



TRAINER'S MANUAL

REVISED MAY 2022

Introduction

Underage alcohol use accounts for about 4% 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 480,000 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.

Developed by LRADAC and Circle Park Behavioral Health Services and now offered statewide under the auspices of the S.C. Department of Alcohol and Other Drug Abuse Services (DAODAS), the Palmetto Retailers Education Program (PREP) 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. The SC PREP Committee continues to update the curriculum as new data become available.

Introductory Notes for the Trainer:

The trainer's manual gives introductions to topics, explanations, and bridges. Times listed will assist trainers in completing the course in the allotted time.

PowerPoint slides are shown on the respective trainer's pages.

TABLE OF CONTENTS

Component One	PAGE
Introduction	1
Table of Contents	2
Welcome and Introductions	
Welcome	4
Learning Objectives	6
Introductions	7
Responsible Alcohol and Tobacco Sales	
Alcohol – What Is It?	9
Blood Alcohol Concentration	10
Alcohol and Underage Persons	11
Fetal Alcohol Spectrum Disorder	12
Mixing Alcohol With Other Substances	13
Tobacco	14
Vape Products	14
Legal Issues	
Legal Issues in Alcohol & Tobacco Sales	17
Criminal Offenses, Administrative Violations, Civil Liability	19
South Carolina Alcoholic Beverage License	20
South Carolina Liquor Liability Law	23
Impaired Driving in South Carolina	24
South Carolina Concealed Weapon Permits	28
Criminal Offenses	31
Administrative Alcohol Laws & Licenses	32
Alcohol-Related Civil Liability	36
Tobacco	39
Checking Identification	
Recommended Acceptable Forms of Identification	42
Helpful Tools for Checking ID	43
South Carolina Driver's License	44
Process for Checking ID: The F-L-A-G System	46
Refusing Sales	
The REFUSE System	51
Using an Incident Log	52
Preventing Underage Sales	
Strategies Commonly Used by Underage Persons	53
Keg Registration	
Points to Make	56
Keg Identification Tag	57
Penalties for Violating Keg Registration Laws	58

Component Two

Continue for On-Premise Sales

Preventing Overservice

Why Is It Important to Prevent Overservice?	60
Prevention – Assessing Customers	60
Identifying Problem Patrons	61
Identifying Grossly/Obviously Intoxicated Patrons	62
Intervention – Handling High-Risk Situations	64
Conflict Resolution	65
Procedures to Prevent Overservice	66
Drink Counting Exercise	67
Drink Counting – Step One – Understanding Drink Sizes	68
Drink Counting – Step Two – Understanding Alcohol's Effect on the Body	69
Drink Counting – Step Three – Calculating Drink Capacity	70
Alcohol Absorption Rates	71
The Traffic Light System	73

Component Three

Continue for Management

Policies and Procedures

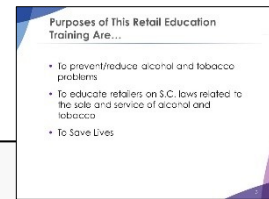
The Importance of Management Policies	76
Suggested Policies/Procedures to Prevent Underage Purchase	77
Suggested Policies Related to Alcohol and Tobacco Sales and Security	78
Risk Assessment	80
Suggested Policies and Procedures to Prevent or Manage Intoxication	82
Example of Management Policies	84
Management Employment Agreement	87
Policy Implementation and Compliance	88
The Action Plan	89
Responsibilities of the Sales/Service Staff	90

Welcome and Introductions

Welcome

~ 5 minutes

Begin by introducing yourself and explaining the reason for the Palmetto Retailers Education Program in South Carolina.



Introduce yourself.

Manuals are for the participants to keep. Make notes as needed, write down questions, and we will hopefully be able to answer them throughout the training. *[If you are unable to answer a participant's question, provide him/her with a resource for the answer or your contact information for follow-up.]*

Ultimately, the purpose of PREP is to save lives.

- **Underage alcohol use accounts for about 4% of all the alcohol consumed in the United States each year.**
- We are seeing an increasing number of deaths and injuries in which alcohol is involved.
- There has been an increase in fault being assessed to licensees, clerks and servers.

Bridge:

Before we get into the material, let's see what knowledge and understanding you have related to alcohol and tobacco sales.

Workshop Objectives

~ 2 minutes

During this training, we will cover the following objectives:

Learning Objectives

Attitudinal Outcomes

At the end of this training, participants will

- Recognize that they have a legal responsibility not to sell alcohol or tobacco to underage persons
- Recognize the value of making choices that fulfill their job responsibilities
- Recognize that avoiding the sale of alcohol or tobacco to underage persons is more important than making a sale

Knowledge Outcomes

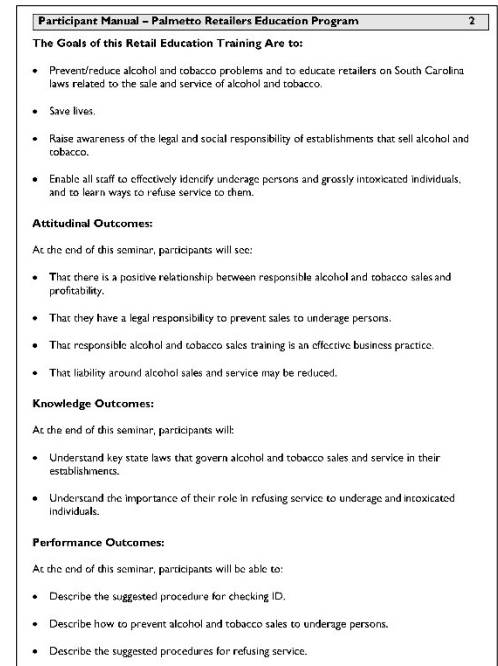
At the end of this training, participants will

- Understand key state and federal laws that govern the sale of alcohol and tobacco in South Carolina
- Understand the importance of their role in refusing to sell to underage persons
- Understand the correct procedure for checking an ID
- Understand they must ID anyone who appears to be under the age of 27
- Understand that if caught making an underage sale, they will be penalized
- Understand how the manager can be a resource for sales staff
- Understand the effects of alcohol use and alcohol absorption rates
- Know when and where to seek help if concerned about their own or others' use
- Understand how to identify intoxicated customers
- Understand how to refuse service to underage youth and intoxicated customers

Performance Outcomes

At the end of this training, participants will be able to

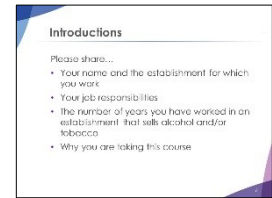
- State the laws and consequences related to the sale of alcohol and tobacco in South Carolina
- List the responsibilities of sales staff
- State the potential penalties for clerks who sell alcohol or tobacco to underage persons
- Calculate the required date of birth for sales of alcohol and tobacco
- List the valid forms of identification
- Locate the date of birth on a valid form of identification
- Apply the calculated required date of birth and compare to the customer's date of birth
- Describe how to detect a fake ID
- Explain how to handle difficult situations in refusing sales



Introductions

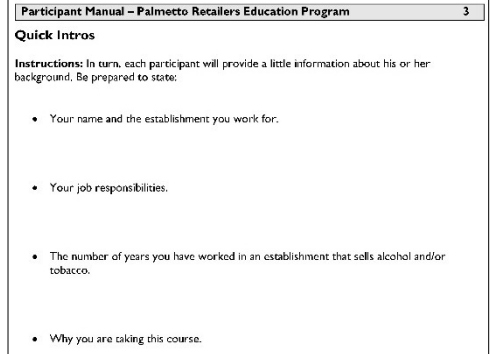
~ 10 minutes

(This may take more or less time depending on the number of people in the class.)



EXPLAIN:

- How to conduct quick intros:
 - Ask each person in turn to answer the questions on Page 4 of their manuals.
 - Model this process, with an emphasis on keeping the intros brief.
- Listen for peoples' particular interests so you can touch on those interests over the course of the workshop.



BEGIN BY:

- Stating there is already a lot of experience in the room with alcohol sales. You do not intend to act like an expert, but rather to create an environment in which participants can learn from one another.

BRIDGE BY SAYING:

Let's examine why responsible sales are important. Play introduction video.

Responsible Alcohol and Tobacco Sales

Alcohol – What Is It?

~ 5 minutes

EXPLAIN:

As of January 1, 2006, liquor may be sold “free pour” in South Carolina. Prior to this, liquor was served from minibottles and free pour was not allowed. A minibottle holds 1.7 oz. of liquor. With “free pour,” the volume of alcohol varies with the drink and the server. A “normal” free-pour drink contains approximately 1.5 oz. of alcohol.

What is alcohol?

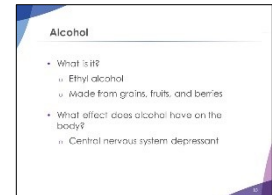
Ethyl alcohol is the intoxicating agent in fermented and distilled liquors and beverages. It is primarily made from grains, fruits and berries.

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 the 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 (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.



Participant Manual – Palmetto Retailers Education Program 5

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.

BRIDGE BY SAYING:

Now that we know what is in alcohol and what a drink is, let’s look at how alcohol can affect your customer.

Blood Alcohol Concentration

~ 5 minutes

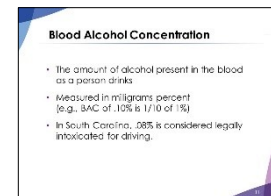
EXPLAIN:

Knowing what alcohol is and how much alcohol is in a drink will assist in knowing about how much you can serve a customer. While an understanding of BAC and the amount of alcohol is important, it is important to understand that every individual reacts differently to alcohol.

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 1/1000) 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.



Participant Manual – Palmetto Retailers Education Program 6

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

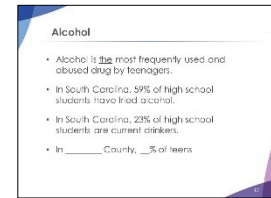
So what's the problem?

- Alcohol is the most frequently used and abused drug by teenagers. In South Carolina:
 - 59% of teens have tried alcohol; and
 - 23% are current drinkers.
- About 28% of all fatal traffic crashes are alcohol related.
- If a teen begins drinking before age 15, he or she is five times more likely to have a serious problem with alcohol than if he or she started at age 21.
- On average, youth in the United States begin experimenting with alcohol around age 13.
- Approximately 3,900 people in the United States die each year from underage drinking.
 - Approximately 85 of those deaths occur in South Carolina.
- 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.
- Eighteen- to 24-year-olds have the highest prevalence of alcohol dependence.
- 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.

Alcohol and Underage Persons:

So what's the problem?

~ 5 minutes

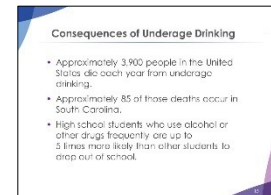


EXPLAIN:

Establishments that sell alcohol are a vital part of the community. **ASK** participants to state some of the benefits their establishments bring to a community (jobs, tax revenue, shopping convenience, place where food is served, etc.). **VALIDATE** all answers and acknowledge that there are many advantages to having off-premise establishments.

