant Bar Exceptions:

- Minor is allowed to enter and remain inside a restaurant that happens to have a bar attached to it, but not sit in the bar area.
- This means not only at the bar but generally at the bar tables.

B & P Code 25659 - Right to Refuse Service to Minors:

- Licensee, or his or her agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of 21 years.
- Licensee, or his or her agent or employee, may seize any identification
- Presented by a person that shows the person to be under the age of 21 years or that is false
- Receipt is given to the person from whom the identification is seized
- Seized identification is given within 24 hours of seizure to the local law enforcement agency that has jurisdiction over the licensed premises.
- A licensee, his or her agent or employees, decision to not seize a license shall not create any civil or criminal liability.

Person Under Age 21 Who *Attempts to Purchase* Alcohol:

- Up to $100 fine and/or 24-32 hours of community service; second offense, up to a $250 fine and/or 36-48 hours of community service (and a one-year suspension or delay of the person's driver's license).

Person Under Age 21 Who *Purchases* Alcohol:

- $250 fine and/or 24-32 hours of community service; second offense, up to a $500 fine and/or 36-48 hours of community service (and a one-year suspension or delay of the purchaser's driver's license).

Person Who *Furnishes* Alcohol *or Causes* Alcohol to be Furnished to a Person Under Age 21:

- $1,000 fine and at least 24 hours of community service (and a one-year suspension or delay of the furnisher's driver's license if the furnisher is under age 21).
- If great bodily injury or death occurs, the penalty is 6-12 months county jail and/or a $1,000 fine.
- If prior to serving alcohol an alcohol server diligently inspects a patron's ID and reasonably concludes it is legally acceptable (even if it turns out to be a fake ID), and the appearance of the minor indicates the minor could be twenty-one years of age or older, the alcohol server has a defense to a charge of selling to a minor.

Minors Generally Cannot Work in a Bar:

- Minors cannot work in any establishment whose main business is selling alcoholic beverages for use on the premises.. (B&PC § 25663).

B & P Code 25663.5 - Minor Musicians (On-Sale Only):

- Persons 18 to 21 years of age may be employed as musicians
- For entertainment purposes only
- During business hours on premises which are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises.
- Area of such employment shall be limited to a portion of the premises that is restricted to the use exclusively of musicians or entertainers in the performance of their functions, and no alcoholic beverages shall be sold, served, consumed, or taken into that area.

Minors that are employed at an establishment that sells and serves alcoholic beverages:

- In a bona fide public eating place, minors between 18 and 21 years of age may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties.
- These minors cannot act as bartenders.

Examples:

- Restaurants: In a bona fide public eating place, persons age 18 or older may serve alcohol in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties.
- Bartenders and cocktail waitresses must be 21.
- Concession Stands: A person who is at least age 18 but not yet 21 may serve alcohol, as an incidental part of his or her duties, at a fixed concession stand that sells food products, soft drinks, and alcohol.

- Pizza Parlors: A person under age 21 may not serve alcohol while working behind a fixed counter where only soft drinks, alcohol, and other beverages are dispensed and food items are served at another counter within the premises.

Patron Must Prove Age:

- If the patron can't prove their age, then they can't remain in the bar. (B&PC §§ 25658(a), 25658.4, 25659).

Fines for Breaking the Rules:

- Bar owners wrongfully allowing minors in a public bar license face a penalty of $1000 and/or 6 months in county jail.
- The penalty for the minor wrongfully in the bar is a fine of not less than $200.
- The penalty for selling alcohol to a minor is $250 and/or 24-32 hours Community Service.
- Furnishing alcohol to a minor resulting in great bodily injury or death is a minimum 6 months in jail and/or maximum $1000 fine as well as civil liability.

