



Pacific Institute  
FOR RESEARCH AND EVALUATION

# Guide to Responsible Alcohol Sales: Off-Premise Clerk, Licensee, and Manager Training

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Office of Juvenile Justice and Delinquency Prevention  
as part of the *Enforcing the Underage Drinking Laws Program*

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## About These Manuals

From 1991 to 1995 the Prevention Research Center conducted a national community prevention trial, jointly funded by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and the Center for Substance Abuse Prevention (CSAP). The goal of this project was to reduce alcohol-involved injuries and deaths by instituting a comprehensive program of community-based environmental prevention activities and policy changes. One of the five major interventions was an Underage Drinking Component designed to reduce retail availability of alcohol to minors.

The Underage Drinking Component focused on (a) enforcement of underage sales laws, (b) responsible beverage sales training, and (c) media advocacy to build community recognition and support for enforcement and training interventions. Findings from this multicommunity trial were that these combined interventions led to a 40-percent overall decrease in the number of alcohol outlets that sold to minors (see *Addiction* June 1997).

These manuals were developed by researchers at the Prevention Research Center in collaboration with intervention staff experienced in training alcohol retail sales staff. The manuals incorporate the best and most current research and practice knowledge and offer the most comprehensive and complete program now available. The **Responsible Alcohol Sales (RAS)** guide trains clerks and managers to:

- Check age identification;
- Recognize false or altered identification;
- Appropriately refuse sales;
- Handle difficult situations that may arise; and
- Develop the necessary skills for resisting pressures to sell to minors.

Another important feature of the RASS guide is that it also focuses on *outlet* policy and helps managers and owners to develop and implement effective store policies to reduce sales to minors. **Outlet policies are probably the most important part of responsible sales training.** Consistent and effective outlet policies are the key to providing a work environment in which sales personnel are able and willing to implement the knowledge and skills they acquire through responsible sales training.

The RAS guide consists of three integrated components:

1. Training curricula for salesclerks;
2. Training curricula for owners and managers to develop supportive outlet policies; and
3. Trainers guide for both the clerk and the owner/managers training curricula.

Although RAS training was voluntary in the multicommunity trial project, experience gained in this project and from other community efforts suggests that training should be mandated, either by local ordinance or State law. When training is strictly voluntary, the outlets most likely to participate are

those that are already “good citizens.” Voluntary implementation will allow more problematic outlets, or those most likely to sell alcohol to minors, to easily avoid training.

Is RAS effective? The available research indicates that responsible beverage sales training is most effective when combined with increased enforcement of underage sales laws and with media advocacy efforts directed to changing community norms regarding underage drinking and sales to minors. **Of the three interventions, enforcement is by far the most effective.** In combination with enforcement, however, responsible beverage sales training can be effective, especially if it also focuses on outlet policies similar to the owner/manager component of the RAS.

One final note: this edition of the RAS guide was developed for use in California and makes reference to some specific provisions of California laws and regulations. This revised edition will need to be modified for use in other States to incorporate local laws and regulations.

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*July 1999*



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**Part One:**  
**Clerk Manual**

## **Pre-Test for Off-Premise Clerk Training**

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1. What is meant by the term “liability” regarding the sale of alcohol?
2. In a licensed establishment, who may be found liable for damages in a civil liability case?
3. What elements constitute a bona fide identification (ID), that is, an ID that can provide documentary evidence that an alcohol purchaser is at least 21 years old?
4. What are three defenses against the charge of selling alcohol to a minor?
5. Where can staff obtain information to clarify legal issues?

### **Alcohol-Seller Education**

1. What are some effective interventions that clerks should use with customers who appear to be buying alcohol for minors?
2. What is the value in learning about alcohol laws?



This workshop will:

- Raise awareness of legal and social responsibility of establishments that sell alcohol.
- Enable all staff to effectively identify minors and refuse service to them.

### **Knowledge Outcomes:**

At the end of this workshop, participants will:

- Understand key State laws that govern alcohol sales in their establishments.
- Understand the importance of their role in refusing service to minors.

### **Attitudinal Outcomes:**

At the end of the workshop, participants will see:

- That there is a positive relationship between responsible alcohol sales and profitability.
- That they have a legal responsibility to prevent sales to minors.
- That responsible alcohol sales training is an effective and responsible business practice.
- That liability can be reduced.

### **Performance Outcomes:**

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

- Describe the correct procedure for checking an ID.
- Describe how to prevent alcohol sales to minors.