However, alcohol and underage persons can be a deadly combination. Here are a few points to illustrate what we mean:

1. Alcohol is the most frequently used and abused drug by teens.
 - a. In South Carolina, 59% of high school students have tried alcohol in their lifetime.
 - b. In South Carolina, 23% of high school students are current alcohol users.
 - c. People under 21 make up about 4% of all U.S. alcohol consumption.
 - d. More than 90% of the alcohol consumed by youth is consumed while binge drinking.
 - e. About 3,900 people in the United States die from underage drinking each year (about 85 in South Carolina).
 - f. High school students who frequently use alcohol or other drugs are up to 5 times more likely than other students to drop out of school.
2. In South Carolina, about 30% of all fatal traffic crashes involve alcohol. (Nationally, the average is about 30%.)
3. If a teen begins drinking before age 15, he or she is four times more likely to have a serious problem with alcohol than if he or she started at 21.
4. On average, youth in the United States have their first drink at 13 years old.
5. 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.
6. Each year, alcohol is involved in approximately:
 - a. 50% of all emergency room visits
 - b. 70% of child abuse cases
 - c. 75% of all domestic assaults
 - d. 86% of homicides
 - e. 75% of sexual assaults
7. Underage persons often obtain alcohol by purchasing it themselves at off-premise licensed retail outlets or by having friends and family purchase it for them. Identification is not requested in a majority of cases when minors purchase alcohol.



DEBRIEF BY SAYING:

Alcohol sales are a vital part of the community; however, it can be detrimental if not sold in a responsible manner. You can play a role in reducing these numbers.

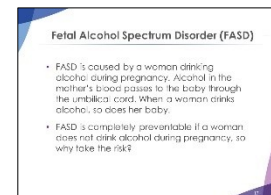
Fetal Alcohol Spectrum Disorder (FASD)

~ 15 minutes

EXPLAIN:

We care about the sale of alcohol products to pregnant women because of the serious consequences of drinking during pregnancy.

- 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 at [Fetal Alcohol Spectrum Disorders \(FASDs\) | CDC](#)



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 Other Substances

~ 10 minutes

EXPLAIN:

We need to understand the dangers of combining alcohol with other substances so that we can be alert to the possible health challenges faced by our customers.

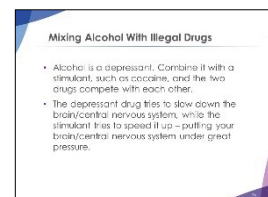
Mixing Alcohol With Prescription Drugs

- Prescription (and over-the-counter) drugs have labels warning that 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.



Participant Manual – Palmetto Retailers Education Program	8
<h4>Mixing Alcohol With Prescription Drugs</h4> <p>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.</p> <p>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.</p>	
<h4>Mixing Alcohol With Illegal Drugs</h4> <p>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.</p> <p>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.</p>	

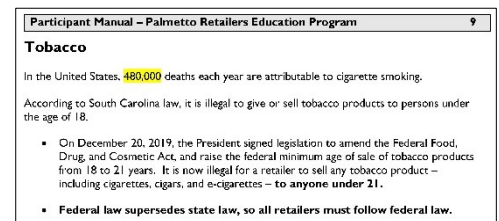
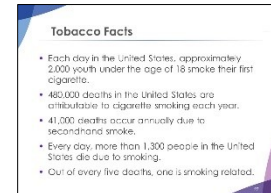
Tobacco

~ 15 minutes

EXPLAIN:

We care about the sale of tobacco products to young people because of the serious consequences of nicotine addiction.

- Each day in the United States, approximately 2,000 young people under the age of 18 smoke their first cigarette.
- 480,000 deaths in the United States are attributable to cigarette smoking each year. This includes more than 41,000 deaths resulting from secondhand smoke exposure. This is about one in five deaths annually, or 1,300 deaths every day. On average, smokers die 10 years earlier than nonsmokers. (CDC Fact Sheet)
- Nine out of 10 smokers start using before the age of 18.
- If smoking continues at the current rate among U.S. youth, 5.6 million of today's Americans younger than 18 years of age are expected to die prematurely from a smoking-related illness. This represents about one in every 13 Americans aged 17 years or younger who are alive today. (CDC Fact Sheet)
- According to South Carolina law, it is illegal to sell tobacco products to persons **under the age of 18**.
- According to federal law, it is illegal to give or sell tobacco products to persons **under the age of 21**.
- 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, 2.06 million 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

BRIDGE BY SAYING:

Before we look at your role in reducing these problems, let's review some key legal issues you need to know about.

Legal Issues

TRAINER NOTES:

How to present legal issues: You may wish to consider having a representative of the South Carolina Law Enforcement Division (SLED) or local law enforcement present this section of the training. It will help establish a positive relationship with the enforcement agency and will also give SLED a chance to answer very specific questions about criminal acts.

Legal Issues in Alcohol & Tobacco Sales



Test Your Knowledge

~ 10 minutes

EXPLAIN:

The most important thing is how participants can find the answer to every question.

Alcohol Sales

1. What are the penalties for selling alcohol to underage persons? Upon whom does the penalty fall?
Answer: *Both Licensee and Employee may be penalized.*
 - i. Licensee may pay a fine set by the Department of Revenue (depending on the severity of violation) up to the license being suspended or permanent revocation (if violation is repeated and severe enough).
 - ii. Employee may be fined at least \$677.50 and/or serve up to 30 days in prison, and must complete a DAODAS-approved merchant education program (such as PREP).
2. What does the law say about selling alcohol to intoxicated persons?
Answer: *The law states it is a violation to sell alcohol to an intoxicated person.*
3. How old must a person be to sell or serve alcohol?
Answer: *21 for a bartender. 18 to serve open containers. 21 to sell alcohol in a retail liquor store. No minimum age for beer or wine sold in sealed containers (e.g., convenience store, grocery store).*
4. **True or False?** The term “licensed premises” includes the parking areas.
Answer: *True*
5. **True or False?** The state department that regulates the sale and service of alcohol is the Alcohol Beverage Control (ABC) Department.
Answer: *False – The Department of Revenue issues licenses. SLED enforces alcohol laws and regulates and investigates licensees. Local law enforcement can also enforce alcohol laws.*
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.
Answer: *False – Beer and wine can be sold and consumed 24 hours a day except Sunday (12:00 midnight on Saturday until sunrise on Monday morning). (In certain communities, special referenda passed by voters makes it legal to sell on Sunday.)*
7. List the two primary types of alcohol licenses.
Answer: *Beer & Wine; Retail Liquor (Others include private clubs, hotels & restaurants, and special events.)*
8. What are the two types of location licenses needed to sell beer and/or wine in South Carolina?
Answer: *Two – Off Premises and On Premises*
9. **True or False?** Individual sellers can be held civilly liable for injuries sustained by customers.
Answer: *True*
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.

Answer: *False – It is a violation to permit public intoxication.*

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.

Answer: *False*

12. Is it legal to allow an underage person to carry alcoholic beverages in your store?

Answer: *No (unless they are an employee and doing their job)*

13. What are the hours for selling liquor?

Answer:

- *Retail Liquor Store: From 9:00 a.m. to 7:00 p.m., Monday-Saturday*
- *On-Premises Liquor License: 10:00 a.m. to 12:00 midnight (except Sundays) in Restaurants, Hotels, Bars, etc.*
- *Private Clubs: 10:00 a.m. to 2:00 a.m., seven days a week. (Establishments may get local option permits that allow Sunday sales for special events.)*

Tobacco Sales

1. According to federal law, what is the minimum age to purchase tobacco products in South Carolina?

Answer: *21*

2. According to South Carolina law, what are the penalties for selling or providing tobacco to underage persons?

Answer: *Misdemeanor offense with fines from \$100 to \$470 or completion of an approved merchant education program. FDA penalties range from a warning letter to a fine to seizure of tobacco products to losing the ability to sell tobacco products.*

3. **True or False?** It is illegal according to South Carolina law to use tobacco products if you are under 18 years of age.

Answer: *True*

4. **True or False?** It is illegal to purchase tobacco products if you are under 21 years of age.

Answer: *True*

5. **True or False?** Both the store owner and the clerk can be fined for selling tobacco products to a person under 21.

Answer: *False. The state law does not specify if both the store owner and clerk can be fined (there is not a license to sell tobacco in South Carolina). Typically, it is the clerk who is fined by local law enforcement under state law. If someone sees a violation of the tobacco law (selling to someone under 18), they may report it and get half the amount of the fine. FDA penalties are assessed against the store.*

DEBRIEF BY SAYING:

The South Carolina Law Enforcement Division (SLED) is an excellent source of information, and managers should have a good relationship with the field representative in their area. SLED is always happy to answer licensee questions. Emphasize the importance of following federal law as it supersedes state law.

BRIDGE BY SAYING:

Let's take a look at the legal responsibilities that alcohol retail establishments and their employees have in the course of conducting business.

Criminal Offenses, Administrative Violations, Civil Liability

~ 5 minutes

EXPLAIN:

There are three types of legal consequences that regulate the sale of alcohol – criminal, administrative, and civil.

Anyone who buys, sells, or gives alcohol to a person under the age of 21 or to an intoxicated person is committing a Criminal Offense, which is a misdemeanor. A ticket will be issued and a court date set. It is at the discretion of the officer as to whether the offender goes to jail.

The alcohol license is issued by the Department of Revenue (DOR) and is regulated by the South Carolina Law Enforcement Division (SLED). Any infraction is an Administrative Violation against the licensee. The licensee is responsible for alcohol violations that occur on the premises of the alcohol establishment, whether or not he or she is present at the time of the occurrence. Violations can result in fines, suspension or revocation of the alcohol license.

The third type of legal action is called Civil (Third-Party) 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 or clerk may be held liable for injuries to (or death of) the party mentioned. Monetary awards are given to victims or their families if the provider of the alcohol is found to have been negligent. Judgments are placed against personal property and income – current and future, as necessary – until the judgment is satisfied. The alcohol licensee is also subject to being sued and can be held liable as well.



Participant Manual – Palmetto Retailers Education Program 13

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.

BRIDGE BY SAYING:

There are several specific laws we would like to look at in more detail to make sure that you understand their significance.

South Carolina Alcoholic Beverage License (ABL)

10 minutes

South Carolina regulates alcoholic beverage commerce through a three-tiered distribution and licensing structure that strictly separates manufacturing, wholesaling, and retailing interests into distinct tiers of operation. Under this three-tier system, licenses issued under Title 61 are generally divided into the following categories:

- Retail Licenses that authorize the sale of alcoholic beverages to the public
- Wholesale Licenses that authorize the purchase of alcoholic beverages from producers for resale to retailers
- Manufacturing and Importing Licenses that authorize the production or importation of alcoholic beverages into the state

The manufacturing, distribution, and sale of beer and wine are regulated by the brewery, winery, wholesale, and retail beer and wine permits authorized under Chapter 4 of Title 61. The manufacturing, distribution, and sale of alcoholic liquors are governed by the liquor manufacturers', wholesalers', and retail dealers' licenses and the liquor-by-the-drink licenses authorized under the ABC Act in Chapter 6 of Title 61.