Synopsis of Minor Employees (On-Sale):

- No minor can be employed during business hours on the portion of any premises which is primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises.
- In a bona fide public eating place, minors between 18 and 21 years of age may serve alcoholic beverages in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties. These minors cannot act as bartenders. (Section 25663 Business and Professions Code)

- Restaurants: In a bona fide public eating place, persons age 18 or older may serve alcohol in an area primarily designed and used for the sale and service of food for consumption on the premises as an incidental part of their overall duties. Bartenders and cocktail waitresses must be 21.
- Concession Stands: A person who is at least age 18 but not yet 21 may serve alcohol, as an incidental part of his or her duties, at a fixed concession stand that sells food products, soft drinks, and alcohol.
- Pizza Parlors: A person under age 21 may not serve alcohol while working behind a fixed counter where only soft drinks, alcohol, and other beverages are dispensed and food items are served at another counter within the premises.

Local Jurisdictions may have additional laws, ordinances, or provisions that apply to an ABC licensed location in their area in addition to the statewide laws.

When penalties are handed down, there are two factors taken into account:

- Aggravating

- Mitigating.

Aggravating factors may include, but are not limited to:

1. Prior disciplinary history
2. Prior warning letters
3. Licensee involvement
4. Premises located in high crime area
5. Lack of cooperation by licensee in investigation
6. Appearance and actual age of minor
7. Continuing course or pattern of conduct

Mitigating factors may include, but are not limited to:

1. Length of licensure at subject premises without prior discipline or problems
2. Positive action by licensee to correct problem
3. Documented training of licensee and employees
4. Cooperation by licensee in investigation

The licensee can Petition for an Offer In Compromise, aka known as a POIC.

- In lieu of the service of a suspension of 15 days or less. For purposes of determining whether the Department may accept a POIC in lieu of suspension, the total penalty imposed must be for 15 days or less, and shall not include any period of stayed suspension that would result in the potential suspension being for a period of greater than 15 days , nor can it include any period of stayed revocation. In the event that the suspension is for a period of 15 days or less with some portion thereof stayed, the POIC shall be calculated based upon the period of actual suspension (not including the stayed portion). In such cases, if the stayed period of suspension is later reimposed, the Department will generally not accept a POIC in lieu of serving the reimposed period of suspension.
- The licensee may petition the department for permission to make and offer in compromise, to be paid into the Alcohol Beverage Control Fund, consisting of a sum of money in lieu of serving the suspension; No licensee shall petition the department for an offer in compromise in any case in which the proposed suspension is for a period of more than 15 days, Upon the receipt of the petition, the department may stay the proposed suspension and cause any investigation to be made which it deems desirable and may grant the petition if it is satisfied that the following conditions are met:
  (1) The public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and the payment of the sum of money will achieve the desired disciplinary purposes.
  (2) The books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy there from.

Module 6:
Alcohol and the physical impact on the body

Myths about alcohol:

- Real or myth? Drinking alcohol is a good way to lose weight: Myth
- Real or myth? Everyone who is of legal age drinks: Myth
- Real or myth? If you are not driving, you can drink all you want: Myth
- Real or myth? Alcohol makes you warmer: Myth
- Real or myth? Alcohol is a stimulant: Myth
- Real or myth? Bread soaks up the alcohol in your stomach: Myth
- Real or myth? By having a designated driver, you can drink all you want: Myth
- Real or myth? I'm a much better dancer when I drink: Myth
- I can make better decisions about problems when I'm drunk: Myth

How alcohol is made:

- Beer and wine are made by a fermentation process.
- Hard alcohols are made by a distillation process.
- The alcoholic drink equivalent, or standard drink, is a specific measure of 14 g/0.6 fl. oz. of alcohol per serving
- Twelve ounces of beer or cooler about 5% alcohol by volume,
- 8-9 ounces of malt liquor including come beers are greater than 7 %, alcohol by volume
- 5 oz of table wine at 12% by volume
- 1 ½ ounces of 80 proof distilled spirits which is 40% by volume
- Use measuring devices to ensure standard drink sizes or alcoholic drink equivalents
- Correct pours ensures profitability of the business and helps the alcohol server calculate how much a patron has consumed

Not all drinks count as one drink:

Some drinks have as much as 2.5 ounces of alcohol such as a Long Island Iced Tea.