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

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

## Legal Issues in Alcohol Sales

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**Instructions:** The questions below address some of the key legal issues involved in alcohol sales. These questions were taken from sections of the California Business and Professions Code of the Alcoholic Beverage Control Act. (For reference, a Summary of Alcohol Laws Pertaining to Off-Sale Retail Establishments is provided in Appendix A.)

You will be assigned a partner and some questions to research. Be prepared to report your answers to the group.

1. What is the maximum criminal penalty for permitting sales of alcohol to minors?
2. What activity regarding minors, relative to purchasing alcohol, is prohibited?
3. Where are minors *not allowed* to possess alcohol?
4. The fine for a minor presenting or possessing false ID and possession of alcohol by a minor is the same. What is it?
5. With regards to minors working in off-sale establishments that sell alcohol, at what age can a person sell alcohol *unsupervised* in an off-sale premise? Under what circumstances can a person younger than that sell alcohol?
6. **True or false:** It is not legal to sell someone alcohol between 2:00 a.m. and 6:00 a.m., but it is okay to give it away.

7. **True or false:** Alcohol does not have to be sold in its original package for consumption off-premise.
  
8. What is the maximum amount of wine that can be sold at one time?
  
9. What must a person sign who sells alcohol at an off-sale premise?
  
10. What is the maximum criminal penalty for selling to an “habitual drunkard” or person who is “obviously intoxicated”? Upon whom would this penalty fall?
  
11. What constitutes a legally acceptable ID?
  
12. What is a “disorderly house”?
  
13. How many defenses are available to an individual accused of selling alcohol to minors?
  
14. Is there a law regarding interior lighting of retail premises?

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## Summary of Alcohol Laws

(From California State ABC Laws)

### ■ Sales to a Minor

No person may sell, give, or furnish alcohol to a minor. No person may cause or permit this to occur (such as selling to an individual who passes the alcohol off in the parking lot).

### ■ Disorderly House

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

### ■ Failure to Correct Objectionable Conditions

Upon notice, licenses must take steps to correct any "objectionable conditions," such as a disorderly house.

### ■ Law Enforcement Problems

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

### ■ Sales to Obviously Intoxicated or Habitual Drunkard

No one may sell or give alcohol to anyone who is obviously intoxicated or a habitual drunkard. No person may cause this to occur.

### ■ Restricted Hours

Licenses and employees may not sell, give, or deliver alcohol between 2:00 a.m. and 6:00 a.m. No person may knowingly purchase alcohol between these same hours.



**Liabe**

“obligated according to law or equity”

**Liability**

“the quality or state of being liable”

**Alcohol-related liability**

“the quality or state of being obligated according to alcohol laws”

## Alcohol-Related Consequences and Civil Liability

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### ■ Administrative Consequences

The California Alcoholic Beverage Control (ABC) Department holds the licensee accountable for responsible beverage service in his or her licensed establishment. The licensee has a legal obligation to the ABC for any infractions on the licensed premises, even if he or she did not personally commit them.

A series of fines or possible penalties is outlined for various infractions in the “Summary of Selected Alcohol Laws Pertaining to Off-Sale Retail Establishments” in Appendix A.

California has enacted the “three-strikes law.” This means that licensees who have been convicted of a third offense (such as sales to minors) within a 3-year period may have their license revoked by the ABC.

### ■ Criminal Consequences

In the case of criminal liability, the *individual server* is held accountable for an infraction such as serving alcohol to a minor or permitting after-hours drinking. Upon conviction of such a misdemeanor offense, he or she will have a criminal record and will also be required to pay a penalty, which could include a fine, jail term, and/or hours of community service. It is also possible that the licensee could be found guilty of related administrative offenses and be penalized accordingly.

### ■ 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.

The statute for liability in California is fairly narrow and is often limited to instances where alcohol is served to an obviously intoxicated minor. In most cases *the licensee and the server* may be found civilly liable for service to an intoxicated minor that results in personal injury or harm.

## Strategies Commonly Used by Minors To Gain Access to Alcohol

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- Obtain fake ID or borrow one.
- Get someone else to buy the alcohol (e.g., family, friends, a date, or an adult in the parking lot).
- Choose stores with a reputation for being easy (those that don't ask for ID).
- Act classy or sophisticated.
- Talk to the clerk and try to convince him or her to sell alcohol.
- Make friends with the clerk.
- Go to the outlet during a busy time of the day when clerks are more distracted.
- Pick a special occasion—Halloween, Christmas, or other holidays.
- Travel with friends or in groups to reduce suspicion.
- Act sleazy or flirt with the clerk, or trade in on looks or an outgoing personality.
- Bribe the clerk.
- Place orders.
- Try to look older (e.g., use make-up or clothing style).
- Buy alcohol in volume.