Renewal Schedule:

	EVEN YEARS	ODD YEARS
February	Charleston Clarendon Colleton Dorchester Georgetown Hampton Jasper Williamsburg	Allendale Bamberg Barnwell Beaufort Berkeley
May	Lancaster Marion Marlboro Union York	Cherokee Chester Chesterfield Darlington Dillon Fairfield Florence Horry

	EVEN YEARS	ODD YEARS
August	Richland *Beer Producers *Liquor Producers *Liquor Representatives *Wine Shippers	Calhoun Kershaw Lee Orangeburg Sumter
November	Laurens Lexington McCormick Newberry Oconee Pickens Saluda Spartanburg	Abbeville Aiken Anderson Edgefield Greenville Greenwood

SECTION 61-2-90. Application for license or permit.

A person desiring a license or permit under this title must file with the department an application in writing on forms provided by the department containing a statement under oath setting forth:

- (1) the name, address, date of birth, race, and nationality of the person applying for the license or permit;
- (2) the exact location where the business is proposed to be operated;
- (3) a description of the type of business to be operated;
- (4) whether the applicant or an owner of the business has been involved in the sale of alcoholic liquors, beer, or wine in this or another state and whether he has had a license or permit suspended or revoked;
- (5) whether the applicant has been a legal resident of this State for at least thirty days before the date of application, and has maintained his principal place of abode in the State for at least thirty days before the date of application;
- (6) other information required by the department to determine if the application meets all statutory requirements for the license or permit and to determine the true owners of the business seeking the license or permit.

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.

For more information, visit SC DOR website: <https://dor.sc.gov/tax/abl>

South Carolina Liquor Liability Law

5 minutes

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.

SECTION 61-2-145. Liability insurance coverage required; on-premises consumption.

(A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars during the period of the biennial permit or license. Failure to maintain this coverage constitutes grounds for suspension or revocation of the permit or license.

(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on-premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on-premises consumption after five o'clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on-premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on-premises consumption after five o'clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement.

(D) For the purposes of this section, the term "alcoholic beverages" means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61.

Impaired Driving in South Carolina

15 minutes

For updated Statistics- https://scdps.sc.gov/ohsjp/stat_services/factbooks. Also may want to share local statistics from your county with the participants.

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.

Additional Resources:



<https://www.madd.org/south-carolina/>

South Carolina Department of Public Safety-Office of Highway Safety

<https://scdps.sc.gov/ohsjp>

Campaigns:



Don't drink and drive. You've heard this message from law enforcement hundreds of times, but has it really hit home? Nearly half of all fatal crashes in South Carolina involve an impaired driver. Too many people are still taking risks that lead to their own death or the loss of an

innocent life nearly every day right here in our state. Sober or Slammer? It's not just a campaign slogan. It's life or death. Before you make that choice, think about this: Who would you leave behind if you were killed in a drunk driving collision? Whose life would you selfishly take if you lived through the crash? If you survive, you'll have plenty of time to think about your choice behind bars. Impaired drivers are on the radar of South Carolina law enforcement. Nearly 22,000 DUI arrests were made in South Carolina last year. So, which choice will you make when you drive ... Sober or Slammer?

<https://scdps.sc.gov/scsoberorslammer/factsaboutdui>

What is the effect of alcohol on driving skills and crash risk?

Alcohol causes poor judgment. It slows your reaction time and your ability to concentrate and make decisions. It impairs your eyesight. If your BAC reaches 0.08, you are three times more likely to have a traffic collision than if your BAC were zero. If your BAC reaches 0.25 percent, your chances of having a traffic collision are 25 times greater.

Are beer and wine less impairing than hard liquor?

Impairment is not determined by the type of drink but rather by the amount of alcohol ingested over a period of time. There is a similar amount of alcohol in such standard drinks as a 12-ounce serving of beer, a 4-ounce glass of wine, and 1.25 ounces of 80 proof liquor. Beer is the most common drink consumed by people stopped for alcohol-impaired driving or involved in alcohol-related crashes.

Do alcohol related crashes differ by gender?

Crashes involving men are much more likely to be alcohol related than those involving women. In 2012, the proportion of drivers involved in fatal crashes with BAC levels of .08 or higher was 24% among males and 14% among females. In 2019, males accounted for 71% of passenger vehicle driver deaths, 48% of passenger vehicle passenger deaths, 96% of large truck driver deaths, 67% of large truck passenger deaths, 70% of pedestrian deaths, 86% of bicyclist deaths, and 91% of motorcyclist deaths. Alcohol involvement in fatal crashes is highest for men ages 21-40.

When do alcohol-related crashes occur?

They happen at all hours, but alcohol involvement in crashes peaks at night and is higher on weekends than on weekdays.

What's the goal of alcohol-impaired driving laws?

Many people think the principal goal of such laws is to arrest and punish the drivers who put everyone else at risk. But arrest and punishment of offenders is a secondary objective. The most important objective is for the law to be a deterrent so that police find no alcohol-impaired drivers to arrest.

Why is deterrence so important and how can it be achieved?

Most impaired drivers are never stopped. Others are stopped, but police miss signs of impairment. It has been estimated that as many as 2,000 alcohol-impaired driving trips occur for every arrest and that, even when special impaired driving enforcement patrols are conducted, as many as 300 trips occur for each arrest. Because the police cannot catch all offenders, the success of alcohol-impaired driving laws depends on deterring potential offenders by creating

the public perception that apprehension and punishment of offenders is likely. The key to creating this perception is enforcement. Enforcement efforts must be well publicized and create a realistic threat of apprehension.

Who can be stopped for impaired driving?

Although police cannot stop and test individual drivers without cause, they can investigate any driver who, based on established criteria, appears to have been driving while impaired by alcohol. Most alcohol-impaired driving arrests are made by officers on routine patrol who discern signs of impairment after stopping a driver for an ordinary traffic violation.

How to spot an Impaired Driver:

As a defensive driver, you should always be aware of what the drivers around you are doing. Below are some signs that may indicate that the driver of a vehicle is impaired. Most impaired drivers are either overly cautious or reckless. MADD recommends ways to be on the lookout for impaired drivers like:

- Making unusually wide turns.
- Straddling the centerline or driving with their tires on the centerline.
- Driving with head out the window or driving with all car windows down in very cold weather.
- Almost hitting another vehicle or other object or person.
- Weaving or swerving.
- Driving on the shoulder or in the emergency lane.
- Driving with excessive speed or very slow speed.
- Stopping without apparent cause.
- Following too closely.
- Drifting or braking erratically.
- Driving in or crossing into opposite lanes of traffic.
- Changing speeds rapidly or very slowly.

Microbreweries and Tastings

5 minutes

- Microbreweries produce less than 15,000 barrels of beer per year and sell 75% or more of their beer off-site.
- Microbreweries made up 18.4% of U.S. beer production volume in 2021.
- Craft beer sales make up \$26.9 billion and 26.8% of the U.S. retail beer market.

South Carolina Concealed Weapon Permits

5 minutes

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.

"Concealable weapon" means a firearm having a length of less than twelve inches measured along its greatest dimension that must be carried in a manner that is hidden from public view in normal wear of clothing except when needed for self-defense, defense of others, and the protection of real or personal property.

SECTION 23-31-215. Issuance of permits.

A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:

- (1) law enforcement, correctional, or detention facility;
- (2) courthouse or courtroom;
- (3) polling place on election days;
- (4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;
- (5) school or college athletic event not related to firearms;
- (6) daycare facility or preschool facility;
- (7) place where the carrying of firearms is prohibited by federal law;
- (8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;
- (9) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer; or
- (10) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 and 23-31-235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. A person who violates a provision of this item, whether the violation is willful or not, only may be charged with a

violation of Section 16-11-620 and must not be charged with or penalized for a violation of this subsection.

SECTION 23-31-220. Right to allow or permit concealed weapons upon premises; signs.

Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon upon his premises.

The posting by the employer, owner, or person in legal possession or control of a sign stating "No Concealable Weapons Allowed" shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place. A person who brings a concealable weapon onto the premises or workplace in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16-23-20, item (1).

SECTION 23-31-235. Sign requirements.

(A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable weapon upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

(B) All signs must be posted at each entrance into a building where a concealable weapon permit holder is prohibited from carrying a concealable weapon and must be:

(1) clearly visible from outside the building;

(2) eight inches wide by twelve inches tall in size;

(3) contain the words "NO CONCEALABLE WEAPONS ALLOWED" in black one-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty-five degree angle from the horizontal;

(5) a diameter of a circle; and

(6) placed not less than forty inches and not more than sixty inches from the bottom of the building's entrance door.

(C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

(1) thirty-six inches wide by forty-eight inches tall in size;

(2) contain the words "NO CONCEALABLE WEAPONS ALLOWED" in black three- inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(3) contain a black silhouette of a handgun inside a circle thirty-four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty-five degree angle from the horizontal and must be a diameter of a circle whose circumference is two inches wide;

(4) placed not less than forty inches and not more than ninety-six inches above the ground;

(5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises

Criminal Offenses

Individual penalties for breaking the law:

~ 10 Minutes

EXPLAIN:

The following are the laws for which individuals involved in the sale, transfer, purchase, or attempted purchase are responsible and the penalties for the violation of such laws.

What is the maximum criminal penalty for selling beer, wine, or liquor to anyone under the age of 21? (SC Code Ann. Sections 61-4-50, 61-6-4080)

- A fine of up to \$500 (Cost including court costs and fees could be \$1,092.50) *OR* imprisonment for up to 30 days
- OR both
- AND requirement to successfully complete a DAODAS-approved merchant alcohol enforcement education program.

What is the maximum criminal penalty for buying or giving beer, wine, or liquor to anyone under the age of 21?

(SC Code Ann. Sections 61-4-80, 61-6-4075, 61-4-90, 61-6-4070)

- A fine of up to \$500 (Cost including court costs and fees could be \$1,092.50) *OR* imprisonment for up to 30 days
- OR both.

What are the consequences for lying or providing false information about your age to purchase liquor, beer or wine? (SC Code Ann. Sections 61-4-60, 56-1-746)

- A fine of up to \$200 (Cost including court costs and fees could be \$470) *OR* imprisonment for up to 30 days
- OR both.

What is the penalty for possessing alcohol if a person is under the age of 21?

(SC Code Ann. Sections 20-7-8920, 56-1-746, 20-7-8925)

- A fine of up to \$200 (Cost including court costs and fees could be \$470) *OR* imprisonment for up to 30 days
- OR both
- AND requirement to successfully complete a DAODAS-approved alcohol education or intervention program.

What is the penalty for possessing an altered or invalid driver's license or personal identification card? (SC Code Ann. Sections 56-1-510(1), 56-1-746)

- A fine of up to \$200 (Cost including court costs and fees could be \$470) *OR* imprisonment for up to 30 days for a first offense and a fine of up to \$1,092.50 or imprisonment for up to six months for the second or subsequent offenses.

Criminal Offenses

- Illegal to sell beer or wine (61-4-50) or liquor (61-6-4080) to a person under 21:
 - If the seller fails to require identification to verify age, it is prima facie evidence of violation.
 - Fine \$200-\$300 (\$470.00-\$677.50) for a first offense.