How many ounces of beer do you pour for draft beer in your establishment:

- The industry average is 14- 16 ounces.
- 14-16 ounces is more than one beer,
- Micro beers are usually higher in alcohol volume

The way a hard drink is mixed can affect its potency:

- Energy drinks mixed with the alcohol
- Alcohol mixed with carbonated beverages

- Warm drinks absorb faster

How alcohol is absorbed by the body:

- Immediately through the mouth/digestion not needed to enter blood stream
- 80% goes into the small intestine
- Remaining 20% stays in the stomach
- Enters the bloodstream / causing intoxication/ one drink can cause intoxication
- The higher the amount of alcohol consumed the more alcohol is found in the bloodstream
- Enters body tissue

What will bring sobriety:

- Only time, not eating, not exercise, not dancing, throwing up etc. (The body will metabolize one standard drink per hour)
- Approximately one hour later, at the rate of .015%. 90% of the equivalence of one of those drinks, a half an ounce of pure alcohol burns off through your liver. (Majority of alcohol is processed by the liver) 5% through the lungs, 5% through the kidneys
- The liver normally maintains the body's sugar levels, but when alcohol is present the liver ceases normal functions to metabolize the alcohol from the bloodstream

The definition of intoxication by alcohol is:

Intoxication is the point at which alcohol depresses the central nervous system so that mood and physical and mental abilities are noticeably changed.

Drinking alcohol rapidly, like binge drinking, can quickly lead to higher levels of intoxication

BLOOD ALCOHOL CONTENT (BAC)
Table for Male (M) / Female (F)

Number of Drinks		Body Weight in Pounds								Driving Condition
		100	120	140	160	180	200	220	240	
0	M	.00	.00	.00	.00	.00	.00	.00	.00	Only Safe Driving Limit
	F	.00	.00	.00	.00	.00	.00	.00	.00	
1	M	.06	.05	.04	.04	.03	.03	.03	.02	Driving Skills Impaired
	F	.07	.06	.05	.04	.04	.03	.03	.03	
2	M	.12	.10	.09	.07	.07	.06	.05	.05	
	F	.13	.11	.09	.08	.07	.07	.06	.06	
3	M	.18	.15	.13	.11	.10	.09	.08	.07	
	F	.20	.17	.14	.12	.11	.10	.09	.08	Legally Intoxicated
4	M	.24	.20	.17	.15	.13	.12	.11	.10	
	F	.26	.22	.19	.17	.15	.13	.12	.11	
5	M	.30	.25	.21	.19	.17	.15	.14	.12	
	F	.33	.28	.24	.21	.18	.17	.15	.14	

Subtract .01% for each 40 minutes of drinking.
1 drink = 1.5 oz. 80 proof liquor, 12 oz. 5% beer, or 5 oz. 12% wine.
Fewer than 5 persons out of 100 will exceed these values.

Remember, the BAC chart does not include other factors that affect the absorbency rate of alcohol. The liver does not speed up metabolization when the bloodstream has excessive alcohol. A person with high tolerance can the hide effects of intoxication while still being impaired

Alcohol Absorption Factors:

Even if the same amount of alcohol is consumed, the level of intoxication varies based on some physiological and biological factors. Some of the factors affecting BAC and impairment are:

- Food: a person who has food high in fat in the stomach will help slow the processing of alcohol.
- Strength of drink and rate of consumption: stronger drinks will result in a higher BAC and the faster a person drinks, the quicker the BAC will rise.
- Body weight/body type: less you weigh, the more you will be affected by a given amount of alcohol. Individuals with a lower percentage of body fat will have lower BAC than those with a higher percentage of body fat.
- Gender: females usually have proportionally more body fat than male and less water than do males of the same body weights. Because alcohol is dispersed in body water, females reach higher peaks BACs than males after consuming equivalent doses of alcohol.
- Medication: The effect of the drug when combined with alcohol is greater than the sum of their effects. For example, certain painkillers, and cold medicines can have a synergistic effect and can multiply the effects of alcohol up to ten times.
- Illness, fatigue, mood, etc.: Your emotions will change the chemistry of your body at any given point in time during the day. When a person is tired or depressed, they will feel the effects of the alcohol faster than someone who is in a very good mood.
- Tolerance: tolerance is a decrease in the body's sensitivity to alcohol's effects. In other words, a person exhibiting tolerance will not seem to be as intoxicated as a person with little or no tolerance. This is a behavioral adaptation to the effects of alcohol, and as long as the liver continues to eliminate alcohol at the rate of one drink per hour, it will have no effect on BAC. Being able to "Handle your alcohol" does not have any effect on BAC.
- Altitude can make alcohol intoxication nearly twice as potent on the human body.

