



# **PARTICIPANT MANUAL**

**REVISED MAY 2022**



## Introduction

Underage alcohol use accounts for about \_\_\_% of all the alcohol consumed in the United States each year. There are increasing numbers of deaths and injuries in which alcohol is involved. Insurance companies reflect the growing seriousness of drunk-driving crash claims by raising premiums. Injured parties are taking their cases to court in third-party liability lawsuits where, increasingly, judges are assigning a percentage of the fault to licensees, clerks and servers. Illegal sales and irresponsible service of alcohol are not being tolerated.

In the same manner, each year approximately \_\_\_\_\_ deaths are attributed to cigarette smoking. These deaths are preventable by reducing the sale of tobacco products to underage individuals.

Preventing substance abuse problems before they develop can be a challenging endeavor, but research – coupled with years of programming – has taught us that prevention is the most efficient, cost-effective approach. Prevention not only saves time and money, it saves lives and prevents or reduces harm.

Originally developed by LRADAC and Circle Park Behavioral Health Services, the Palmetto Retailers Education Program (PREP) is offered statewide under the auspices of the S.C. Department of Alcohol and Other Drug Abuse Services (DAODAS). The program was updated in May 2022 by South Carolina prevention professionals to reflect current data, trends, and other pertinent information. The program is designed to encourage and promote partnerships between licensed alcohol retailers, tobacco retailers, law enforcement and communities – partnerships that are dedicated to preventing and reducing alcohol and tobacco problems throughout South Carolina.

### **Introductory Notes for the Participant:**

This manual is provided to you for your use. It will assist you not only today, but also at your establishment as a resource when needed. Please share the information in this manual with co-workers, supervisors, managers and owners.

**The Goals of this Retail Education Training Are to:**

- Prevent/reduce alcohol and tobacco problems and to educate retailers on South Carolina laws related to the sale and service of alcohol and tobacco.
- Save lives.
- Raise awareness of the legal and social responsibility of establishments that sell alcohol and tobacco.
- Enable all staff to effectively identify underage persons and grossly intoxicated individuals, and to learn ways to refuse service to them.

**Attitudinal Outcomes:**

At the end of this seminar, participants will see:

- That there is a positive relationship between responsible alcohol and tobacco sales and profitability.
- That they have a legal responsibility to prevent sales to underage persons.
- That responsible alcohol and tobacco sales training is an effective business practice.
- That liability around alcohol sales and service may be reduced.

**Knowledge Outcomes:**

At the end of this seminar, participants will:

- Understand key state laws that govern alcohol and tobacco sales and service in their establishments.
- Understand the importance of their role in refusing service to underage and intoxicated individuals.

**Performance Outcomes:**

At the end of this seminar, participants will be able to:

- Describe the suggested procedure for checking ID.
- Describe how to prevent alcohol and tobacco sales to underage persons.
- Describe the suggested procedures for refusing service.

## **Quick Intros**

**Instructions:** In turn, each participant will provide a little information about his or her background. Be prepared to state:

- Your name and the establishment you work for.
- Your job responsibilities.
- The number of years you have worked in an establishment that sells alcohol and/or tobacco.
- Why you are taking this course.

# **Responsible Alcohol and Tobacco Sales**

## **Alcohol – What is it?**

### **What is alcohol?**

Ethyl alcohol is the intoxicating agent in fermented and distilled liquors and beverages. It is primarily made from grains, fruits and berries.

### **What effect does alcohol have on the body?**

Alcohol is a central nervous system depressant that can affect judgment with as little as one drink. Since alcohol goes directly into the stomach and requires no digestion, it is absorbed directly into the bloodstream and reaches the brain in about three minutes.

Alcohol dilates or widens the blood vessels as it enters the bloodstream, causing “blushing” due to the greater flow of blood to the skin’s surface. Although there is a temporary feeling of warmth, body temperature decreases rapidly.

Intoxication is caused when someone drinks alcohol faster than the body can process it. The liver can process about one drink per hour. When a person consumes more than one drink an hour, the Blood Alcohol Concentration (BAC) increases, since there is more alcohol in the bloodstream waiting to be processed than the liver can handle.

## Blood Alcohol Concentration

### What is BAC?

Blood Alcohol Concentration (BAC) is the amount of alcohol present in the blood as a person drinks. BAC is measured in milligrams percent. This means that there is one drop of alcohol per 1,200 drops of blood. For example, a BAC of .10% means that 1/10 of 1% (or 1/1,000) of your total blood content is alcohol. This seems like a very small amount, but with a BAC of .30%, a person can become comatose. At .40%, a person could die. In South Carolina, .08% is considered legally intoxicated for driving, and .02% is the limit for drivers under the age of 21. If you hold a CDL license, .04% is considered legally intoxicated for driving in our state.

While it is very difficult to assess a person's BAC without a Breathalyzer or a blood test, a server can observe a customer's drinking pattern and other visible signs to estimate the person's level of intoxication.

## Alcohol and Underage Persons

### So what's the problem?

1. Alcohol is the most frequently used and abused drug by teenagers. In South Carolina:
  - a. 59% of teens have tried alcohol; and
  - b. \_\_\_\_\_% are current drinkers.
2. About \_\_\_\_\_% of all fatal traffic crashes are alcohol related.
3. If a teen begins drinking before age 15, he or she is \_\_\_\_\_ times more likely to have a serious problem with alcohol than if he or she started at age 21.
4. On average, youth in the United States begin experimenting with alcohol around age 13.
5. Approximately \_\_\_\_\_ people in the United States die each year from underage drinking.
  - a. Approximately \_\_\_\_\_ of those deaths occur in South Carolina.
6. High school students who use alcohol or other drugs frequently are up to five times more likely than other students to drop out of school.
7. Eighteen- to 24-year-olds have the highest prevalence of alcohol dependence.
8. In 2013, underage drinking cost the United States \$59 billion, as compared to \$68 billion in 2012. In 2019, underage drinking cost South Carolina \$1 billion, as compared to \$1.1 billion in 2012.



## Fetal Alcohol Spectrum Disorder (FASD)

FASDs are caused by a woman drinking alcohol during pregnancy. Alcohol in the mother's blood passes to the baby through the umbilical cord. When a woman drinks alcohol, so does her baby.

FASDs are completely preventable if a woman does not drink alcohol during pregnancy, so why take the risk?

There is no known safe amount of alcohol during pregnancy or when trying to get pregnant. There is also no safe time to drink during pregnancy. Alcohol can cause problems for a developing baby throughout pregnancy, including before a woman knows she's pregnant. All types of alcohol are equally harmful, including all wines and beer.

To prevent FASDs, a woman should not drink alcohol while she is pregnant, or when she might become pregnant. This is because a woman could become pregnant and not know for up to four to six weeks.

If a woman is drinking alcohol during pregnancy, it is never too late to stop drinking. Because brain growth takes place throughout pregnancy, the sooner a woman stops drinking the safer it will be for her and her baby. Resources are available from the Centers for Disease Control and Prevention at: <https://www.cdc.gov/ncbddd/fasd/index.html>.

## Mixing Alcohol With Prescription Drugs

You have probably seen a warning about alcohol use on medications that you have taken. The danger is real. Mixing alcohol with certain medications can cause nausea and vomiting, headaches, drowsiness, fainting, or loss of coordination. It also can put you at risk for internal bleeding, heart problems, and difficulties in breathing. In addition to these dangers, alcohol can make a medication less effective or even useless, or it may make the medication harmful or toxic to your body.

Medications typically are safe and effective when used appropriately. Your pharmacist or other healthcare provider can help you determine which medications interact harmfully with alcohol.

## Mixing Alcohol With Illegal Drugs

Alcohol is a depressant. Combine it with a stimulant, such as cocaine, and the two drugs compete with each other. The depressant drug tries to slow the brain/central nervous system down, while the stimulant tries to speed it up – putting your brain/central nervous system under great pressure. Combine alcohol with another depressant drug (heroin, for example), and the effect they each have of slowing your central nervous system will be multiplied, and you risk your body shutting down altogether.