Criminal Offenses

- Fine \$400-\$500 (\$885.00-\$1,092.50) for second and subsequent offense
- And/or 30 days in jail
- Completion of a merchant education program (not to exceed \$50)

Criminal Offenses

- Illegal to transfer or give beer/wine (61-4-90) or liquor (61-6-4070) to a person under the age of 21:
 - Fine \$200-\$300 (\$470.00-\$677.50) for a first offense
 - Fine \$400-\$500 (\$885.00-\$1,092.50) for second and subsequent offense
 - And/or 30 days in jail

Penalties for Breaking the Law

- Illegal to possess, consume, purchase, or attempt to purchase beer or wine (61-19-2440) or liquor (61-19-2450) by a person under 21:
 - Fine \$100-\$200 (\$260-\$470)
 - And/or 30 days in jail
 - Completion of an Alcohol Intervention Program (not to exceed \$100)

*Exception for youth under 21 working with law enforcement

Penalties for Breaking the Law

- Illegal to possess an altered, other person's, or invalid driver's license or personal identification card:
 - Fine up to \$200 (Cost including court costs and fees could be \$470) OR up to 30 days in jail for a first offense
 - Fine up to \$1,092 OR imprisonment for up to six months for the second or subsequent offenses

(SC Code Ann. Sections 61-4-60)

BRIDGE BY SAYING: It is important to understand individual laws, but it is also helpful to know general principles of liability. Who can tell me the types of liability that a licensee may face as a result of a violation of alcohol service laws?

Administrative Alcohol Laws & Licenses

~ 10 minutes

Instructor Notes:

Review the laws, asking if there are any questions or comments. It is essential not to open this discussion too far. The most important law for this course is Sales to Underage Persons.

EXPLAIN:

The following are laws that pertain to establishments and the sale of alcohol products.

Points to Make:

- **Sales to Underage Persons:** It is a violation to sell or provide alcohol to persons under the age of 21 in South Carolina.
- **After Hours:** Clerks must be careful to monitor the time.
- **Obviously Intoxicated:** There is no legal blood alcohol concentration level for “obvious” intoxication. Statistically, sales to underage persons are the most common infraction.
- **Disorderly House:** Such problems might include numerous and consecutive incidents involving fights, parking lot problems, patrons under the influence of alcohol/drugs, loitering, etc.
- **Failure to Correct:** When cited problems continue, they can be costly in and of themselves: increased security, lawsuits, and loss of license. These are the hidden costs.
- **Law Enforcement:** Licensees may not allow premises to require an inordinate amount of police services.



Penalties for Administrative Violations:

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

- monetary fines (first two offenses)
- license suspension
- license revocation
- removal of alcohol inventory



Administrative Alcohol Laws & Licenses

(Continued)

Restricted Hours

Beer and Wine Permits Generally

- § 61-4-120 Sunday sales; exception:
 - On premises beer & wine (PBW) or Off premises beer & wine (PBG) – Can sell from Monday at sunrise until Saturday at 11:59 p.m. However, an establishment that has a PBW and Business (restaurant/hotel/motel) liquor by the drink license (PLB) or Nonprofit private club liquor by the drink license (PLC) is authorized to sell beer and/or wine during those hours in which the sale of alcoholic liquors by the drink is lawful. (See below for PLB and/or PLC hours)

Beer and Wine Permits– Off Premises sales on Sundays (only in counties where the beer and wine referendum has passed pursuant to § 61-6-2010)

- § 61-4-510 Special retail beer and wine permits.
 - 7-Day Off premises beer & wine (P7B) can sell beer and wine for off premises consumption only (to go) seven days a week and twenty-four hours a day. (To qualify for this license, your county or municipality must have passed the beer and wine referendum pursuant to § 61-6-2010)
 - 7-Day On premises beer & wine (PO7) can sell beer and wine for off premises consumption seven days a week and twenty-four hours a day. (See § 61-4-630 below for regulation of On Premises sales on Sundays) (To qualify for this license, you must be located in a county or municipality where both referendums were passed pursuant to § 61-6-2010)

On Premise Beer and Wine Permit On Premises sales on Sundays (only in counties where the LOP referendum has passed pursuant to § 61-6-2010)

- § 61-4-630 Sunday sales
 - On premises beer & wine (PBW) can sell beer and wine on Sunday from 12:00am until 2:00am and 10:00am until 11:59pm for consumption on the premises only.
 - 7-Day On premises beer & wine (PO7) can sell beer and wine on Sunday from 12:00am until 2:00am and 10:00am until 11:59pm for consumption on the premises. (To qualify for this license, you must be located in a county or municipality where both referendums were passed pursuant to § 61-6-2010)

Business (Restaurant/Hotel/Motel) Liquor by the Drink License

- § 61-6-1610 Food-service establishments or places of lodging; Sunday and other time restrictions on sale of alcoholic beverages; refilling bottles.
 - Business (restaurant/hotel/motel) liquor by the drink (PLB) licensees can sell liquor by the drink Monday through Friday from 10:00am until 2:00am the next

morning and on Saturday from 10:00am until 11:59pm. They can sell on Sundays if they have a Local Option Permit (LOP) (see § 61-6-2010 below).

Nonprofit Private Club Liquor by the Drink License

- § 61-6-1600 Nonprofit organizations; time when sale of alcoholic beverages prohibited.
 - Nonprofit private club liquor by the drink (PLC) licensees can sell liquor by the drink seven days a week between 10:00am and 2:00am the next day.

Special license allowing Sunday sales at restaurants/hotels/motels (only in counties where the LOP referendum has passed pursuant to § 61-6-2010)

- § 61-6-2010 Temporary permits upon referendum vote.
 - Business (restaurant/hotel/motel) liquor by the drink (PLB) licensees can obtain a Local Option Permit (LOP) to sell liquor by the drink on Sunday for on premise consumption. The Department has exercised its discretion to specify the following terms for the Local Option Permit (LOP) – liquor can only be sold on Sunday from 12:00am until 2:00am and 10:00am until 11:59pm.

Retail Liquor Stores

- § 61-6-1500 Restrictions upon retail dealers; unlawful practices; penalties.
- § 61-6-4160 Sunday sales; Christmas Day sales; penalties.
 - Retail liquor stores (PRL) can only sell liquor for off premises consumption (to go) Monday through Saturday from 9:00am until 7:00pm.

Establishments with a separate food service establishment

- § 61-6-2015 Temporary permit to sell beer and wine for on-premises consumption; terms; qualifications.
 - An establishment that has a separate food service establishment inside of it, such as a grocery store with a separate café inside, can obtain a special permit to allow on premises consumption of beer and wine 7-days a week in the separate food service establishment. The remainder of the establishment must already have either the regular Off Premises beer & wine permit (PBG) or the special 7-Day Off Premises beer & wine permit (P7B).
 - Café area:
 - Food service establishment (PFS) can sell for on premise consumption from Monday at sunrise until Sunday at 2:00am and Sunday from 10:00am until 11:59pm.
 - Remaining business area Off premises beer & wine (PBG) – can sell for off premises consumption (to go) from Monday at sunrise until Saturday at 11:59pm.
 - 7-Day Off premises beer & wine (P7B) can sell for off premises consumption (to go) from Monday at sunrise until Sunday at 11:59pm. (To qualify for this license your county or municipality must have passed the beer and wine referendum pursuant to § 61-6-2010)

Wineries – Sundays

- § 61-4-725 Wine sales by temporary permit; authorized hours.
 - Licensed wineries in counties that allow liquor by the drink to be sold on Sunday can sell wine on Sunday for consumption on the premises from 12:00am until 2:00am and 10:00am until 11:59pm.

Additional information on requirements for various licenses is located in the Appendix

BRIDGE BY SAYING:

We have looked at the consequences the licensee can face; now let's look at the consequences you, as an employee, can face.

Alcohol-Related Civil Liability

~ 10 minutes

INSTRUCTOR NOTES:

Define liability and ask for questions for clarification. Ensure that participants understand that their actions in selling alcohol may someday come under scrutiny and that it is important to adopt a careful approach to selling and serving alcohol at all times.

EXPLAIN:

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.

Tell the Hartfield vs. The Getaway Lounge & Grill Story and/or The Martinez-White vs. Kroger/Super D Story. **You may substitute another story here, preferably one with local appeal.**

HARTFIELD VS. THE GETAWAY LOUNGE & GRILL STORY – GREENWOOD, S.C.

After visiting a number of bars in Greenwood, S.C., on July 11, 2003, Hoyt Helton drove his vehicle across the center line and struck a car in which then 18-year-old John-Erik Hartfield was a passenger. Helton, age 54, died at the crash scene near Greenwood High School. A toxicologist from SLED recorded Helton's blood alcohol concentration (BAC) at .212%.

Hartfield, who was set to attend the University of South Carolina in the fall of 2003, instead spent approximately 10 months in the hospital following the accident. For roughly six months, Hartfield was in a coma. To this day, Hartfield still requires care, wears a leg brace, is unable to drive, and has problems with short-term memory.

Hartfield and his father filed suit against the three bars that Helton visited that evening. After a civil trial in February 2007, the Hartfields were awarded a \$10 million verdict against The Getaway Lounge & Grill. That \$10 million verdict was upheld by the S.C. Supreme Court in July 2010.

This court decision applies to every beer and wine permit holder in South Carolina, whether the permit holder is a hotel, restaurant, bar, club, grocery store, or convenience store.

The basic lessons from this case are:

- South Carolina statutes (S.C. Code 61-4-580) prohibit employees from knowingly selling alcohol to intoxicated patrons. The statute does not contain a requirement that the intoxicated person be visibly intoxicated.
- Knowing a patron has consumed alcohol at your establishment satisfies the statute for "should have known" a patron was intoxicated. If you know or should know that a patron is intoxicated when he or she enters your establishment, do not serve or sell alcohol to the patron. If a patron becomes intoxicated at your establishment and you know or should know it, do not continue to serve alcohol to that patron. If you know or should know that a patron is intoxicated, take sensible steps to get that patron home safely.
- South Carolina does not have dram shop laws, which require licensed alcohol outlets to carry alcohol/liquor liability insurance coverage. For purposes of protecting your business, ensure that you have the proper alcohol/liquor liability insurance coverage in place for your establishment. Be sure to deal with a broker/agent who knows your business and understands its insurance needs.

PICKETT VS. KROGER, SUPER D. AND MARTINEZ WHITE STORY

Two people whose car had run out of gas were hit from behind by a drunken minor while they were attempting to push the car out of the road. The driver was with two friends, also minors. Two of the minors stated they had purchased beer from Kroger (a supermarket chain), and the other insisted it had been purchased from Super D (another supermarket). The driver's BAC was .11% an hour after the crash. The minor who had purchased the beer worked at Kroger.

Kroger had alcohol policies forbidding sales to minors. Not all cashiers were required to attend training that emphasized these policies, and Kroger did not terminate employees caught violating them. They also did not have any policies from the corporate office to check on whether individual stores were enforcing their policies and procedures. In addition, Kroger was unable to produce forms signed by employees stating that they would not sell alcohol to minors. Finally, Kroger's policies were determined to be only "paper" because their Risk Management Department claimed it was the Human Resources Department's responsibility to train employees and the Human Resources Department claimed it was the Risk Management Department's job.

One of the defendants claimed that all their beer had been purchased at Super D, so it was therefore included in the suit. Super D. also claimed that they had policies and procedures. The judge, however, disagreed. Damages were assessed at:

- immediate lump-sum payment of \$2,100,000;
- guaranteed structured payments to both plaintiffs of \$4,000 per month for 40 years of life; and
- an annual payment of \$10,000 per year guaranteed for 40 years of life.