Absorbency Rate:

How can you slow up the absorbency rate?

- Food
- Alternate beverages / one alcoholic beverage at a time
- Time

Slowing up the drinker's consumption:

- When a guest is consuming alcohol encourage them to eat food, drink water and pace your service. Alcohol depletes the body's fluids and causes thirst and dehydration.

Alcohol Mixed with other drugs is a dangerous mix!

Medications or recreational and illegal drugs can have very harmful effects when mixed with alcohol including death. Medications, and recreational and illegal drugs, can themselves impair the human body in similar ways to alcohol intoxication.

Antihistamines

Such as: Benadryl, Sudafed, and Claritin depress the central nervous system and could cause sedation.

Tranquilizers (Depressant)

Such as: Valium, Labrum, and Dalmane combined with alcohol will create a heavy intoxication.

Stimulants

Such as: Caffeine, Amphetamines, and Cocaine increase alertness and decrease fatigue.) Stimulants speed up the body's functions, causing the user to become hyperactive, talkative, emotionally excited, or paranoid.

- When stimulants are used in conjunction with alcohol the user is able to drink excessively and will often wind up over drinking to the point in which alcohol poisoning is possible. (American Addiction Centers - www.alcohol.org/mixing-with/stimulants/)
- Mixing amphetamines and alcohol allows the user to experience a decreased effect from the alcohol consumption and could lead to a user not realizing that he or she drank as much as they really did.
- Stimulants may mask the signs of intoxication, but in reality, the person is still intoxicated and has now become a wide awake drunk.

Marijuana (Cannabis):

- When people smoke marijuana and drink alcohol at the same time they can experience nausea and/or vomiting or they can react with panic, anxiety or paranoia. Mixing marijuana with alcohol can increase the risk of vulnerable people experiencing psychotic symptoms. It is also a depressant

Non-Prescription / Illicit Drugs

Such as: hallucinogens/LSD, PCP, and Mescaline

- Hallucinogenic drugs affect the central nervous system and produce illusions, distortions or elaborations of an existing reality. They may involve a blending of sensations called synesthesia. The physical effects include nausea, anxiety and paranoia, shivering and facial numbness. Emotional reactions change rapidly, from panic to elation. Hallucinogens affect people very differently and the duration of the effects of these drugs varies widely.
- Alcohol and PCP are both depressants. Depressants are specifically an agent that reduces a bodily functional activity or an instinctive desire. The toxicity of the PCP would be enhanced, resulting in impairment of coordination and confusion (driving would be very dangerous).

- LSD-type drugs are not depressants, but the addition of alcohol could increase the distortions of visual perception, making driving or operating of heavy machinery also very dangerous

Energy drinks and alcohol are a dangerous mix:

Medical and scientific research suggests that combining alcohol and stimulants found in energy drinks such as caffeine, guarana and taurine might increase the rate of alcohol-related injury and risky behavior. (CDC – Centers for Disease Control and Prevention)

Club drugs:

- Mixed with small doses of alcohol can cause death
- Used as a date rape drug such as GHB, Ecstasy, Ketamine, and Rohypnol.
- These four can cause an individual to lose control of muscles, drowsiness, and loss of memory.
- The above four mentioned drugs have all been used as a date rape drug. But alcohol is the number one date rape drug because various studies have determined that over 50% of the men who commit rape, are under the influence of alcohol, While over 50% of the women raped were under the influence of alcohol. (Oregon Liquor Control Commission)

Alcohol Poisoning:

Alcohol depresses nerves that control involuntary actions such as breathing and the gag reflex (which prevents choking). A fatal dose of alcohol will eventually stop these functions.