If you are under the influence of drugs, you are less likely to make considered decisions about how much alcohol to drink. So, you also put yourself at risk of alcohol poisoning and longer-term health effects of alcohol such as heart disease and cancer.

## Tobacco

In the United States, \_\_\_\_\_ deaths each year are attributable to cigarette smoking.

According to South Carolina law, it is illegal to give or sell tobacco products to persons under the age of 18.

- On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product – including cigarettes, cigars, and e-cigarettes – **to anyone under 21.**
- **Federal law supersedes state law, so all retailers must follow federal law.**

## Vape Products

In 2021, \_\_\_\_\_ U.S. middle and high school students used e-cigarettes in the past 30 days, including 2.8% (320,000) of middle school students and 11.3% (1.72 million) of high school students

Nicotine can harm adolescent and young adult brain development, which continues into the early to mid-20s. Besides nicotine, e-cigarette aerosol can contain cancer-causing chemicals and tiny particles that reach deep into lungs. However, e-cigarette aerosol generally contains fewer harmful chemicals than smoke from burned tobacco products.

Aerosol in vape products is made of:

- Nicotine
- Propylene glycol – a common food additive
- Diacetyl linked to “popcorn lung”
- Benzene – a volatile organic compound in car exhaust
- Carcinogens

# Legal Issues

## Legal Issues in Alcohol and Tobacco Sales

### Test Your Knowledge

**Directions:** The following questions and statements address some of the key legal issues in alcohol and tobacco sales. You and a partner will be asked to answer a few of them in a short amount of time. Be prepared to report your answers to the rest of the group.

#### Alcohol Sales

1. What are the penalties to an alcohol seller for alcohol sales to underage persons? Upon whom does the penalty fall? **NOTE: Remember that the legal age to possess, purchase, and consume alcohol in South Carolina is 21.**
2. What does the law say about selling alcohol to intoxicated persons?
3. How old must a person be to sell or serve alcohol?
4. **True or False?** The term “licensed premises” includes the parking areas.
5. **True or False?** The state department that regulates the sale and service of alcohol is the Alcohol Beverage Control (ABC) Department.
6. **True or False?** Beer and wine can be sold and consumed 24 hours a day, seven days a week, except between 2:00 a.m. and 10:00 a.m. on Sundays.
7. List the two primary types of alcohol licenses.
8. How many location types of licenses to sell beer and wine are there?

9. **True or False?** Individual sellers can be held civilly liable for injuries sustained by customers.
  
10. **True or False?** It is legal for licensed premises to allow intoxicated persons to remain in the establishment as long as they are not drinking alcohol or putting other patrons in danger.
  
11. **True or False?** The owner of a licensed establishment can legally consume beer, wine or liquor in his or her own establishment during restricted hours as long as no sale occurs.
  
12. Is it legal to allow an underage person to carry alcoholic beverages in your store?
  
13. What are the hours for selling liquor?

### **Tobacco Sales**

1. According to federal law, what is the minimum age to purchase tobacco products in South Carolina?
  
2. According to South Carolina law, what are the penalties for selling or providing tobacco to underage persons?
  
3. **True or False?** It is illegal according to South Carolina law to use tobacco products if you are under 18 years of age.
  
4. **True or False?** It is illegal to purchase tobacco products if you are under 21 years of age.
  
5. **True or False?** Both the store owner and the clerk can be fined for selling tobacco products to persons under 21.

## Criminal Offenses, Administrative Violations, Civil Liability

- **Criminal Consequences**

Violations of South Carolina alcohol laws can result in criminal charges, in which case the individual server is held accountable and may be required to pay a fine and/or serve time, and successfully complete an alcohol enforcement education program approved by the South Carolina Department of Alcohol and Other Drug Abuse Services.

- **Administrative Violations**

The state agency that regulates the sale of alcoholic beverages is the **South Carolina Department of Revenue (DOR)**. In order to receive a license, the licensee has to undergo fairly rigorous scrutiny. He or she must be 21 years or older, be of good moral character, not have been convicted of a felony within 10 years of license application, be a resident of South Carolina, and have maintained a principal place of residence in South Carolina for at least 30 days. Each license has a set fee as well.

The DOR holds the licensee accountable for responsible beverage service in his or her licensed establishment. The licensee is accountable to the **South Carolina Law Enforcement Division (SLED)** for any infractions on the licensed premises, even if he or she did not personally commit them. Penalties for violating alcohol laws vary according to the infraction and will be assessed against the licensee.

- **Civil Liability**

Civil liability is a means by which injured parties attempt to seek compensation (usually monetary). In civil cases, both the licensee and the server would be held liable for injuries to (or death of) the party mentioned.

In our litigious society, owners and servers need to be very careful. Also, although the statutes for civil liability vary, from state to state and may be very narrowly written, it only takes one case to make people's worst nightmares come true.

For every infraction of the alcohol laws, there is a potential administrative and/or criminal consequence. Generally, administrative consequences are levied against the licensee; whereas, criminal consequences are applied to the **individual seller/server**. Civil liability, however, often includes **both the seller/server and the licensee** and involves significant monetary awards, which go to the injured parties. Such action can have a lasting impact both on the licensee's business and the seller/server's psychological health.

## South Carolina Alcoholic Beverage License (ABL)

A four-item checklist outlines the ABL application process:

- The S.C. Department of Revenue (DOR) receives the application.
- Normal processing time of a non-protested application is six to eight weeks (or longer).
- The DOR forwards application information to the S.C. Law Enforcement Division (SLED) for investigation.
- A SLED agent notifies the contact person indicated on the application to set up an appointment.



## **South Carolina Liquor Liability Law**

Effective July 1, 2017, South Carolina Law 61-2-145 requires all on-premise alcohol outlets to maintain a minimum of \$1,000,000 in liability insurance.

## Impaired Driving in South Carolina

Drinking and driving is a serious and dangerous offense in South Carolina. An individual can face heavy fines, jail time, driver's license suspensions, ignition interlock device requirements, alcohol and drug safety programs, and reinstatement fees.

If someone is arrested for driving under the influence (DUI) of alcohol and/or other drugs, they will face criminal penalties in court and administrative penalties with the S.C. Department of Motor Vehicles (DMV).

## Impaired Driving Consequences

The penalties for a DUI/DWI in South Carolina will vary depending on the severity of the offense and the number of times the individual has been convicted of a DUI in the past 10 years. If someone drinks and drives, they will face both criminal penalties in court and administrative penalties with the DMV.

It is also important to remember that South Carolina has an "Implied Consent" law. This law states that if you drive in the state of South Carolina, you agree to take a chemical test if asked to do so by a law enforcement official. Due to this law, refusing a chemical test can get someone just as many, if not more, penalties from both civil and criminal court agencies.

## Impaired Driving Legal Requirements

After satisfying the South Carolina court requirements and criminal penalties for a DUI/alcohol-related offense, an individual will need to reinstate their driver's license with the DMV once their suspension period is over.

The reinstatement requirements will vary depending on the nature of the DUI, but they may need to:

- Pay the reinstatement fee, which is a minimum of \$100.
- Provide an SR-22 for proof of insurance.
- Complete the Alcohol and Drug Safety Action Program (ADSAP).
- Pass a knowledge test and driving skills test

## Report a Drunk Driver to Avoid Lawsuits

- Call 911 and tell them you wish to report a drunk driver. Do not call while driving; pull over or call hands-free.
- Give the exact location of the vehicle, including the name of the road or cross streets and the direction the vehicle is traveling.
- Give a complete description of the vehicle, such as make, model, color, and license plate.
- Do not follow or try to stop the car or detain the driver. Leave that to the trained professionals.