Total awarded: approximately \$6.74 Million

EXPLAIN:

Such stories are very tragic. There is also enormous cost if a business or livelihood is lost. Attorneys agree that the best offense is a good defense; therefore, an aggressive alcohol-management program is essential. The point of this workshop is to put such a program in place.

BRIDGE BY SAYING:

We have looked at the laws and penalties of alcohol laws and sales. Let's take a quick look at tobacco laws and how those laws affect you as individuals in retail establishments.

Tobacco

~ 10 minutes

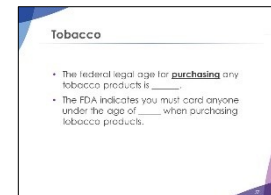
EXPLAIN:

We care about the sale of tobacco products to young people because of the serious consequences of nicotine addiction.

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

Is it illegal for someone under the age of 18 to possess tobacco products?

YES!



- 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 27 years of age.
- **Federal law supersedes state law, so all retailers must follow federal law.**

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.

STATE LAW TOBACCO PENALTIES

- 1st offense: Over \$300
- 2nd offense or subsequent: Over \$500, imprisonment for up to 30 days or both.

FDA PENALTIES

In 2009, the Food and Drug Administration (FDA) was given authority over the sale of tobacco products. This includes not selling to underage youth and checking appropriate IDs, 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 samples of tobacco products

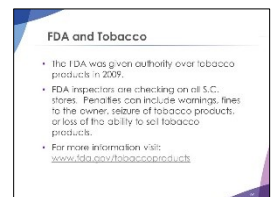
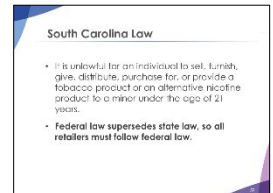
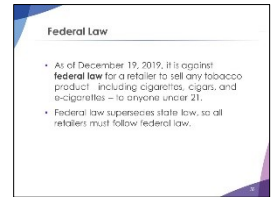
In South Carolina, FDA-commissioned inspectors conduct inspections throughout the state. Penalties for those violating any of the above can include:

- 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

To help retailers understand these new regulations, FDA has retailer education materials available at: www.fda.gov/tobaccoproducts

Available resources include:

- Retailer quiz
- Podcasts/PSAs
- Webinars



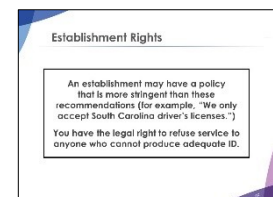
BRIDGE BY ASKING:

How many of you tried to purchase alcohol or tobacco products when you were underage? **Get a show of hands and acknowledge that adolescents are still trying the same kinds of techniques.** Let's revisit the techniques and talk about how to prevent them from being successful in their attempts.

Checking Identification

An establishment may have a policy that is more stringent than these recommendations (for example, “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

~10 minutes

EXPLAIN:

SC Statute 61-4-50 states "...Failure of a person to require identification to verify a person's age is prima facie evidence of the violation of this section." Therefore, your first defense is to check a person's ID.

Brief description of ways to identify underage persons:

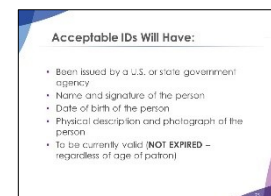
- Newer Version will be a vertical license for any individual who was **under 21 at the time of issue**. This applies to both the driver's license and ID card. Citizens are not required to return to the Department of Motor Vehicles for a new license or ID card when they turn 21 years of age; therefore, you may encounter people 21 or over still in possession of a vertical license.

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 IDs will always have the following:

- 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

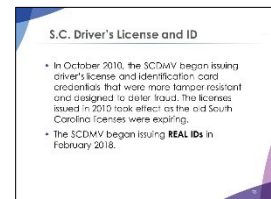
BRIDGE BY SAYING:

Now that we know what identifications are acceptable, let's take a closer look at the increased security features on the new South Carolina driver's license and identification cards.

15 minutes

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 SC 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 SC REAL ID and Non-Compliant SC Licenses:

Activity: Have the participants take out their own IDs and see how many of the security features they can identify (not all are visible without tools like a black light or magnifying glass). Take time and go through each type of security feature found on the ID.

- 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 which 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 ID.
- 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 Capitol.

- The card has microprint of the cardholder's mini and micro portraits.
- OVI hologram – A repeating print of the South Carolina and the palmetto state is printed on the photo of cardholder which is at the right of the card.
- The larger hologram displaying the South Carolina is printed under the main photo.
- The state seal is given on the front that is its holographic OVI.
- There is a laser perforation on the card. A half-moon and a palm tree shape are printed with laser technology that displays when you place the card in front of the light.
- The state outline is printed using ultraviolet ink. It is visible when the card is placed under a black light.
- A palmetto tree appears on the front center under UV light.

Process for Checking ID: The F-L-A-G System

~ 15 minutes

EXPLAIN:

Asking for an ID is only part of the process. It is also important to determine: 1) Does this ID really belong to this person? and 2) Is this ID legitimate?

Activity: Have the participants practice some of the steps of the FLAG process as you go through each step using their own ID.

F-L-A-G System

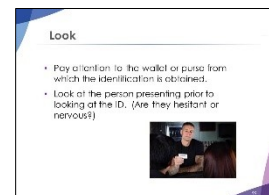
F – FEEL

1. Have person remove the ID from his/her wallet or plastic holder. (Never accept a laminated document.)
2. Check the rigidity of the card. A fake ID will often have a different weight and/or thickness than a real ID.
3. Gently squeeze the ID to determine if the card feels right.
4. Feel the front and back for bumps, ridges, and irregularities. Pay special attention to the birthdate area and photo area.
5. Check the card's corners. Almost all IDs have rounded corners around the entire ID. If the edges feel square, it is possible the card has a false front.
6. The most common technique for altering IDs is to use clear fingernail polish or superglue and write or print new dates on top of the polish or glue.
7. Check for small, raised spots or small shiny spots over the date of birth or under the "Until" date.
8. On North Carolina IDs, you can **feel** the date of birth, because it is laser engraved



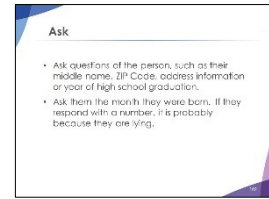
L – LOOK

1. Pay attention to the wallet or purse from which the identification is obtained.
2. Look at the person presenting prior to looking at the ID. (Are they hesitant or nervous?)
3. Look at the subject's permanent facial features (nasal bones, chin, eyes), not things that are easily changed.
4. Pay attention to physical description: height, weight, hair, eyes, scars, tattoos, piercings.
5. Don't forget to look at the back. In many cases, it will identify true fakes quicker.
6. Look for key words or symbols that will tell you it is fake.
7. Look for a statement that the ID is a novelty ID.



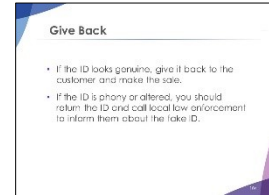
A – ASK

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.
4. Ask the person to sign his/her name, and then compare the signatures.
5. Any hesitation means they are probably lying.



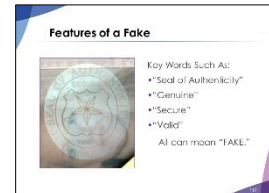
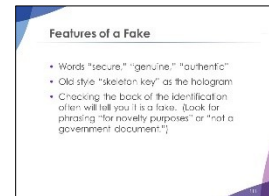
G – Give Back

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 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 IDs from customers.



Points for elaboration...

1. A customer buying a six-pack requires your careful attention more so than a customer buying a dozen eggs or a loaf of bread. When someone asks for cigarettes or puts alcohol on the counter STOP and THINK about what you are supposed to do.
2. Stress the importance of checking the ID before you even start the sale.
3. Now is a good time to talk about technology available to help with IDs:
 - Computerized registers that ask for birthdates to be entered (**Do Not Override**)
 - Registers that scan IDs
 - Other available technology
4. Be polite, but firm. If the customer questions your request, explain that it is now company policy to ask for ID. Various establishments may have more restrictive policies on what IDs they will accept. "Currently valid" is a common trip-up. Older brothers and sisters may pass expired IDs to younger siblings. Height and weight are good back-ups for bad photos or people who say they've changed since their photo was taken.
5. Show the *I.D. Checking Guide* during this section. The reason for asking the customer to remove the ID is to check more easily for the fake ones.
6. The most common error alcohol sellers make is to look at an ID containing the information that the person is too young and *not realize it*.
7. Birth date and photo are most likely to be retouched, cut open, or altered in some way. The standard for sellers/servers is: The seller/server must "in good faith carefully examine and reasonably rely upon as evidence of age." Consistent carding practices



support this defense. Remember, the storeowners' prerogative is to be able to "refuse a sale to anyone."

8. With technology available today, young people have the ability to make or obtain very good fake IDs. One thing to specifically watch for is a "novelty card" that can be ordered over the Internet and used as identification.

Your local police and SLED can be very helpful during this section.

- Most common problems associated with fake or fraudulent IDs involve their use to obtain alcohol by fraud (i.e., misrepresentation of age greater than 21 years).
- Use of a fake ID is not just a law enforcement problem, but it is a significant health risk for the community.
(Martinez, Rutledge, & Sher, 2007)
- 50 percent of college students ($N= 498$, 18 to 20 years of age) surveyed obtained alcohol in a bar by fake ID/someone older purchasing it.
(Bonar et al., 2011)
- Research suggests that possession of fake IDs is more likely during a period of life when alcohol use is potentially highest (i.e., college or age less than 21 years).
(Martinez, Rutledge, & Sher, 2007)
- Another later study found possession of fake IDs in college equaled 24%. (Martinez & Sher, 2010)

Where could someone get a fake id?

- Internet (*Fake-ID websites are everywhere.*)
- Friends, co-workers, family members
- Theft
- Manufacturing
- Seasoned criminals
- Terrorist organizations

Standard Carding Procedures

- Have the customer take the ID out of their wallet and hand it to you. Check the ID using the FLAG technique.
- Look at the person presenting prior to looking at the ID. While looking at the subject, look for permanent facial features – not things easily changed (e.g., nasal bone, chin, bones above eyes, whether ear lobes are attached or not).

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.")

Counterfeit IDs

- A counterfeit ID can be difficult to identify.
- Almost all counterfeit driver's licenses bear a resemblance to a valid one.
- Counterfeit documents are just that – false documents. THEY ARE NOT PERFECT!

BRIDGE BY ASKING:

How many of you have refused service to a customer? How did the customer react? How did you feel? Let's see how the REFUSE system works in these situations.

Refusing Sales

Refusing Sales

~ 10 minutes

How do you refuse a sale?

The REFUSE System

EXPLAIN:

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 whom you suspect will be transferring the alcohol or tobacco to an underage person.

Recognize the need to check for and verify an ID when alcohol is put on the counter or tobacco is requested and recognize the need for refusal of sale if necessary.

Eliminate alcohol from sight and **E**xplain your store policy (not selling alcohol to persons under 21 or tobacco to those under 18, requiring acceptable identification for those under 30, or not selling to intoxicated patrons).