## Policies and Procedures To Prevent Underage Alcohol Purchases

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- All customers who appear to be under age 30 must show an ID, or they will not be sold alcohol. Acceptable forms of ID include:
  - Valid passport
  - Valid State drivers license
  - Military ID
- No alcohol will be sold to any adult who is suspected of purchasing the alcohol for the purpose of selling it to a minor.
- All out-of-state IDs must be checked in the Drivers License Guide.
- No one under age 21 will be sold an alcoholic beverage.
- Whenever requested by clerks, management will assist in interventions with problem customers.
- The establishment will not allow alcohol promotion aimed at youth, including college students, since most are under age 21.
- The establishment will provide an age chart at the cashier's station to assist clerks in computing customer age.
- The establishment will train staff to identify underage customers.
- Signs announcing the policy of not selling alcohol to anyone who is under age 21 will be posted in a visible location.



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

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### **F**eel

- Have the person remove the ID from their wallet or plastic holder.
- Feel for information cut-out or pasted on (especially near photo and birth date areas).

### **L**ook

- Look for the State seals. With the new, plastic California drivers license and ID card, the seals are highly visible without requiring any special light.
- Look at the photograph. Hairstyles, eye makeup, and eye color can be altered, so focus your attention on the person's nose and chin. These features do not change. When encountering people with beards or facial hair, cover the facial hair portion of the photo and concentrate on the nose or ears.
- Look at the height and weight. They must reasonably match the person.
- Look at the date of birth and do the math! Pre-printed age charts can be helpful.
- Compare the age on the ID with the person's apparent age. For example, if the ID says the person is 22, but he or she only looks 17, do not accept the ID no matter how genuine it seems.
- Look at the expiration date. If the ID has expired, it is not acceptable.

### **A**sk

- Ask questions of the customer, such as middle name, zodiac sign, or year of high school graduation. Ask the birth month. If the person responds with a number, it is probable that he or she is lying. If the customer is with a companion, ask the companion to quickly tell you the customer's name. Any hesitation probably indicates lying.
- Ask the customer to sign his or her name, then compare signatures.

### **G**ive Back

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



## Additional Information

- The legal drinking age in California is 21.
- You should ask for ID from any customer who looks under age 30.
- If you ask for and see bona fide (legally acceptable) ID before you serve the customer, you can defend yourself against a charge of selling alcohol to an underage person.
- A legally acceptable ID is *one document* that contains *all* of the following:
  1. Issuing government agency (such as Federal, State, county, or city);
  2. Name and signature of the person;
  3. Date of birth of the person;
  4. Physical description of the person;
  5. Photograph of the person; and
  6. Currently valid date (in other words, not expired).
- Examples of acceptable documents include:
  1. Drivers license or ID card;
  2. Out-of-state drivers license or ID card (with photo);
  3. Federal military ID card; and
  4. U.S. Passport (or foreign passport with photo)

The law allows you to accept all of the above documents. However, an establishment may have a policy that is more stringent than the law (for example, "We only accept California drivers licenses"). Remember, you have the legal right to refuse service to anyone who cannot produce adequate ID (California Section 25659).

## The REFUSE System

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Having a system in place makes it easier for clerk to refuse sales, either to a minor or an intoxicated person. The **REFUSE** system makes it easy to deny sales.

**R**ecognize the need to check for and verify ID when alcohol is placed on the counter.

**E**liminate the alcohol from sight. Remove it from the counter if you suspect the customer is a minor, or intends to buy it for a minor.

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

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

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

**E**nter the occurrence in your establishment's incident log.

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

## Action Planning

**Instructions:** Based on the course material, please list the top five items you will implement in your own establishment. Item one is already provided, should it prove necessary to include it.

1. *Ask for and correctly check ID from all alcohol purchasers who appear to be under age 30.*

2.

3.

4.

5.

## **Post-Test for Off-Premise Clerk Training**

---

1. What is meant by the term “liability” regarding the sale of alcohol?
2. In a licensed establishment, who may be found liable for damages in a civil liability case?
3. What elements constitute a bona fide ID, that is, an ID that can provide documentary evidence that an alcohol purchaser is 21 years old?
4. What is a legitimate defense against the charge of selling alcohol to a minor?
5. Where can staff obtain information to clarify legal issues?