## **South Carolina Concealed Weapon Permits**

Section 16-23-465 of the South Carolina Code of Laws states that only individuals with a concealed weapon permit can carry a concealable weapon on the premises of an alcohol outlet, but the person must not consume alcoholic beverages while on the premises.

Section 23-31-220 allows a public or private employer to post signs prohibiting concealable weapons. However, this section appears to apply only to employees and not customers.

## Summary of Alcohol and Tobacco Laws

### Alcohol Laws

It is against the law for anyone under age 21 to purchase, to attempt to purchase, to consume, or to knowingly possess alcohol. (*Section 63-19-2440, Section 63-19-2450*)

Penalties for a violation include:

- \$100 - \$200 Fine (\$262 - \$470 actual)
- And/or 30 days in jail
- Completion of an Alcohol Intervention Program (not to exceed \$150)

It is against the law to sell any alcoholic beverages to anyone under age 21. Failure to require identification to verify age will be used as evidence of the willful violation of this law. (*Section 61-4-50, Section 61-6-4080*)

Penalties for a violation include:

- 1<sup>st</sup> Offense: \$200 - \$300 Fine (\$470 - \$677.50 actual)
- 2<sup>nd</sup> or Subsequent Offense: \$400 - \$500 Fine (\$885 - \$1,092.50 actual)
- And/or 30 days in jail
- Completion of a merchant education program (not to exceed \$50)

It is against the law for anyone to transfer, to provide, or to give any alcoholic beverages to anyone under age 21. (*Section 61-4-90, Section 61-6-4070*)

Penalties for a violation include:

- 1<sup>st</sup> Offense: \$200 - \$300 Fine (\$470 - \$677.50 actual)
- 2<sup>nd</sup> Offense: \$400 - \$500 Fine (\$885 - \$1,092.50 actual)
- And/or 30 days in jail

It is against the law to possess an altered driver's license/ID, another person's driver's license/ID, or an invalid driver's license/ID. (*Section 61-4-60*)

Penalties for a violation include:

- 1<sup>st</sup> Offense: \$200 Fine (\$470 actual) or 30 days in jail
- 2<sup>nd</sup> Offense: \$400 Fine (\$1,092.50 actual) or six months in jail

### Administrative Violations

It is a violation to permit anyone to transfer beer or wine to a person under 21 years of age on your premises. Failure to train employees and failure to exercise reasonable efforts to control activities on your premises will be used as evidence of the willful violation of this law.

- **Restricted Hours for Alcohol Sale and Consumption**

Beer and wine can be sold and consumed 24 hours a day, except between midnight Saturday and sunrise Monday morning. In counties or cities where Local Option Permits and Seven-Day Permits have been approved by public referendum, you may apply for a special off-premises permit that will allow the sale of beer and wine 24 hours per day without regard to Sunday sales restrictions.

- **Alcohol Sale to an Intoxicated Person**

It is a violation to sell beer or wine to an intoxicated person or to allow a grossly intoxicated person on your premises.

- **Disorderly House**

Licensees and employees may not permit premises (including adjacent areas such as a parking lot) to become a disturbance to the neighborhood or injurious to the public morals, health, convenience or safety.

- **Failure to Correct Objectionable Conditions**

Upon notice, a licensee must take steps to correct any “objectionable conditions,” as in the disorderly house.

- **Law Enforcement Problems**

Licensees may not allow premises to require an inordinate amount of police services.

- **Administrative penalties for violations of a beer/wine or liquor license can include:**

- monetary fines (first two offenses);
- license suspension;
- license revocation; and
- confiscation of alcohol inventory.

## Tobacco Laws

The legal age in South Carolina for purchasing tobacco products is 18.

- On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product – including cigarettes, cigars, and e-cigarettes – **to anyone under 21**.
- The federal Food and Drug Administration requires you to ask for ID from any customer who is under \_\_\_\_\_ years of age.
- **Federal law supersedes state law, so all retailers must follow federal law.**

It is a violation of South Carolina state law to sell or give tobacco products to persons under 18 years of age.

**SECTION 16-17-500.** Sale or purchase of tobacco products or alternative nicotine products for minors. (“Alternative nicotine product” means a product, including electronic cigarettes, that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means. “Electronic cigarette” means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking.):

- (A) It is unlawful for an individual to sell, furnish, give, distribute, purchase for, or provide a tobacco product or an alternative nicotine product to a minor under the age of eighteen years.
- (B) It is unlawful to sell a tobacco product or an alternative nicotine product to an individual who does not present upon demand proper proof of age. Failure to demand identification to verify an individual’s age is not a defense to an action initiated pursuant to this subsection. Proof that is demanded, is shown, and reasonably is relied upon for the individual’s proof of age is a defense to an action initiated pursuant to this subsection.
- (E) (1) An individual who knowingly violates a provision of subsections (A), (B), (C), or (D) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:
- (a) for a first offense, fined not less than one hundred dollars nor more than two hundred dollars;
  - (b) for a second offense, which occurs within three years of the first offense, fined not less than two hundred dollars nor more than three hundred dollars;
  - (c) for a third or subsequent offense, which occurs within three years of the first offense, fined not less than three hundred dollars nor more than four hundred dollars.
- (2) In lieu of the fine, the court may require an individual to successfully complete a Department of Alcohol and Other Drug Abuse Services approved merchant tobacco enforcement education program.

**Penalties for Violating State Tobacco Law:**

- 1<sup>st</sup> Offense: \$100 - \$200 Fine (\$475 actual)
- 2<sup>nd</sup> Offense: \$200 - \$300 Fine (\$677.50 actual)
- 3<sup>rd</sup> Offense: \$300 - \$400 Fine (\$885 actual)

**The FDA and Tobacco Products**

In 2009, the Food and Drug Administration (FDA) was given authority over the sales of tobacco products. This includes not selling to underage youth and checking IDs appropriately, but also includes:

- Not having cigarette vending machines that customers can access
- Not selling any “gear” (hats, t-shirts, lighters, etc.) with tobacco industry brands or logos
- Not selling fruit- or candy-flavored cigarettes or cigarette tobacco
- Not breaking open any packages smaller than what can be sold to the public, meaning opening a pack of cigarettes and selling single cigarettes (“loosies”) or opening a package of smokeless tobacco and selling it in pieces
- Not giving out any free tobacco product samples

In South Carolina, FDA-commissioned inspectors conduct inspections. Penalties for those violating any of the above can include:

- Warning letter
- Fine for the store
- Seizure of tobacco products
- Being given a “no sell” order, meaning the store can no longer sell tobacco products

Results from FDA compliance check inspections are available at <https://www.accessdata.fda.gov/scripts/localinspections>.

Merchants that sell tobacco products must comply with all applicable federal laws and regulations for retailers. The FDA regulates all tobacco products, including e-cigarettes, cigars, and hookah tobacco. The FDA has retailer education materials available at: [www.fda.gov/tobaccoproducts](http://www.fda.gov/tobaccoproducts). Available resources include:

- Retailer quiz
- Podcasts/PSAs
- Webinars



## **Additional Tobacco Law Information**

It is unlawful for an individual to sell, furnish, give, distribute, purchase for, or provide a tobacco product or an alternative nicotine product to a minor under the age of 18 years. (*Section 16-17-500*)

This section does not apply to the possession of a tobacco product by a minor working within the course and scope of his duties as an employee or participating within the course and scope of an authorized inspection or compliance check.

# Checking Identification

**An establishment may have a policy that is more stringent than these recommendations (e.g., “We only accept South Carolina driver’s licenses.”).**

**You have the legal right to refuse service to anyone who cannot produce adequate ID.**

## Recommended Acceptable Forms of Identification

- Valid State-issued Driver's License
- Valid State-issued Identification Card – S.C. Concealed Weapons Permit is a valid state-issued ID.
- Valid U.S. Government-issued Immigration Identification Card, Passport, Visa or Military Identification Card. A non-U.S. passport or visa is a valid form of identification for non-U.S. residents.