It is common for someone who consumed excessive alcohol to vomit, since alcohol is an irritant to the stomach. There is also the danger of choking on vomit, which could cause death by asphyxiation in a person who is not conscious because of intoxication.

Signs and symptoms of Alcohol Poisoning.

- Mental confusion, stupor, coma, or person cannot be roused
- Vomiting
- Slow breathing (fewer than eight breaths per minute)
- Irregular breathing (10 seconds or more between breaths)
- Hypothermia (low body temperature), bluish skin color, paleness

If you suspect someone has alcohol poisoning:

- Know the danger signals.
- Do not wait for all symptoms to be present.
- Do not leave a person who passes out to “sleep it off”. Be aware that a person who has passed out may die.
- If there is any suspicion of an alcohol overdose, call 911 for help. Do not try to guess the level of drunkenness. If they look like they need help, they need help.

If alcohol poisoning goes untreated?

- The victim may choke on his or her own vomit.
- Breathing slows, becomes irregular, or stops.
- Heart beats irregularly or stops.
- Hypothermia (low body temperature) may occur.
- Hypoglycemia (too little blood sugar) leads to seizures.
- Untreated severe dehydration from vomiting can cause seizures, permanent brain damage, or death.

Module 7

Observe Listen Evaluate and React/ Guide the guest:

- Observe them
- Listen to your guest
- Evaluate what you heard & seen / avoid alcohol service to the patron
- React to what heard and seen
- Guide them accordingly

Signs of intoxication:

Alcohol depresses the central nervous systems' functions, including judgment, inhibitions, and reaction times

Reactions

- Slurred speech
- Slow and deliberate movement
- Decreased alertness
- Quick, slow or fluctuating pace of speech

Inhibitions

- Overly friendly
- Loud
- Changing volume of speech
- Drinking alone
- Annoying others
- Using foul language
- Drinking more or faster than usual

Physical Appearance

- Red, watery eyes
- Disheveled clothing
- Sweating
- Smell of an alcoholic beverage on person (Odor)
- Droopy eyelids
- Lack of eye focus
- Flushed (red) face

Coordination / Loss of

- Fumbling with money
- Spilling drink
- Cannot find mouth with drink
- Unable to sit straight on chair or barstool
- Swaying, drowsy
- Stumbling
- Bumping into things
- Falling
- Unable to light cigarette

Judgment

- Complaining about strength of drink
- Changing consumption rate
- Ordering doubles
- Argumentative
- Careless with money
- Buying rounds for strangers
- Irrational statements
- Belligerent
- Lighting more than one cigarette
- Losing train of thought

When to refuse or stop alcohol service to a guest:

Using Observe Listen Evaluate

Watch your guest when they arrive and continuously while they are in your establishment.

- Do they look as if they are obviously intoxicated by alcohol, medication, or recreational or illegal drugs?
- If a guest wants a drink outside of operating hours or hours of legal alcohol sales and service.
- If a guest doesn't want another drink even if others in their party insist they have one.
- If the patron becomes belligerent.
- If a guest has an invalid ID, they must be refused service.
- If a server has any doubts about any of the preceding factors

Cutting someone off

"Cutting someone off" is never the same, and at times can be a challenge. The whole point in cutting someone off is to be able to step on their toes without scuffing their shine. Here are some general rules to follow, and some general rules to never do.