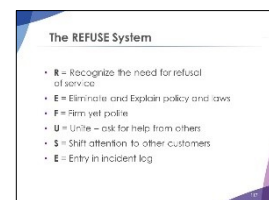
Firm, yet polite. You can keep the focus on yourself and your own predicament if you serve the customer, rather than focusing on the customer. Your own personal customer-relations style will come into play here.

Unite. 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.

Shift your attention to the next customer by thanking the current customer for their other purchases.

Enter the occurrence in your establishment's incident log.

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



Participant Manual – Palmetto Retailers Education Program 30

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.

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

Eliminate 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).

Firm, 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.

Unite. 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.

Shift your attention to the next customer by thanking the current customer for their other purchases.

Enter 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.

BRIDGE BY SAYING:

When you refuse a sale, protect yourself and your establishment by entering the occurrence in an incident log.

Using an Incident Log

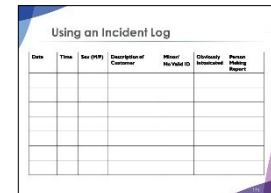
~ 5 minutes

EXPLAIN:

If an alcohol-related incident occurs, it is important to react quickly and document what happened and how you handled the situation.

Here is what you should do:

- 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.



Date	Time	Sex (M/F)	Description of Customer	Server Name/ID	Date/Time of Incident	Person Making Report

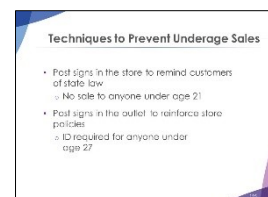
BRIDGE BY SAYING:

Let's take a closer look at keg registration laws and sales practices in South Carolina.

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

~ 10 minutes

EXPLAIN:

Just as some of you have discussed your past attempts to gain access, youth today utilize many of those same techniques, and even new ones, to obtain alcohol and tobacco.

ASK:

What kinds of strategies do underage persons use to get alcohol? (Prompt them by having them recall incidents they have experienced.)

Solicit a response from each participant (around the room).

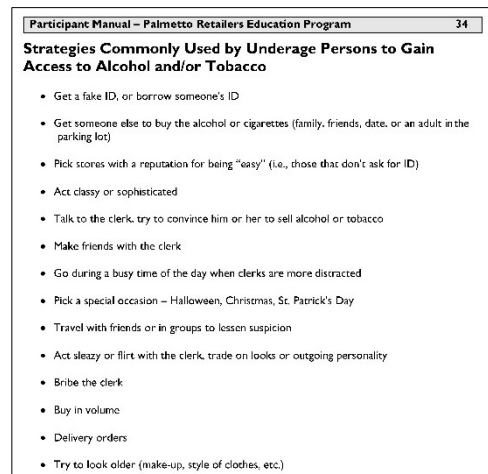
Note the responses. (Some may have none; others may repeat a few common ones. That's all okay. Feel free to contribute your own.)

DEBRIEF BY SAYING:

You have provided quite a list of strategies that minors used to gain access to alcohol and/or tobacco. Which of these strategies do you think people might be using in your establishment? (Get a couple of responses to this question.) Which have you seen? (Be sure to emphasize adults furnishing to persons under the age of 21 as a way that underage drinkers consistently get alcohol.)

PARTICIPANT MANUAL

Review the list in the manual, highlighting any items that participants have not yet said.



BRIDGE BY SAYING:

Underage persons are definitely motivated to gain access to alcohol. In fact, **the most common kind of infraction related to the sale of alcohol is selling to an underage person.** Likewise, responsible sellers are motivated to prevent underage youth from purchasing alcohol. Now let's look at policies and procedures that will assist in verifying that alcohol and tobacco buyers are of legal age to do so.

Keg Registration

Keg Registration

~10 minutes

EXPLAIN:

South Carolina requires any alcohol beverage licensee who sells a keg to a consumer for off-premise consumption to comply with the keg registration statutes.

ASK:

How many individuals sell kegs at their establishments?

How much beer does a standard “half-barrel” keg contain?

- 15.5 gallons or 164 12-oz. cups or 6.8 cases of beer

Points to Make:

Keg Registration Components

Keg Registration Form

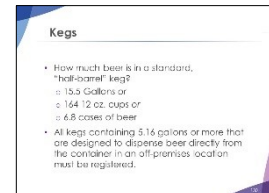
Keg Identification Tag

Keg Registration Form

A retail licensee must complete a Keg Registration Form for every keg sold for off-premises consumption. The form, as prescribed and provided by the South Carolina Department of Revenue (SCDOR), must include the following:

- Date of sale and Keg Identification Number
- Name, address, and birth date of purchaser
- Driver's license or identification card number furnished by the purchaser
- 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

The forms are issued by the SCDOR and are available at www.sctax.org.



Keg Identification Tag

A retail licensee must attach a SCDOR Keg Identification Tag with the following:

- Alcohol Beverage License holder's name
- Alcohol Beverage License holder's address
- 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 should 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.
- The tag must be removed only by the license holder upon return of the keg.
- All forms and tags must be kept for 90 days and available for inspection by 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.
- Annotate on the Keg Registration Form that the keg was returned without the Keg Identification Tag properly affixed.

Penalties for Violating Keg Registration Laws

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 \$675.)*
- Fine of not less than \$400 or more than \$500 for a second and subsequent offenses *(Cost including court costs and fees could be \$880 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.)*

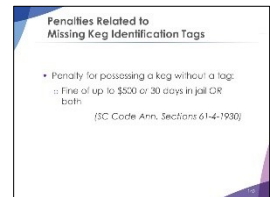
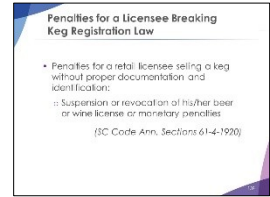
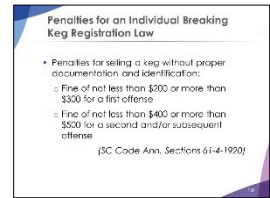
(SC Code Ann. Sections 61-4-1930)

Penalty for purposefully removing, altering, obliterating, or allowing to be removed, altered, or obliterated, a Keg Identification Tag or 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 - Beer-Wine-Liquor-Lingo, Alcohol Beverage Licensing, ABL-907, ABL-908, ABL-909



BRIDGE BY SAYING: Let's take a closer look at some recommended tactics to prevent overservice.

Preventing Overservice

Preventing Overservice

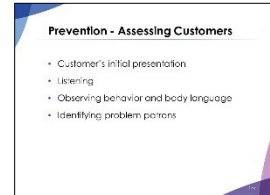
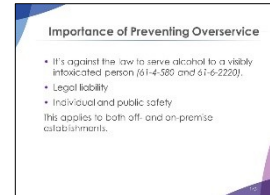
Why is it important to prevent overservice?

- It's against the law to serve alcohol to a visibly intoxicated person (61-4-580 and 61-6-2220)
- Legal liability
- Individual and public safety

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

Prevention – Assessing Customers

~ 5 minutes



EXPLAIN:

Understanding when and how much to serve a customer requires that you evaluate each one individually.

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 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

Participant Manual – Palmetto Retailers Education Program 39

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

Participant Manual – Palmetto Retailers Education Program 40

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 careful 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 encroaching 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
- Gruffness 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)

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

~ 5 minutes

EXPLAIN:

The second main focus of Responsible Beverage Service is preventing customers from becoming intoxicated. Practically speaking, this issue is more complex than preventing service to minors.

Ask:

Before we look at how to do that, let's review: Why don't alcohol servers serve people as much as they want? After all, it's a free country. They're adults, why can't they be responsible for themselves? (There are many good answers to this question. Validate all answers.)

Explain that alcohol is a drug that inhibits a person's ability to make rational choices about his or her own alcohol intake, even at the .04% BAC level. Secondary consequences can be serious for the drinker and people exposed to the drinker.

Below is a list of characteristics of a person who may be grossly/obviously intoxicated.

1. 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



Participant Manual – Palmetto Retailers Education Program 40

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 careful 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

1. 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)

Participant Manual – Palmetto Retailers Education Program 41

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.

- Flushed face
- Smelling of alcohol
- Wearing disheveled clothing

Instruct participants to review the characteristics of the obviously intoxicated person. **Ask** if this accurately reflects their definition of “obvious intoxication.” Are there other signs they have observed in customers that are not included in this list? Our focus is to prevent these signs from ever appearing and quickly managing customers as soon as any signs begin to emerge.

Ask:

At what percentage of blood alcohol is a person “obviously intoxicated”? (There is no one percentage. Obvious intoxication varies from person to person and may look like any of the characteristics listed above.)

Alcohol Poisoning:

Patrons that suffer from alcohol poisoning are beyond “obvious intoxication.” Signs and symptoms of alcohol poisoning are:

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

Alcohol poisoning may have several effects on the victim:

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

Alcohol poisoning can lead to brain damage or even death if left untreated.

Intervention – Handling High-Risk Situations

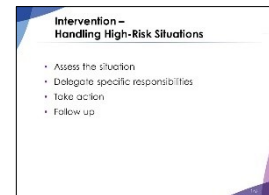
~ 5 Minutes

EXPLAIN:

Intervening with an intoxicated patron reduces the risk of the patron being injured or causing injury to others. You are reducing your risk of liability, civil suit, or criminal charges. You are helping to prevent possible impaired driving, violence, criminal acts, and vandalism.

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.

If you notice that a patron is displaying the signs and symptoms of alcohol poisoning, it is extremely important to take immediate action. Know what the danger signs are, but do not wait until all symptoms are present before taking action. A person that has passed out may die from an overdose of alcohol. If there is any suspicion that a person has alcohol poisoning, call 911.

Follow-up

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

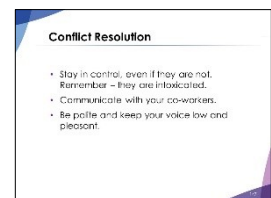
- Debrief the situation with your supervisor.
 - Arrange a meeting with your employer/supervisor to discuss the intervention. A debriefing helps everyone learn from the experience. It also gives you an opportunity to reinforce or improve the procedures in case there is a “next time.”

Participant Manual – Palmetto Retailers Education Program	41
<p>2. Attitudes</p> <ul style="list-style-type: none"> ▪ Obnoxious behavior, annoying other patrons ▪ Grossly inappropriate or irrational comments ▪ Dramatic change in attitude ▪ Complaints about strength of drinks <p>3. Physical</p> <ul style="list-style-type: none"> ▪ Bloodshot/glassy eyes ▪ Flushed face ▪ Smelling of alcohol ▪ Wearing disheveled clothing 	
<p>Intervention – Handling High-Risk Situations</p> <p>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.</p> <p>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)?</p> <p>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.</p> <p>Follow-up As soon as an incident has been taken care of, it is most important to do three things:</p> <ul style="list-style-type: none"> • Debrief the situation with your supervisor. • Write down key details in the Incident Log. • Have your employer retain sales records associated with the incident. <ul style="list-style-type: none"> ○ 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. 	