## These types of legally acceptable ID will have:

- Been issued by a government agency
- Name and signature of the person. (*Military ID common access card does not include signature.*)
- Date of birth of the person
- Physical description (*except on military ID common access card*) and photograph of the person
- To be currently valid (NOT EXPIRED) regardless of the age of the patron

## Helpful tools for checking ID:

- ID checking guides (very important for out-of-state IDs)
- ID scanning devices (age verification)
  - New S.C. documents may not work with some age-verification equipment.
  - Contact your supplier for further information.
- Black lights
- Flashlight
- Magnifying glass of 10x or higher

If an out-of-state license is presented as proof of identification, verify its validity in the ***I.D. Checking Guide*** before you make a sale or provide service. If an ***I.D. Checking Guide*** is not available, ask for a second form of identification.

To purchase copies of the ***I.D. Checking Guide***, contact:

**I.D. Checking Guide**  
1-800-227-8827  
[www.driverslicenseguide.com](http://www.driverslicenseguide.com)

## Valid South Carolina Driver's License

- On October 19, 2010, the S.C. Department of Motor Vehicles (SCDMV) began issuing new driver's licenses and identification card credentials. These credentials are more tamper-resistant and are designed to deter fraud. The licenses issued in 2010 took effect as the old South Carolina licenses were expiring.
- The SCDMV began issuing REAL IDs in February 2018. As of December 2019, the agency had issued more than 1.8 million REAL ID licenses and IDs.

## South Carolina REAL ID

- Beginning May 3, 2023 (this date was pushed back by one year due to the pandemic), all South Carolinians must have a driver's license or ID card with a gold star to show it is a REAL ID to board domestic commercial flights, enter a secure federal building, or visit a military installation.
- Driver's license and ID cards that do not have a gold star and state "NOT FOR FEDERAL IDENTIFICATION" are valid; they are just not compliant with REAL ID standards.

## Security Features on S.C. REAL ID and Non-Compliant S.C. Licenses:

- OVI Holograms – Printing ink containing optically variable pigments that will show large color shifts depending on the angle of observation or lighting.
- UV Ink – Ink containing fluorescent pigments that is used to print text or motifs. Visible under normal light and fluoresces under UV light.
- Microprint – Lines or motifs made up of very small letters or numbers that are barely perceptible to the eye.
- The new S.C. license has a 1D and 2D barcode located on the back of the card.
- The license has options to indicate the holder is:
  - medically diagnosed with autism
  - a veteran
  - hearing-impaired
  - an organ donor
- All the credentials such as name and signature are engraved on the card using laser technology.
- On the right side of the card, there is a picture of the S.C. State House.
- The card has microprint of the cardholder's mini and micro portraits.

## Process for Checking ID F-L-A-G System

### F – FEEL

1. Have person remove the ID from their wallet or plastic holder. (Never accept a laminated document.)
2. Feel for information cut-out or pasted on (especially near photo and birthdate areas).
3. Feel the texture for any raised areas that might indicate alteration.

### L – LOOK

1. Look for the South Carolina state seal.
2. Look at the photograph. When encountering people with beards or facial hair, cover the facial hair portion of the photo and concentrate on the nose or ears. These features don't change.
3. Look at the height and weight. They must reasonably match the person.
4. Look at the date of birth and do the math! Pre-printed age charts can be helpful.
5. Compare the age on the ID with the person's apparent age. For example, if the ID says the person is 22, but they only look 17, do not accept the ID no matter how genuine it looks.
6. Look at the expiration date. If the ID has expired, it is not acceptable.

### A – ASK

1. Ask questions of the person, such as their middle name, zodiac sign, or year of high school graduation.
2. Ask them the month they were born. If they respond with a number, it is probably because they are lying.
3. If the person is with a companion, ask the companion to quickly tell you the person's name. Any hesitation means they are probably lying.
4. Ask the person to sign their name, and then compare signatures.

### G – Give Back

1. If the ID looks genuine, give it back to the customer and make the sale. If the ID is phony or altered, you should still return the ID. Only law enforcement officers are authorized to seize false ID documents. Also, there could be legal repercussions if you take another person's property. Licensees should consult with their attorneys before having a policy of confiscating false ID from customers.

## Features of a Fake ID

- Words “secure,” “genuine,” “authentic”
- Old style “skeleton key” as the hologram
- Checking the back of the identification often will tell you it is a fake. (Look for phrasing “for novelty purposes” or “not a government document.”)

# Refusing Sales

## The REFUSE System

Having a system in place makes it easier for clerks to refuse sales, either to an underage or an intoxicated person. The **REFUSE** system is a suggested method for dealing with a customer who has not provided suitable identification, is intoxicated, or who you suspect will be transferring the alcohol or tobacco to an underage person.

**R**ecognize the need to check for and verify ID when alcohol is put on the counter or tobacco is requested.

**E**liminate alcohol from sight and **E**xplain your store policy (not selling alcohol or tobacco products to persons under 21, requiring acceptable identification for those under 30, or not selling to intoxicated patrons).

**F**irm, yet polite. You can keep the focus on you and your own predicament if you serve the customer, rather than focusing on the customer. Your own personal customer-relations style will come into play here.

**U**nite. Ask for help from other employees or your manager. If you are working alone, consider calling your manager for help or even the police if the situation is serious.

**S**hift your attention to the next customer by thanking the current customer for their other purchases.

**E**nter the occurrence in your establishment's incident log (*see sample on Page 32*).

The guidelines above will help clerks manage their customers and provide a common language for resolving problem situations.



## Using an Incident Log

- Use a bound notebook to document the details of incidents such as refusing alcohol service, arranging transportation for a guest, refusing a false or underage ID, or calling the police. Keep the book in a location that is accessible to all staff needing to make an entry. An incident log can be used to assess a timeline of your alcohol service and can be helpful in possibly lowering your liability. This is very valuable information should a lawsuit arise.
- Record all incidents that may occur in the store, especially those involving alcohol. This should happen immediately after an incident occurs, while the facts are still fresh. Include the date, time, server, and manager involved. Describe the physical attributes of intoxicated or underage guests. List the names of other customers and employees who may have witnessed the incident. Be brief, but include as much detail as is relevant.
- This should be a running log. No pages should ever be torn out of this book.



# Preventing Underage Sales

*The following are examples of techniques to prevent underage sales:*

- **Posting signage in the establishment that reminds customers of the laws and the legal ages to purchase alcohol and tobacco products.**
- **Posting signage in the establishment that reinforces store policies in reference to the sale of alcohol and tobacco products.**
- **Using age verification equipment.**
- **Monitoring the parking areas to ensure that youth are not loitering.**
- **Posting signs in the parking areas to emphasize “NO LOITERING.”**

## Strategies Commonly Used by Underage Persons to Gain Access to Alcohol and/or Tobacco

- Get a fake ID, or borrow someone's ID
- Get someone else to buy the alcohol or cigarettes (family, friends, date, or an adult in the parking lot)
- Pick stores with a reputation for being “easy” (i.e., those that don't ask for ID)
- Act classy or sophisticated
- Talk to the clerk, try to convince him or her to sell alcohol or tobacco
- Make friends with the clerk
- Go during a busy time of the day when clerks are more distracted
- Pick a special occasion – Halloween, Christmas, St. Patrick's Day
- Travel with friends or in groups to lessen suspicion
- Act sleazy or flirt with the clerk, trade on looks or outgoing personality
- Bribe the clerk
- Buy in volume
- Delivery orders
- Try to look older (make-up, style of clothes, etc.)