- First off, just do it. Be assertive, do not bargain with them
- Focus on statements about you as a server of alcohol, that you have a duty and liability not to serve the patron anymore alcohol. (Blame the state.)
- Be firm and polite
- If possible, get the guest off to the side.
- Get back up. Get your manager involved, or another co-worker, the one backing you up should just be aware of the situation in case they are needed. Managers and owners should always back the server and never override the server's decision. If a manager or owner overrides the server's decision, the guest will never see the bartender or the server as someone who has the authority to deny alcohol service.
- Never use the term "Cut Off". "We are going to slow up for a while." Maybe a little later you can have another drink. They aren't going to get one, they just think they are. Now is a good time to get them to eat, once they eat, they get tired and will call it a night.
- Never tell them that you are going to take their drink. Just pull the drink and replace it with a non-alcoholic beverage.
- At times in a group, one will stay more sober than the rest, as one guest will go too far. Get the sober guest to help. Bring it to their attention; at times they will now do the cutting off for you. Inform the guest of your liability if you serve them more alcohol.
- Do your best to get them to transportation other than driving as a way home. Remind them, in order to protect others, you have a duty to call the police if needed. Inform all staff which guest was cut off, as they might try to get alcohol from a different staff member. Record the incident in a logbook. Because serving and selling alcohol has an increasing and acceptable place in society, those of us who serve and sell alcohol have more responsibility than ever to do our part in ensuring the safety of our guests

Module 8: Checking ID

Characteristics of Minors

- If a person has the physical characteristics of a minor, they likely are a minor.
- People mature at different rates.
- Many minors may have physical characteristics of an adult.

Physical Characteristics of Minors

Minors generally have common physical characteristics. The following is a list of some characteristics.

- Immature physical appearances: little or no facial hair on boys. Un-developed appearance of girls.
- Skin complexion – Smooth, unlined faces.
- Some minor males may have beards and mustaches
- Some minor females may wear makeup or clothing that makes them appear older.

Fads and Fashions of Minors

Minors tend to dress in the latest fads and fashion trends. These will change frequently. Some other things to look for are:

- School uniforms
- Class rings
- Too much makeup
- Trendy hair styles

Behaviors and Reactions of Minors

Certain behavior patterns may also be characteristic of minors or people that may purchase alcohol for minors.

- May appear nervous – May not make eye contact with you
- Self conscious about appearance
- Some minors act very confident and sure of themselves when attempting to purchase alcohol.
- Young people gathering in groups and send one to make a purchase.
- Making excuses for not having an ID

A minor might display one or more of these characteristic reactions:

- Acting nervous or insecure
- Being overly friendly or acting “cool”
- Not making eye contact or trying to hide their face
- Checking the area or glancing around
- Showing an ID but trying to put it away quickly

When to Ask for an ID

You should ask for an ID before you begin to serve or begin to ring up an alcohol sale.
ACCEPTABLE FORMS FOR IDENTIFICATION

The California ABC requirements for Bona fide (legally acceptable) l.D. is one card that contains these six items:

- Issued by a government agency (Federal, State, county, or city)
- Name of the person
- Date of birth
- Photograph
- Physical description (height, weight, hair and eye color)
- Currently valid (not expired)

Examples of Acceptable I.D.

- California Driver's License/I.D. Card
- Out-of-state Driver's License/I.D. Card
- U.S. Military I.D.'s without a physical description are acceptable as of 1/1/2010
- Both U.S. and foreign Passports with photograph, but without a physical description are acceptable as of 1/1/2010
- A person may not combine two unacceptable I.D.'s to make one acceptable I.D.

Examples of Unacceptable I.D.

- U.S. government immigrant I.D. card
- Birth Certificate
- School or work I.D. card
- ID issued by non-government agency
- Social security card
- Interim or temporary driver license or receipt for license from DMV
- Foreign driver licenses/ID cards that do not feature the name, date of birth, photograph and physical description in a language you cannot understand
- Check cashing card
- Otherwise valid document that is expired, altered, borrowed, stolen, counterfeit, or forged

California Driver's Licenses

A business may have a company policy that is stricter than the law; e.g., "We only accept California driver's licenses."

When you get your California license / ID card you do not receive it immediately, it comes in the mail to you.

- Until you receive your hard DL/ID card you will be issued a receipt that has a photo of the person on it
- That is not valid for identification to be served or purchase alcoholic beverages.
- Neither is a DL/ID that has been punched valid.

The California Real ID driver's license looks like this.



The DL that is Federal non compliant looks like this.