- Write down key details in the Incident Log.
 - Recording events in the Incident Log while they are still fresh in your mind is important. Details such as time, place, date, nature of the incident, description of the parties involved, action taken, witnesses, and any other pertinent information should be included. This record will help you to identify persistent problems and encourage you to review policy from time to time. The establishment will keep these records for at least seven years. In most instances, a person's right to sue you for an incident in your establishment ends after seven years.
- 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, 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 that 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.



Participant Manual – Palmetto Retailers Education Program 42

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.

Procedures to Prevent Overservice

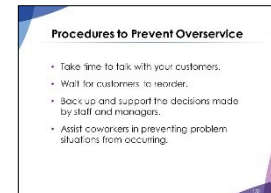
~ 5 Minutes

EXPLAIN:

Putting the knowledge that you have obtained into action requires a plan with procedures for how and when to do it. The following will assist in that task.

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 a 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.
- Backup and support the decisions made by staff and managers.
- Work as a team by relating information about the customer's drinking situation to other staff.
- Make sure backup staff are available if needed.
- Assist coworkers in preventing 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 ensuring that all staff members know the policy.
- Consider the factors that affect a person's BAC to adjust and prevent over-service.



Drink Counting Exercise

Instructions:

The chart below contains information about the blood alcohol concentration (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.

BAC	Reactions	# of drinks needed at: 90-129 pounds	# of dinks needed at: 130-189 pounds	# of drinks needed at: 190+ pounds
.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

Drink Counting – Step One: Understanding Drink Sizes

Type of drink	One beer	One glass of wine	One mini-bottle
Size of drink	12 oz.	4.5 oz.	1.5 oz.
Alcohol by volume	4.5% alcohol	12% alcohol	40% alcohol
Alcohol content	.54 oz. alcohol	.54 oz. alcohol	.7 oz. alcohol

~ 15 minutes

EXPLAIN:

Customers who consume liquor should be watched more carefully in terms of their rate of consumption. Furthermore, any customer who drinks any type of alcohol (beer, wine, or liquor) should be monitored to ensure they pace their drinking rate. (More on this later)

Explain:

- The body can metabolize about one drink per hour (actually a little less). Women are even more sensitive to the effects of alcohol than men.
- Serving standard drink sizes for beer (12 ounces) and wine (4.5 ounces) makes it easier for customers to manage their consumption and for servers to monitor the number of drinks per customer.

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 serving of 80-proof liquor. All contain the same amount of alcohol.



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.

Participant Manual – Palmetto Retailers Education Program				32
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.				
Type of drink	One beer	One glass of wine	One mini-bottle	
Size of drink	12 oz.	4.5 oz.	1.7 oz.	
Alcohol by volume	4.5% alcohol	12% alcohol	40% alcohol	
Alcohol content	.54 oz. alcohol	.54 oz. alcohol	.7 oz. alcohol	

Drink Counting – Step Two: Understanding Alcohol's Effect on the Body

EXPLAIN that this chart uses a standard measure of alcohol, as in one 12-oz. bottle of 4.5% beer, one 4.5-oz. glass of 12% wine, and one 1.25-oz. shot of liquor (not a mini-bottle measure for liquor). A mini-bottle would produce the reactions in a shorter period of time, possibly within 45 minutes or less.

BAC	Reactions	# of drinks needed at:	# of dinks needed at:	# of drinks needed at:
		90-129 pounds	130-189 pounds	190+ pounds
.02%	Vision impaired; lowered attention span; reaction time slows; less critical of own actions	1/2	3/4	1
.05-.06%	Reaction time and inhibitions reduced; visual abilities impaired; superficial feeling of relaxation; judgment impaired; information processing impaired	2	2 1/2	3
.08%	Slower reflexes; poor coordination; seriously impaired vision; overconfidence; thinking and reasoning impaired; careless; less able to concentrate	3	3 1/2	4

The purpose of this chart is to demonstrate how even small amounts of alcohol can have an effect on a person's vision, judgment, and reflexes in as little as a one-hour period. Not all drinkers will exhibit outward signs that the alcohol is affecting them, since tolerance varies from person to person. Even so, servers do not need to know how tolerant a person is to alcohol in order to make general assessments of alcohol's effect on his or her customers. All that is needed to estimate BAC is:

1. an approximation of the customer's body size;
2. a sense of how many drinks the customer has consumed; and
3. how long the customer has been drinking.

Drink Counting – Step Three: Calculating Drink Capacity

Review the material. Expect some head scratching at first, but stay with it until the participants seem to get it.

Direct the participants to complete the exercise at the bottom of Page 6, then provide the correct answers.

Answers:

1. **Medium-sized man:** Yes, you can serve. You can also indicate to the customer that it might be a good idea to have some food along with the drink.
2. **Large woman:** No, she has reached her limit. (Note that weight is what is important here, not gender. We are assuming the woman is 190 pounds.)
3. **Large man:** Yes, but gently encourage him to consider food, or place a pitcher of water at the table to slow down service.

Additional Information for the Trainer:

1. We are not trying to turn the servers into mathematicians. They already know how to keep track of patron's drinks, but we want them to apply this skill in a specific way.
2. If they begin to conceptualize this idea and begin to consciously think about how much alcohol has been served and consumed, the job will be done. Don't belabor this point.
3. Wrap up by asking them if they think the system is one they could try and whether any of them already have their own way of counting drinks.

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 a person consumes alcohol, the faster it saturates the bloodstream, as the liver can only process 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.



Participant Manual – Palmetto Retailers Education Program 44

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 (legal 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.

Participant Manual – Palmetto Retailers Education Program 45

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.

Body type

An overweight person generally has a higher blood alcohol concentration 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.

Gender

A woman will usually have a higher blood alcohol concentration 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 persons and younger persons absorb alcohol more quickly, because their bodies are not as efficient.

Carbonation and temperature

Carbon dioxide causes pressure in the stomach, moving alcohol into the small intestine faster, where it is quickly absorbed. Carbonated drinks increase the rate at which alcohol is 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

~ 15 minutes

Use the traffic light system to guide your sales or service. The guidelines below 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**.



GREEN LIGHT – Sales and service are OK. Service is a “GO.” These customers are not legally impaired and **might** 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.

Green-light behaviors include:

- After one drink, customer is relaxed and talkative.
- Smile and enjoy serving your customer.

YELLOW LIGHT – Be cautious. Observe carefully. The yellow customer is one who requires 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 bloodstream, use both of them to prevent an impaired customer from becoming intoxicated, as demonstrated in the **CUT** system:



- **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.

Yellow-light behaviors include:

- More talkative, more outgoing
- Argumentative, more withdrawn
- Loosened inhibitions
- Increasing consumption rate
- Drinking other people’s drinks
- Buying rounds for strangers
- Caution needed

RED LIGHT – Do not sell or serve. Customers are considered “red” if they are demonstrating some combination of the signs of intoxication, if a customer is under 21 years of age, or if the “yellow” customer has had a drink and less than an hour has passed. **DO NOT SERVE THIS CUSTOMER.** Use the **REFUSE** system.

Red-light behaviors include:

- Slowed reactions
- Clumsy, knocking over drinks
- Glassy-eyed
- Loses train of thought
- Irrational speech
- Too late, probably should have stopped service earlier

ASK:


If there are any questions for clarification, then invite two or three participants to share stories of their most difficult customer, their most successful attempt at slowing down service, and other examples that illustrate how they were able to turn a potentially uncomfortable situation around. This is an excellent opportunity for some of the “veterans” to share their experiences with newer people in the industry and for participants to learn from one another. Our role is to facilitate and draw out the experiences and to make comments as appropriate.

Suggestion: Try to turn this discussion into a role-playing situation to bring it alive and lighten the mood. Servers in particular are great at setting up the situations and have no trouble adopting the personalities of some of their most memorable customers.



Participant Manual – Palmetto Retailers Education Program 46

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.

Participant Manual – Palmetto Retailers Education Program 47

- **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.
 - Calculate the number of drinks the customer has had.
 - In an **Understanding** 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.
 - Tell 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.
 - Recognize the need for refusal of service (signs of intoxication, over his or her appropriate drink level, or customer is under 21 years of age).
 - Explain your establishment's policy, as well as the law.
 - Be **Firm**, 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.
 - Unite**. Ask for help from other employees or your manager. If you are alone, you need to decide whether to call the police for assistance.
 - Shift** your attention to the next customer.
 - Make an **Entry** 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

~10 minutes

EXPLAIN:

Before you can establish management policies, we must first know what policy is.

What is “policy”?

Policy as defined by Encarta Dictionary as:

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
- The **group** in this case is the alcohol/tobacco-selling establishment. Prudence has to do with selling alcohol and tobacco with *good judgment*.
 - Policies are usually collected or codified in a manual of some kind that makes it easy to refer to them.



How many of you have a formal manual with written policies and procedures?

(Some may have them; some may not.)

Why implement formal policies?

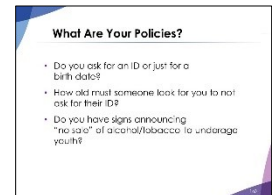
Good policies are wise and help people make good judgments about their behavior.

What are some other advantages to having good policies?

Policies standardize staff behavior and licensee expectations regarding alcohol sales. 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.

Policies help the manager identify those effective practices that are already in place within the organization.

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



Participant Manual – Palmetto Retailers Education Program	49
<h3>The Importance of Management Policies Regarding the Sale of Alcohol and Tobacco Products</h3>	
<p>What is a policy?</p> <p>"Policy" as defined by Encarta Dictionary:</p> <ol style="list-style-type: none"> 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 	
<p>What good are policies?</p> <p>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.</p> <p>They help the manager identify the good practices that are already ongoing in the organization.</p> <p>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.</p>	

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

~ 10 minutes

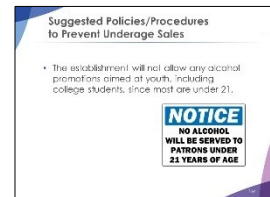
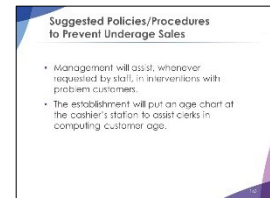
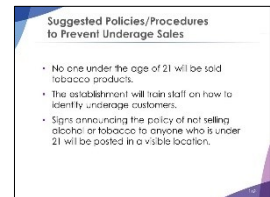
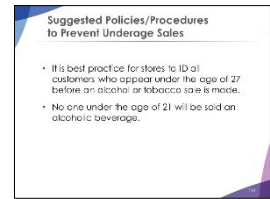
SAY:

There are many things that can be done to prevent sales to underage persons, most of which are listed on Page 17 of your manual. *(Ask them to glance at the list.)* None of the procedures are very difficult, but it is surprising how often they are ignored or simply not considered.

ASK: What is one of the easiest ways to prevent sales to underage persons? (The answer is simple: **ASK FOR ID and ENSURE IT IS VALID.**)

ASK:

What are some reasons given by clerks for not asking for an ID? (Too busy, didn't think to ask, just assumed the person was of age because they had purchased alcohol there before, too embarrassed to ask, the person looked 21, etc.) Acknowledge these reasons, but state that they are not at all sufficient for the defense against liability or charges in a court of justice.



EXPLAIN:

As enforcement of alcohol laws increase, and communities and victims of alcohol-related trauma become less tolerant of violations, sellers of alcohol need to ensure they are complying with the law. More important, it may be your only defense against personal or corporate liability.