# **Keg Registration**

## Keg Registration

**Keg – A container of beer with a capacity of 5.16 gallons or more that is designed to dispense beer directly from the container in an off-premises location**

All kegs sold by a retail licensee:

- Must complete a Keg Registration Form as prescribed by the South Carolina Department of Revenue (SCDOR) with the following:
  1. Date of sale and Keg Identification Number
  2. Name, address and birth date of purchaser
  3. Driver's license or identification card number furnished by the purchaser
  4. Statement by the purchaser attesting that the information furnished is accurate and acknowledging that, unless authorized by law, it is unlawful to transfer beer to a person under the age of 21
  5. Date that the keg is returned to the license holder and whether the keg was returned with the Keg Identification Tag properly affixed

Forms are issued by the SCDOR and are available at [www.sctax.org](http://www.sctax.org).

Retail licensees:

- Must attach a SCDOR-approved Keg Identification Tag to all kegs sold to consumers for off-premise consumption with the following:
  1. Alcohol Beverage License holder's name
  2. Alcohol Beverage License holder's address
  3. Alcohol Beverage License holder's license or permit number

**A Keg Identification Tag** must be attached to the keg at the time of sale with a nylon tie or cording, wire tie or other metal attachment device, or other durable means of tying or attaching the tag to the keg.

What must the license holder do upon the keg's return by the purchaser?

- Complete the returned section of the Keg Registration Form, to include the Purchaser's Receipt section at the bottom of the form
- Remove the Keg Identification Tag. (Only the license holder may remove a tag.)
- Keep all forms and tags for 90 days and make them available for inspection by the SCDOR and appropriate law enforcement agencies.

What if the keg is returned without the Keg Identification Tag affixed to it?

- The license holder must accept all returned kegs, but may, at the license holder's discretion, refuse to refund the deposit for a keg that has an altered or missing Keg Identification Tag.
- The license holder may annotate on the Keg Registration Form that the keg was returned without the tag properly affixed.

**Penalties for violating keg registration law**

- Penalty for selling a keg without proper documentation and identification
  - Fine of not less than \$200 or more than \$300 for a first offense (*Cost including court costs and fees could be \$470 to \$677.50.*)
  - Fine of not less than \$400 or more than \$500 for a second and subsequent offenses (*Cost including court costs and fees could be \$885 to \$1,092.50.*)

(SC Code Ann. Sections 61-4-1920)
- Penalty for a retail licensee selling a keg without proper documentation and identification
  - Suspension or revocation of his/her beer or wine license or monetary penalties

(SC Code Ann. Sections 61-4-1920)
- Penalty for possessing a keg without a Keg Identification Tag
  - Fine of up to \$500 or 30 days in jail OR both (*Cost including court costs and fees could be \$1,092.50 or more.*)

(SC Code Ann. Sections 61-4-1930)
- Penalty for purposefully removing, altering, obliterating, or allowing to be removed, altered, or obliterated, a keg tag or other information recorded on the tag
  - Fine of up to \$500 or 30 days in jail OR both (*Cost including court costs and fees could be \$1,092.50 or more.*)

(SC Code Ann. Sections 61-4-1940)

Additional Resources: [www.sctax.org](http://www.sctax.org) - Beer-Wine-Liquor-Lingo, Alcohol Beverage Licensing, ABL-907, ABL-908, ABL-909

# Preventing Overservice



## Preventing Overservice

### Why is it important to prevent overservice?

- It's against the law to serve alcohol to a visibly intoxicated person.
- Legal liability
- Individual and public safety

*This applies to both off- and on-premise establishments.*

## Prevention – Assessing Customers

### Customer's initial presentation

The first thing you should note is your customer's initial condition.

- Has the customer been drinking before arriving?
- Does the customer exhibit behaviors that may indicate the person is taking medication/drugs?
- Is the person in a good mood?
- How has the customer behaved in previous situations (if known)?

This allows servers to set the pace and tone of service and to avoid trouble, as well as to make note of customers who are depressed, impaired, aggressive, or out to get drunk.

### Listening

Listen closely and intently to what the customer says. Show that you are interested by making eye contact.

### Observing Behavior and Noting Body Language

In many situations, *observing people and reading body language are more important than listening.*

Note:

- Loudness or quietness of conversation and orders
- Facial expressions and gestures
- Tone of voice
- Posture

## Asking Questions to Clarify

In some situations, you will have a chance to make small talk with customers. This is an opportunity to pick up information and clarify things heard. Find out:

- How the customer is feeling
- Who is driving
- What the intention is for the evening

## Identifying Problem Patrons

Problem patrons come in various forms. Spotting the known “troublemaker” is a matter of alertness to “tell-tale” signs and good communications among all staff in the workplace.

Potential problem patrons could include:

- Patrons removed from the establishment in the past. You should watch for and act firmly and immediately at the first sign of trouble from such people.
- Obviously intoxicated patrons “inherited” from alcohol service provided at other locations. You must not provide them with service. These people may be just “out on the town” for a good time, and this may be obvious by their behavior. Figuring out tactful methods of refusing service without losing their long-term business is a challenge you may wish to tackle.
- “Chronically drunk” patrons who are able to conceal their intoxication levels well. You should be carefully monitoring them for clear signals of oncoming intoxication. Look for tell-tale signs such as drinking alone, chain smoking, disinterest in what is going on, and loss of motor control as signs of a potential problem. Again, it is important to anticipate this type of situation.

## Identifying Grossly/Obviously Intoxicated Patrons

### I. Behaviors

- Aggression
- Boisterousness
- Grandiose behavior (buying rounds for the house)
- Intrusiveness/excessive “friendliness” toward other patrons or employees
- Dramatic change in behavior
- Letting a cigarette burn down to fingers, having more than one lit, etc.
- Drinking fast/ordering strong drinks
- Drowsiness
- Problems in coordination (swaying, staggering, spilling drinks, stumbling, bumping into things, inability to bring glass to mouth)
- Problems in speech (rambling, losing train of thought, slurred speech, shouting)

## 2. Attitudes

- Obnoxious behavior, annoying other patrons
- Grossly inappropriate or irrational comments
- Dramatic change in attitude
- Complaints about strength of drinks

## 3. Physical

- Bloodshot/glassy eyes
- Flushed face
- Smelling of alcohol
- Wearing disheveled clothing

# Intervention – Handling High-Risk Situations

### Assess the situation

When you need to intervene in a patron's drinking pattern, first assess the situation. Do not jump to hasty conclusions. It is important to decide how to handle the problem before you get directly involved in it.

### Delegate specific responsibilities

Decide at this point who does what. Which parts of the problem will your employer handle (e.g., going to talk to the patron) and which parts of the problem will you handle (e.g., calling a taxi, friends, or the police)?

### Take action

In dealing with intoxicated patrons, start by politely explaining that you are required by law to ask them to leave. Avoid confrontation; do not “corner” your customers. Avoid threatening statements and judgmental comments. Be courteous and firm, and explain that, under the law, intoxicated people may not remain on licensed premises. Do not bargain or back down. Do not use emotionally charged words. Do provide reasons for your actions.

### Follow-up

As soon as an incident has been taken care of, it is most important to do three things:

- Debrief the situation with your supervisor.
- Write down key details in the Incident Log.
- Have your employer retain sales records associated with the incident.
  - An accurate and complete log, together with sales slips, may form the backbone of a defense in civil litigation, or administrative or criminal action. In court, bound books are more credible than easily altered loose-leaf binders.

## **Conflict Resolution**

- Stay in control...even if they are not. Remember: they are intoxicated.
- Communicate with your co-workers.
- Be polite and keep your voice low and pleasant.
- Explain your decision, but do not budge.
- Keep their safety a priority.
- Call for help if needed.
- Call other establishments in the area to warn them.

## **Procedures to Prevent Overservice**

- Take time to talk with your customers.
- Wait for customers to reorder.
- Back up and support the decisions made by staff and managers.
- Assist co-workers in preventing problem situations from occurring.