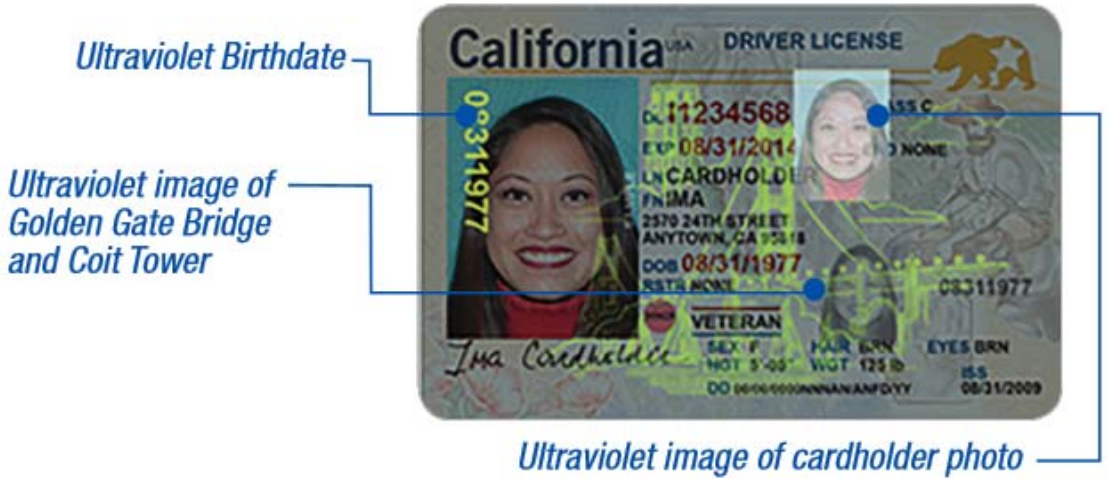


A golden bear with a star and on the Federal non compliant is the words Federal limits apply.

The California DL has some unique features.

These are the features on the front of the card.

- All persons 21 years of age or older will have a card that is horizontal.
- A laser engraved grayscale ghost photo.
- The cardholder's date of birth is shown across the primary photo in 3D with raised numbers that can be felt by touch.
- Laser engraved tactile signature. In the signature area the cardholder's signature is laser engraved with raised lettering that can be felt by touch.
- A pale, color image of a forty-niner miner with fruit orchards and mountains on the right side.
- Golden poppies (California state flower) in the lower left under the photo and sailboats to the right of that.
- A large image of the state of California running through the middle background.
- Under ultraviolet "UV" light are images of the Golden Gate Bridge and Coit tower.
- The state seal is printed on the cardholders' picture.



The back of the card looks like this.



- Persons under the age of 21 ID/DL is vertical and is not valid for alcohol service or sales.



Checking an ID is more than you think it is.

The ABC and local enforcement conduct what is called The Minor Decoy Program. The program allows local law enforcement agencies to use persons under 20 years of age as decoys to purchase alcoholic beverages from licensed premises. As of October 1st, 2004, the Department of Alcoholic Beverage Control (ABC) has been using its own decoy State regulations that took effect January 2, 1996, require that the decoy be less than 20 years of age; display the appearance of a person under 21 years of age; shall either carry his or her own identification showing the decoy's correct date of birth, or shall carry no identification; a decoy who carries identification shall present it upon request to any seller of alcoholic beverages; and shall answer truthfully any questions about his or her age. Following the completed sale, but not later than the tie a citation, if any, is issued, the peace officer directing the decoy shall make a reasonable attempt to enter the licensed premises and have the minor decoy who purchased alcoholic beverages make a face-to-face identification of the alleged seller of the alcoholic beverage (Rule 141).

How to check ID:

- Check ID prior to taking or serving an alcoholic beverage.
- Ask the guest to take the id out of their wallet and hand the ID to you.
- Use the AACEA Ten Point Checking System.

AACEA 10 Point Check guide

1._____ 6._____

2._____ 7._____

3._____ 8._____

4._____ 9._____

5._____ 10._____

#1, you want to look at the expiration date, If an ID is expired, it is not valid. # 2, Is the signature and date of birth in raised text. #3, their photograph

#4, year of birth. #5, The day of birth. #6, The month of birth. #7, does the age match up? If the individual who you're questioning hands you an ID saying they are much older than they appear, you might ask for another piece of identification. #8 Look at their height. #9 Their weight. #10, the state seal. Look for blurred images, something drawn on there. Is it the correct state seal? A partial state seal?