ASK:

How many of you would accept a customer's \$50 personal check without any identification? (Most will not accept the check without at least one piece of ID, no matter what the check amount. The point is they are usually quite comfortable asking for ID in this situation because they are expected to do so and will likely experience a consequence if the check is "bad" and there is no validating information for follow-up.) The potential consequences for selling to underage persons are much greater than getting stuck with a \$50 check.

SUGGEST:

Alcohol sellers need to develop an attitude that selling alcohol is serious business and only those who qualify to purchase will be allowed to do so. **REMINDE** them that it is the seller's legal right to refuse service to anyone who cannot produce adequate ID.

Preventing sales to underage persons begins and ends with ASKING FOR and correctly checking IDs.

Participant Manual – Palmetto Retailers Education Program 50

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

~ 10 minutes

EXPLAIN:

Policies can vary based on your establishment. Restaurants will vary from clubs/bars. It is important that you identify policies that apply to your establishment, location, staff and environment.

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 identification of anyone who appears to be under 27 (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 (i.e., military ID, passport, or 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 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.

Participant Manual – Palmetto Retailers Education Program	51
Suggested Policies Related to Alcohol and Tobacco Sales and Security	
The following are examples of some store policies:	
<ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> a. Acceptable documentation is: <ol style="list-style-type: none"> 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 (<u>or your establishment's policy</u>). 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. (<u>Your establishment's policy should be inserted here.</u>) 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. (<u>Your establishment's policy can be inserted here as long as it deals with serving while being intoxicated – which is illegal.</u>) 9. <u>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.</u> 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. 	
<small>This list is not comprehensive but identifies some of the areas that need to be addressed in established policies.</small>	

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 the clerk or other employees at all times.
13. Signs announcing the policy of not selling to anyone who is underage and/or intoxicated will be posted in a visible location.

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

Risk Assessment

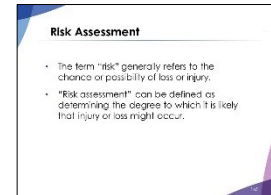
~ 10 minutes

EXPLAIN:

As a supervisor, manager or owner, do you think of risk assessment? What is meant by this term?

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.

Review each of the five areas and ask what kinds of things might constitute a problem. Look for these answers:

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.

ASK:

For each area, what's one thing you already know that you could do to reduce your risk of potential losses?

Participant Manual – Palmetto Retailers Education Program	52
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?	
<ul style="list-style-type: none"> • 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.	

Know What is On the Store Shelves

10 minutes

Three items to cover in this section:

- Youth Appeal
- Product Placement
- Products



Youth Appeal:

Products with youth appeal-know what is on your store shelves. Many of the products mimic energy drinks, colas, fruit drinks, etc. Managers should take time to review with their staff the types of alcohol beverages available in the store. Always be sure to let staff know when new products arrive.

Youth exposure to alcohol marketing has been shown to be an important contributor to the problem of underage drinking in the U.S. More work is needed on identifying and minimizing content with particular appeal to youth. Several longitudinal studies have found positive associations between youth exposure to alcohol advertisements and drinking initiation, frequency of drinking, and amount of alcohol consumed. The industry's voluntary guidelines nominally prohibit content that *primarily* appeals to youth, yet the guidelines only weakly define such content.

Product Placement:

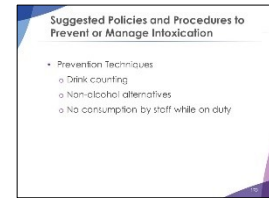
If possible, stores should be set-up in a way where the coolers that contain alcohol beverages are separated from the non-alcohol beverages. Having separation between the products can help the clerks monitor the products and be observant of shoppers who are accessing the alcohol beverage coolers. Because the packaging of some of the products are similar, it is best that they not be stored together.

Vast Array of Products that contain Alcohol:

The market place is constantly changing and stores need to be aware of all products that they may carry that contain alcohol. Ice cream, popsicles, ready-to-drink cocktails, etc. Products are constantly evolving and changing, so be aware of the "non-traditional" alcohol products your store carries.

Suggested Policies and Procedures to Prevent or Manage Intoxication

~ 10 minutes



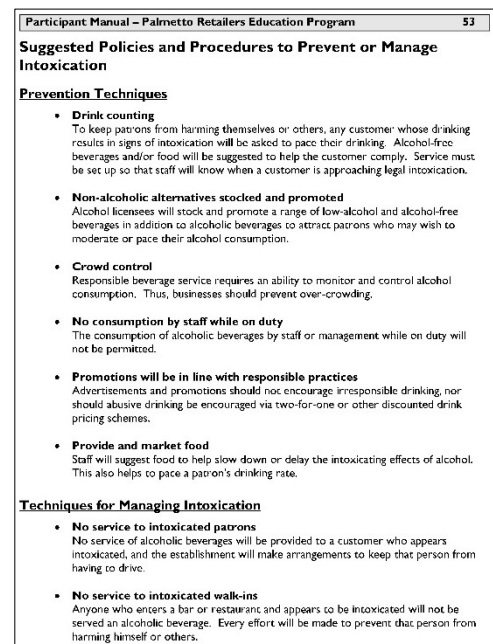
EXPLAIN:

Refer to the Policies and Procedures list or their own policies and procedures. Note that communities are asking for change and that alcohol-serving establishments need policies and procedures to support change.

A discussion of individual server's problems with alcohol can take place when you reach the "no drinking on the job" item. **Manage your time carefully in this section.**

Prevention Techniques

- Drink counting**
 To keep patrons from harming themselves or others, any customers 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. Serving 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.



Suggested Policies and Procedures to Prevent or Manage Intoxication

(Continued)

Techniques to Manage 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**
No one who enters a bar or restaurant and appears to be intoxicated will be served an alcoholic beverage. Every effort will be made to prevent that person from harming himself or others.

Preventing Intoxication

~ 5 minutes

EXPLAIN:

You will see what the group already knows about prevention in another brainstorming activity. Note that responsible beverage service is just an extension of what servers are already doing.

Ask group to give you ideas. **List** the responses on a flip chart. As they report strategies, **clarify** the idea so that everyone understands what it means. Distribute responses so that no individual(s) dominates the proceedings. There are many good strategies that can be used. For each idea, **ask** “How do you think this idea would work in your establishment?”

Look for and emphasize counting drinks, non-alcoholic beverages, and food service as good ways to manage over-consuming customers. Don't discuss counting drinks in detail (first prevention techniques). You will discuss that in a later section. Emphasize that the establishment should be user-friendly to non-alcoholic beverages. (You may have a story of your own to tell here.)

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

~ 10 Minutes

Management Policies Regarding the Sale of Alcohol and Tobacco Products

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 30 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 (i.e., military ID, passport, or 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.
- d. All 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 of a motor vehicle.

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 them 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 call 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 after 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 implementation of 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. Refer to South Carolina regulations on signage.)
 - d. No signage or promotions that are aimed at youth will be displayed.
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

EXPLAIN:

The main goal of this part of the course is to create a management policy that addresses risk areas and helps establishments demonstrate their commitment to responsible alcohol sales and service. (Note: For those who already have a written policy, ask them to compare our content with theirs for consistency. Our policies are intended to be a guide for minimum standards.)

Management Employment Agreement

~ 1 Minute

EXPLAIN:

Establishing a Management Employment Agreement identifies that the employee has been trained and has been provided with a copy of the establishment's written policies and procedures.

You can use this agreement or one that is more conducive to your establishment and needs. As identified in the civil liability cases mentioned earlier, the court ruled the establishments could not produce signed documents stating employees had been trained and/or provided with copies of store policies and procedures, and therefore the establishments were held liable in the case.

Policy Implementation and Compliance

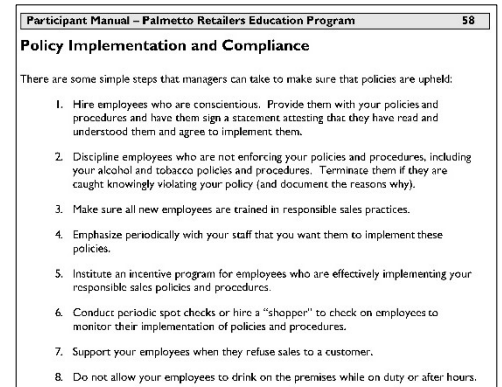
~ 5 minutes

EXPLAIN:

Not enforcing policies makes licensees and managers more liable than if they had no policies at all. Employees need to know that you mean what you say and that you will support them in their efforts to sell alcohol and tobacco responsibly.

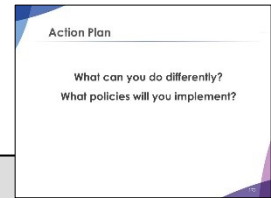
There are some simple steps that managers can take to make sure that policies are upheld:

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 your 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 for the termination).
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 and monitor their implementation of policies and procedures.
7. Support your employees when they refuse sales to customers.
8. Do not allow your employees to drink on the premises while on duty or after hours.



The Action Plan

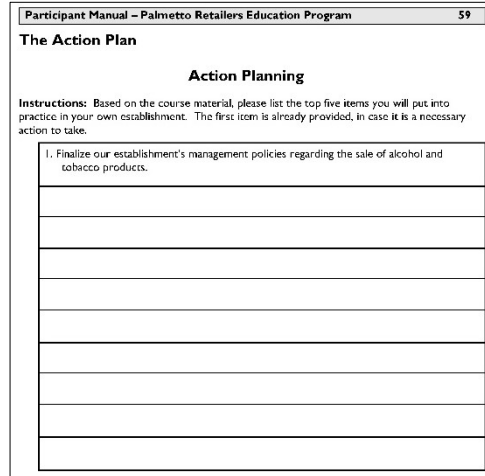
~ 5 minutes



EXPLAIN:

The time has come to put the learning into practice.

- Direct participants to list any action items of their own or any procedures they will implement upon their return to work.
- Note that the first item in the participant manual is already filled in – “Finalize our establishment’s management policies regarding the sale of alcohol and tobacco products.”
- Ask for questions or clarification.



DEBRIEF:

- Ask participants to share what they wrote.
- Direct participants to complete the post-test and ask if they have any questions that still need answering. Answer them with the help of other participants.

DISTRIBUTE course certificates (if appropriate).

Responsibilities of the Sales/Service Staff

~ 5 Minutes

EXPLAIN:

- Knowledge of all South Carolina laws pertaining to the sale of alcohol and tobacco
- Knowledge of 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.

Participant Manual – Palmetto Retailers Education Program	60
Responsibilities of the Sales/Service Staff	
<ul style="list-style-type: none"> • 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:	
<ul style="list-style-type: none"> • 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. 	

Participant Manual – Palmetto Retailers Education Program	61
<ul style="list-style-type: none"> • 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. 	

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 first checking with the coworker.
- Back up and support the decisions made by staff and managers.
- Work as a team by relating information about customers' drinking situations to other staff.
- Make sure backup 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 should ensure that all staff members know the policy.
- Consider the factors that affect a person's BAC to adjust and prevent over-service.

TEST

**THANK PARTICIPANTS AND
ADJOURN THE COURSE.**

Appendix