## What Is a Drink?

A drink is a drink is a drink! One 12-ounce beer is equal to one 4- to 5-ounce glass of wine is equal to one 1 ½-ounce glass of 80-proof liquor. All contain the same amount of alcohol.

However, a mini-bottle contains the most amount of alcohol. Any customer who orders a mini-bottle is consuming approximately **25% more alcohol** than a customer who is drinking beer or wine. Consequently, their blood alcohol concentration (BAC) will increase at a faster rate, causing intoxication at a faster rate.

**Still, any customer who drinks alcohol is at risk of intoxication – no matter what type of alcohol he or she consumes.** The two main factors that affect intoxication are the amount of alcohol consumed and the time period in which it is consumed.

<b>Type of drink</b>	One beer	One glass of wine	One shot of 80- proof spirits
<b>Size of drink</b>	12 oz.	5 oz.	1.5 oz.
<b>Alcohol by volume</b>	5% alcohol	12% alcohol	40% alcohol
<b>Alcohol content</b>	.54 oz. alcohol	.54 oz. alcohol	.7 oz. alcohol

### Drink Counting Exercise

#### Instructions:

The chart below contains information about the BAC level associated with various weights in a one-hour time period. The starting and finishing drink numbers on the chart are provided. See if you can fill in the other blanks.

<b>BAC</b>	<b>Reactions</b>	<b># of drinks needed at: 90-129 pounds</b>	<b># of drinks needed at: 130-189 pounds</b>	<b># of drinks needed at: 190+ pounds</b>
.02%	Impaired vision; reduced attention span; slower reaction time; less critical of one's own actions	1/2		
.05%-.06%	Reduced reaction time and inhibitions; impaired vision; superficial feeling of relaxation; impaired judgment and information processing			
.08%	Slower reflexes; poor coordination; seriously impaired vision; overconfidence; impaired thinking and reasoning; carelessness; less ability to concentrate			4

## Alcohol Absorption Rates

There are many things that affect the rate at which our bodies absorb alcohol.

### **The quantity and frequency of drinking**

“Double-strength” drinks and servings made with more than one type of liquor typically contain more alcohol than standard drinks. Distilled liquor, which is highly concentrated alcohol, enters the bloodstream faster than beer and wine, although their alcohol content is equivalent. The faster one consumes alcohol, the faster it saturates the blood stream, as the liver cannot process more than one drink an hour.

### **Food consumption**

Food slows the absorption of alcohol into the bloodstream. On an empty stomach, alcohol reaches the brain in about three minutes and begins to affect behavior and coordination. Food does not absorb the alcohol. It merely slows the speed at which alcohol is absorbed. As fatty foods are more difficult to digest, they remain in the stomach longer than other types of food. The effect of the alcohol still occurs, but at a slower rate. Dieting can result in increased absorption if a person has not eaten or has eaten very little.

### **Altitude**

A change in altitude or atmospheric pressure can make drinks seem twice as potent as they really are. Flying or mountain vacationing can increase the rate at which a person’s body reacts to alcohol.

### **Tolerance to alcohol**

Experienced drinkers develop tolerance to alcohol. After prolonged regular drinking, the liver breaks down alcohol more efficiently. Also, brain cells may become less sensitive to alcohol. In a person with high tolerance, it takes more alcohol to produce signs of visible intoxication.

**Blood Alcohol Concentration, however, is determined by the amount of alcohol and is not affected by experience.**

### **Medications or other drugs**

Many common drugs (illegal drugs and prescription/over-the-counter medications) impair the user and increase the effects of alcohol. Using alcohol with other drugs can be very dangerous to a person’s health and safety.

### **Fatigue and stress**

Physical, mental, or emotional fatigue and stress make a person much more susceptible to the effects of alcohol.

### **Body type**

An overweight person generally has a higher Blood Alcohol Concentration (BAC) than a muscular person who weighs the same and drinks the same amount of alcohol. This is because muscle tissue has more blood to dilute the alcohol.

## **Alcohol Absorption Rates**

(Continued)

### **Gender**

A woman will usually have a higher BAC than a man of the same weight if they drink the same amount of alcohol. This is because women generally have more body fat than men. Women have less muscle tissue, and thus less blood to dilute the alcohol. Menstrual cycles also affect absorption rates.

### **Mood**

Alcohol usually exaggerates moods. A person who is depressed will likely become more depressed when drinking.

### **General health**

Healthy people break down alcohol faster than those in poor health. They have more blood, and their livers work more efficiently. The bodies of older people and younger people absorb it more quickly, as their bodies are not as efficient.

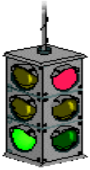
### **Carbonation and temperature**

Carbon dioxide causes pressure in the stomach, which moves alcohol into the small intestine faster, where it is quickly absorbed. Warm drinks enter the bloodstream faster than cold drinks.

### **Alcohol and body temperature**

Alcohol is a depressant, not a stimulant. It causes the pores in the skin to open, thereby lowering body temperature. As a result, alcohol can contribute to deaths caused by hypothermia.

## The Traffic Light System



Use the traffic light system to guide your sales or service.

- **GREEN LIGHT** — Sales and service are OK. Service is a “GO.”
  - After one drink, customer is relaxed and talkative.
  - Smile and enjoy serving your customer.
  
- **YELLOW LIGHT** — Be cautious. Observe carefully.
  - More talkative, more outgoing
  - Argumentative, more withdrawn
  - Inhibitions loosen
  - Increasing consumption rate
  - Drinking other people’s drinks
  - Buying rounds for strangers
  - Caution needed
  
- **RED LIGHT** — Do not sell or serve.
  - Too late, probably should have stopped service earlier
  - Slowed reactions
  - Clumsy, knocking over drinks
  - Glassy eyed
  - Loses train of thought
  - Irrational speech

## The Traffic Light System for Monitoring Customers’ Alcohol Consumption

### **Instructions:**

You will be assigned to review one of the sections below with a partner. Be prepared to report out on your section: either what constitutes a “green,” “yellow,” or “red” customer, or on the **CUT** or **REFUSE** system.

- **Green Customers**  
These customers are not impaired and have a BAC of .00% to .04%. Males have a higher tolerance to alcohol than females, and a person’s BAC may be affected by such things as drugs (even over-the-counter or prescription drugs), the amount of food in the stomach, or mood.



- **Yellow Customers**

These customers require the server to watch their intake of alcohol because they are approaching the point where they need to have a “soft intervention.” Since time and food are the only things that slow down the process of absorption of alcohol into the blood stream, use both of them to prevent an impaired customer from getting intoxicated, as demonstrated in the **CUT** system below:

**C**alculate the number of drinks the customer has had.

In an **U**nderstanding tone, explain to the customer that you are concerned that he or she is getting intoxicated, and you have a responsibility to watch out for problems.

**T**ell the customer that the drink being served is the last drink he or she will be served for an hour, and offer some food or a non-alcoholic drink.

- **Red Customers**

Customers are considered “red” if they are demonstrating some combination of the signs of intoxication (see Page 40), if the customers are under 21 years of age, if the customers have had a “yellow” drink and less than an hour has passed. **DO NOT SERVE THIS CUSTOMER.** Use the **REFUSE** system outlined below:

**R**ecognize the need for refusal of service (signs of intoxication, over his or her appropriate drink level, or customer is under 21 years of age).

**E**xplain your establishment’s policy, as well as the law.

Be **F**irm, yet polite. You can keep the focus on you and your own predicament, rather than focusing on the customer. Your own personal customer relations style will come into play here.

**U**nite. Ask for help from other employees or your manager. If you are alone, you need to decide whether to call the police for assistance.

**S**hift your attention to the next customer.

Make an **E**ntry in your establishment’s incident log.

The guidelines above will help servers manage their customers and provide a common language for talking about problem customers. Problem customers (the “yellows” and “reds”) can be managed using the easy acronyms **CUT** and **REFUSE**.