- Ask them to remove their ID from their wallet, and hand it to you
- Do not touch their wallet
- Hold the ID in your hand
- When you look at their photo, you look straight across
- Bend the ID
- Look at the back of the ID. Sometimes they are partly photocopied
- Have them sign their name for you
- Verify the information on the card by asking questions of the ID holder
- Sign it three times on three separate pieces of paper, it's a psychological thing
- Does the birth date and the expiration typeface match the address typeface

Indicators of a false ID:

- Does the photograph appear raised or altered?
- Feel for lumps, bumps or creases on the surface of the card
- The card can be peeled apart, alterations of the birth date, the signature on the id is written in ink and can be smudged when it is rubbed.
- Hold a UV light or a flashlight to the ID. Do the security features glow when highlighted by a UV light? When a flashlight is held next to the ID, does evidence of cuts appear?
- Thickness of the card, too thick or too thin.
- Alterations of the birth date.

Definitions for terms used:

(a) The department adopts these regulations in compliance with Business and Professions Code § 25681 with the intent to ensure effective responsible beverage service training for servers and their managers to curb harm of the overuse of alcohol in California communities.

(b) Definitions for use in this article and in interpreting and enforcing Business and Professions code §§ 25680-25686.

(1) "ABC" means the Department of Alcoholic Beverage Control.

(2) "ABC on-premises license" means an ABC license that grants the privilege to serve alcoholic beverages to patrons who then consume them within the licensed premises.

(3) "ABC on-premises licensee" means the owner of an ABC on-premises license.

(4) "ABC licensed premises" means a location where an ABC on-premises licensee uses the privileges granted by an ABC on-premises license.

(5) "Accreditation agency" means a business entity the department has given the authority to approve RBS training courses and training providers according to the standards of the RBSTPA and this article.

(6) "Alcohol server certification exam" means an exam given to alcohol servers after they complete an RBS training course to test the alcohol server's knowledge of the required curriculum.

(7) "Initial employment" means the date an employee signs an employment contract or employee tax and identification documents, whichever is sooner.

(8) "Interactivity element" means a portion of an RBS training course that reasonably requires alcohol servers to be engaged in the training, demonstrate their knowledge of the curriculum, and develop an understanding of how to apply course material to their employment.

(9) "Manages or supervises" means any person who directly hires, oversees alcohol servers at an ABC licensed premises, or trains alcohol servers how to perform the service of alcohol for consumption for an ABC on-premises licensee including but not limited to, when to check identification or when to refuse service to a patron. This definition specifically excludes an employee or contractor of another separate ABC licensee who is training alcohol servers for marketing or distribution purposes.

(10) "Onsite" for the purposes of Business and Professions Code § 25682(c) means being engaged and directly overseeing the service of alcohol for consumption by any persons on behalf of the nonprofit organization licensee. This includes, but is not limited to, creating and imparting responsible beverage service policies to the other persons serving alcoholic beverages for consumption at the event.

(11) “Online certification system” means an electronic online database maintained by the department that alcohol servers, training providers, ABC on-premises licensees, law enforcement agencies, and the department will use to establish the validity of issued alcohol server certifications.

(12) “Owners and officers” include any owner, director, or officer of a business entity that has at least a ten percent interest or control of a business entity.

(13) “RBS” means responsible beverage service.

(14) “RBS trainer” means an owner, contractor, or employee of a training provider that delivers an RBS training course to alcohol servers either in-person or online.

(15) “Serving alcoholic beverages for consumption” means performing any of the following actions by an alcohol server as an employee or contractor of an ABC on-premises licensee when interacting with a patron of the ABC licensed premises: (A) checking patron identification, (B) taking patron alcoholic beverage orders, (C) pouring alcoholic beverages for patrons, or (D) delivering alcoholic beverages to patrons.

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