# **Policies and Procedures**

## **The Importance of Management Policies Regarding the Sale of Alcohol and Tobacco Products**

### **What is a policy?**

“Policy” as defined by Encarta Dictionary:

1. course of action - a program of actions adopted by an individual, group, or government, or the set of principles on which they are based
2. prudence - shrewdness or prudence, especially in the pursuit of a particular course of action

### **What good are policies?**

Policies standardize staff behavior and licensee expectations for alcohol and tobacco sales and service. They provide a written reference so that new and long-term employees are clear about what is expected of them. They can be used in current training or coaching of employees.

They help the manager identify the good practices that are already ongoing in the organization.

A well-written policy manual, signed by employees who have read it, provides an excellent, responsible business practice defense. If reasonable care is found, liability might be eliminated or mitigated.

## Suggested Policies/Procedures to Prevent Underage Purchase of Alcohol and/or Tobacco

- All customers who appear under the age of 27 must show an ID or they will not be sold alcohol or tobacco. Acceptable forms of ID include:
  - valid state-issued driver's license;
  - valid state-issued identification card; and
  - valid U.S. government-issued immigration identification card, passport, visa, or military identification card.
- No alcohol or tobacco products will be sold to any adult who is suspected of purchasing the alcohol for the purpose of selling or giving it to an underage person.
- All out-of-state IDs must be checked in the Driver's License Guide.
- No one under the age of 21 will be sold an alcoholic beverage.
- No one under the age of 21 will be sold tobacco products.
- Management will assist, whenever requested by staff, in interventions with problem customers.
- The establishment will not allow any alcohol promotions aimed at youth, including college students, since most are under 21.
- The establishment will put an age chart at the cashier's station to assist sellers in computing age of customers.
- The establishment will train staff on how to identify underage customers.
- Signs announcing the policy of not selling alcohol or tobacco to anyone who is under 21 will be posted in a visible location.

## Suggested Policies Related to Alcohol and Tobacco Sales and Security

The following are examples of some store policies:

1. No employee will sell or serve an alcoholic beverage or tobacco product to anyone under the age of 21.
2. All employees will carefully check the identification of anyone who appears to be under 30 (or your establishment's policy) years of age.
  - a. Acceptable documentation is:
    - A. valid state-issued driver's license
    - B. valid state-issued ID
    - C. valid government-issued identification (e.g., military ID, passport, immigration identification card)
  - b. The employee will carefully check the identification to determine its authenticity. The manager should be informed if there is any appearance of forgery or tampering (or your establishment's policy).
  - c. In the absence of valid identification, or in case of doubt, the employee will refuse service of alcoholic beverages or sale of tobacco product to the customer.
3. No employee will sell/serve an alcoholic beverage to anyone who is intoxicated.
4. No employee will sell/serve alcoholic beverages to anyone to the point of intoxication.
5. It is the employee's responsibility to notify a manager when a customer shows signs of intoxication or is requesting alcoholic beverages above the limits of responsible beverage service. (Your establishment's policy should be inserted here.)
6. Any intoxicated customer wishing to leave the establishment will be urged to use alternative transportation provided by the establishment. (This can be a cab service, designated driver, etc. You may also want to list incentives for the designated driver, such as free non-alcoholic beverages, free appetizers, and a discount on a meal or non- alcoholic beverages.)
7. All employees are obligated to inform law enforcement authorities when intervention attempts fail.
8. No employee will drink alcoholic beverages while working. (Your establishment's policy can be inserted here as long as it deals with serving while being intoxicated - which is illegal.)
9. Insert your establishment's policy for measuring drinks, intervals for serving drinks, drinking on-premise at an off-premise establishment, number of drinks served at a time, etc.
10. All incidents will be documented in an incident log.
11. All employees who serve/sell alcoholic beverages and/or tobacco products will successfully complete a retail merchant training.
12. Alcoholic beverages will be stocked where they are visible to clerk or other employees at all times.
13. Signs announcing the policy of not selling anyone who is underage and/or intoxicated will be posted in a visible location.

This list is not comprehensive but identifies some of the areas that need to be addressed in established policies.

## Risk Assessment: What to Look For

### Risk

The term “risk” generally refers to the chance or possibility of loss or injury. “Risk assessment” can be defined as determining the degree to which it is likely that injury or loss might occur. We can apply the concept of risk to a licensed establishment by identifying those areas that are most likely to result in loss (to the business) or injury (to customers). Once risk is established, steps can be taken to reduce it.

### What are the two main areas of risk for businesses that sell alcohol and tobacco?

- A high number of underage youth who attempt to buy alcohol and/or tobacco illegally
- Problems with theft leading to financial loss and legal issues

## Areas to Examine in Reducing Risk Exposure

There are five main areas where licensees can look at their current situation and consider making some changes to reduce their potential for problems.

### Customers

Lots of young customers or a high volume of heavy or very heavy drinking customers increases your risk. Are you or your fellow clerks selling to people who are underage?

### Security Issues

Where are your alcohol and tobacco products placed? What about lighting? Are your parking lots being monitored? Is there good visibility throughout the establishment?

### Legal History

If there have been problems in the past, there are likely to be problems in the future.

### Location

Being located near a college campus or other youth-oriented center increase your risk for problems. The neighborhood may present problems too, if it is rundown, if there is a crime risk, or if other establishments have poor sales practices. Also consider whether or not there is a drug problem in the area.

### Signage

The location of signs displayed inside and outside the establishment that may limit visibility for security purposes, including law enforcement conducting routine patrols.

## Suggested Policies and Procedures to Prevent or Manage Intoxication

### Prevention Techniques

- **Drink counting**  
To keep patrons from harming themselves or others, any customer whose drinking results in signs of intoxication will be asked to pace their drinking. Alcohol-free beverages and/or food will be suggested to help the customer comply. Service must be set up so that staff will know when a customer is approaching legal intoxication.
- **Non-alcoholic alternatives stocked and promoted**  
Alcohol licensees will stock and promote a range of low-alcohol and alcohol-free beverages in addition to alcoholic beverages to attract patrons who may wish to moderate or pace their alcohol consumption.
- **Crowd control**  
Responsible beverage service requires an ability to monitor and control alcohol consumption. Thus, businesses should prevent over-crowding.
- **No consumption by staff while on duty**  
The consumption of alcoholic beverages by staff or management while on duty will not be permitted.
- **Promotions will be in line with responsible practices**  
Advertisements and promotions should not encourage irresponsible drinking, nor should abusive drinking be encouraged via two-for-one or other discounted drink pricing schemes.
- **Provide and market food**  
Staff will suggest food to help slow down or delay the intoxicating effects of alcohol. This also helps to pace a patron's drinking rate.

### Techniques for Managing Intoxication

- **No service to intoxicated patrons**  
No service of alcoholic beverages will be provided to a customer who appears intoxicated, and the establishment will make arrangements to keep that person from having to drive.
- **No service to intoxicated walk-ins**  
Anyone who enters a bar or restaurant and appears to be intoxicated will not be served an alcoholic beverage. Every effort will be made to prevent that person from harming himself or others.

## Example of Management Policies Regarding the Sale of Alcohol and Tobacco Products

### Management Policies Regarding the Sale of Alcohol and Tobacco Products

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Name of Establishment \_\_\_\_\_

Our goal is to create a safe environment where customers may purchase items they need in our store. These policies and procedures are designed to achieve this goal. Any employee found knowingly or deliberately violating these policies will be immediately terminated.

- I. Age identification
  - a. All customers attempting to buy alcohol or tobacco who appear to be under 27 years of age will be asked for age identification. Legally acceptable forms of identification are:
    - i. Valid state-issued driver's license
    - ii. Valid state-issued ID
    - iii. Valid government-issued identification (e.g., military ID, passport, immigration identification card)
  - b. All forms of legally acceptable identification must:
    - i. Be issued by a government agency.
    - ii. Contain the name of the person.
    - iii. Contain a description of the person.
    - iv. Contain a photo of the person.
    - v. Be currently valid (not expired).
  - c. No alcohol or tobacco products will be sold to any customer, regardless of age, who cannot provide valid age identification when it is requested. (Regardless of an individual's age, if their driver's license has expired, it is not a valid ID.)
  - d. All forms of identification will be checked utilizing the F-L-A-G method.
  - e. If identification presented is not valid, the customer will be refused service and asked to leave. The incident will be documented. Employees will use the REFUSE system.
2. Intoxicated customers
  - a. No alcohol will be sold to an intoxicated customer. Signs of intoxication may include:
    - i. Slurred speech.
    - ii. Speaking loudly and inappropriately.
    - iii. Bloodshot eyes.
    - iv. Swaying when walking.
    - v. Loss of coordination (e.g., fumbling with money, dropping change).
  - b. Employees will use the REFUSE system to refuse sales of alcohol to an intoxicated customer.
  - c. Employees will call the police to report any intoxicated customer who leaves the establishment and gets behind the wheel.



## Example of Management Policies Regarding the Sale of Alcohol and Tobacco Products

(Continued)

3. Third-party sales
  - a. No alcohol or tobacco products will be sold to any adult who is suspected of purchasing for the purposes of selling or giving it to an underage person. Employees will use the REFUSE system of denying the sale of alcohol or tobacco products to such persons.
  - b. Employees will visually monitor the parking lot area to observe any loitering and will phone the police when there are persons (youth or adults) loitering in the establishment's parking lot or nearby area. Employees will document in the incident log each occurrence of loitering.
4. Attempted sale off-hours
  - a. No alcohol will be sold during restricted hours. Employees will use the REFUSE system to deny the sale of alcohol.
5. Training
  - a. All employees, including clerks, managers, and owners, will be trained in responsible alcohol and tobacco sales and service. At a minimum, this course shall include information on:
    - i. The current laws and penalties regarding sales and provision of alcohol and tobacco products to underage persons.
    - ii. Bona fide age identification.
    - iii. Methods for detecting false identification.
    - iv. How to deal with problem situations, such as sales to underage persons and intoxicated customers, after-hours sales, and third-party sales.
    - v. How to maintain incident documentation forms.
    - vi. How to implement the store's policies and procedures most effectively.
  - b. A copy of the alcohol and tobacco policies and procedures will be distributed to every employee at the time of his or her hiring. All employees will be required to sign a statement indicating that they have read, understand, and agree to implement the policies and procedures. Deliberately or knowingly violating any one of these policies or procedures will be grounds for immediate dismissal.
  - c. Managers/owners will periodically monitor employees' performance in the area of implementing the policies and procedures to ensure that clerks are complying with them.
6. Signage/Promotions
  - a. We will stock and promote chilled low- and non-alcoholic beverages along with alcoholic beverages, and will be mindful of the balance between the two.
  - b. Alcoholic beverages will be stocked where they are visible to a clerk or other employees at all times.
  - c. The following signs will be exhibited at all times within our establishment: (List signs and where they will be exhibited here; refer to South Carolina regulations on signage.)
  - d. No signage or promotions that are aimed at youth will be displayed.

## Example of Management Policies Regarding the Sale of Alcohol and Tobacco Products

(Continued)

### 7. Security

- a. There will be adequate lighting in our parking lot and store.
- b. Manager/owner will participate in any community neighborhood watch program, or other community support programs designed to reduce the number of alcohol-related problems in the area.
- c. (Add here any other security measures, such as hiring private security guards, working more closely with the police, etc.)

The sale/service of alcoholic beverages and tobacco products should not be a routine! It is one of the few legal products you can sell that could put you in jail.

THE MANAGEMENT FULLY SUPPORTS THESE POLICIES AND WILL STAND BEHIND OUR EMPLOYEES IN THEIR DECISIONS TO PROMOTE RESPONSIBLE SALES/SERVICE.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Date signed

## Management Employment Agreement

I, \_\_\_\_\_, an employee of \_\_\_\_\_, do hereby state that I have read the above written alcohol and tobacco policies and procedures and I agree with the said policies and procedures. I will commit to uphold these written policies as long as I am employed by this establishment.

Signed \_\_\_\_\_ Date \_\_\_\_\_

I have completed Responsible Beverage and Tobacco Sales and Service Training.

Yes \_\_\_\_\_ No \_\_\_\_\_

Date of Training \_\_\_\_\_

Copy of Certificate attached. Yes \_\_\_\_\_ No \_\_\_\_\_

I have received a copy of written policies and procedures. Yes \_\_\_\_\_ No \_\_\_\_\_

Management Signature \_\_\_\_\_

Date \_\_\_\_\_

## Policy Implementation and Compliance

There are some simple steps that managers can take to make sure that policies are upheld:

1. Hire employees who are conscientious. Provide them with your policies and procedures and have them sign a statement attesting that they have read and understood them and agree to implement them.
2. Discipline employees who are not enforcing your policies and procedures, including your alcohol and tobacco policies and procedures. Terminate them if they are caught knowingly violating your policy (and document the reasons why).
3. Make sure all new employees are trained in responsible sales practices.
4. Emphasize periodically with your staff that you want them to implement these policies.
5. Institute an incentive program for employees who are effectively implementing your responsible sales policies and procedures.
6. Conduct periodic spot checks or hire a “shopper” to check on employees to monitor their implementation of policies and procedures.
7. Support your employees when they refuse sales to a customer.
8. Do not allow your employees to drink on the premises while on duty or after hours.



## Responsibilities of the Sales/Service Staff

- Knowledge of all South Carolina laws pertaining to the sale of alcohol and tobacco
- Know business policies on the sale of alcohol and tobacco products
- Definition of what constitutes an age-restricted product
- Laws and store policies on requiring identification, including the age that triggers ID verification and the acceptable forms of ID
- Specific age-verifying protocols designed to ensure that the date of birth is read, clearly understood by the clerk, and compared to a calendar or electronic age-verification device
- Verification of an ID's authenticity
- The features of an ID that must be checked
- How to tell if an ID might have been altered or is being misused
- What an employee should do if an ID appears to be altered or misused
- Prescribed methods and practical techniques for handling recurring situations
- Asking for an ID
- When and how to ask for a second ID
- Declining to make a sale when the customer has no ID or when the ID shows the customer to be underage
- Declining to make a sale because of concerns about whether the ID has been altered or is being misused
- Recognizing and declining a potential third-party sale, including purchase attempts made with written parental permission or with the parent present in a parked vehicle
- Resisting customer pressure and handling a customer's abusive conduct
- Know that the management is a resource for sales/service staff

### **In addition, on-premise sites should consider the following:**

- Make sure you know the liquor laws, regulations, and house policies on alcohol service.
- Be well informed of the non-alcoholic, low-alcohol and specialty drinks available for service. Offer non-alcoholic beer, wine, or alternatives.
- Take a few moments to talk with your customers throughout their visit to assess their service needs.
- Serve one drink at a time. Remove glass before serving the next drink.
- Wait for customers to reorder. Don't encourage them to reorder when the drink on the table is still part full.
- Slow the rate of service for borderline (YELLOW ZONE) patrons.
- For steady customers who tend to drink too much, discuss and set a limit with them personally, with input from your manager.
- Promote non-salty food and snacks.
- Do not serve a patron previously served by a coworker without checking with the coworker first.
- Back up and support the decisions made by staff and managers.
- Work as a team by relating information about a customer's drinking situation to other staff.
- Make sure back-up staff are available if needed.

- Assist coworkers to prevent problem situations from occurring.
- Be observant of the behavior of patrons in your establishment.
- Complete incident reports as needed.
- The manager or owner should have in place a policy for reporting and ensure that all staff members know the policy.
- Consider the factors that affect a person's BAC to adjust and prevent over-service.