### **Alcohol-Seller Education**

1. What are some effective interventions clerks should use with customers who appear to be buying alcohol for minors?
2. What is the value in learning about alcohol laws?

**Part Two:**  
**Licensee/Manager Manual**





## **Licensee/Manager Workshop Objectives**

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This workshop will:

- Prepare managers to develop an alcohol management policy for responsible beverage sales;
- Enable managers to implement those policies.

### **Knowledge Outcomes**

At the end of this workshop, participants will:

- Understand the importance of alcohol management policies.

### **Performance Outcomes**

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

- Assess risks in exposure liability;
- Create an alcohol management policy that supports responsible sales.

## Main Areas of Risk in Alcohol Sales at an Off-Premise Establishment

- Underage drinking
- Vulnerability to theft

## Areas To Examine To Reduce Risk Exposure

Four main areas are identified to guide licensees in examining their current situations and in implementing changes to reduce potential problems. For each of the areas listed below, please respond to the following question:

*What does each area (customers, security issues, legal history, and location) have to do with an establishment's level of risk for alcohol-related problems?*

1. Customers
2. Security issues
3. Legal history
4. Location

## The Importance of Alcohol Management Policies

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### What is a policy?

According to the Oxford Dictionary of Current English, a policy is a “course of action adopted by government, party or person; prudent conduct, sagacity.”

An *alcohol management policy* refers to a course of action, adopted by your licensed establishment, that demonstrates wise practices with respect to alcohol sales and service.

### Why implement formal 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 to 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 business practice defense. If reasonable care is found, liability might be eliminated or mitigated.





7. A copy of the alcohol management policy 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, understood, and agree to comply with all alcohol policies and procedures.
  
8. Alcoholic beverages will be stocked where they are visible to clerks or other employees at all times.
  
9. Signs announcing the policy of not selling to anyone who is intoxicated will be posted in a visible location.
  
10. Whenever possible, the establishment will participate in community activities designed to promote responsible beverage sales.
  
11. Adequate lighting will be provided both for the parking lot and the store.

## Suggested Alcohol Management Policies for Off-Sale Licensees

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**Goal:** To create a safe environment in which customers may purchase items that (name of store) provides. These policies and procedures are designed to achieve this goal. Any employee found knowingly or deliberately violating these policies will be immediately terminated.

### 1. Age identification

- a. All customers attempting to buy alcohol who appear to be under 30 years of age will be asked for age identification. Legally acceptable forms of identification are:
  - Valid passport
  - Valid State drivers license
  - Military ID
- b. All forms of legally acceptable identification must:
  - Be issued by a government agency.
  - Contain the name and signature of the person.
  - Contain a description of the person.
  - Contain a photograph of the person.
  - Be currently valid (not expired).
- c. No alcohol will be sold to any customer, regardless of age, who cannot provide valid age identification when it is requested.
- d. If identification is presented that is not valid, the customer will be refused service and asked to leave. The incident will be documented. Employees will use the **REFUSE** system:

**R**ecognize to request ID and verify that it is valid;

**E**liminate the alcohol from sight;

**F**irm, yet polite;

**U**nite! Call on other employees or manager for help;

**S**hift your attention to next customer;

**E**xplain the situation in an incident documentation form or log.

## 2. Intoxicated customers

- a. No alcohol will be sold to an intoxicated customer. Signs of intoxication include:
  - Slurred speech;
  - Speaking loudly and inappropriately;
  - Bloodshot eyes;
  - Swaying when walking; and/or
  - Loss of coordination: 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 intends to drive.

## 3. Second-party sales

- a. No alcohol will be sold to any adult suspected of purchasing the alcohol for the purposes of selling or giving it to a minor. Employees will use the **REFUSE** system of denying the sale of alcohol to such persons.
- b. Employees will visually monitor the parking lot area to observe any loitering and phone the police when people (minors or adults) are loitering in the establishment's parking lot or area. Employees will document each occurrence of loitering in the incident log.

## 4. Attempted sales off-hours

- a. No alcohol will be sold between the hours of 2:00 a.m. and 6:00 a.m. 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 beverage service. At a minimum, this course shall include information on: 1) the current laws and penalties regarding sales and provision of alcohol to minors, 2) bona fide age identification, 3) methods for detecting false identification, 4) how to deal with problem situations, such as sales to minors, intoxicated customers, after-hours sales, and second-party sales, 5) maintaining incident documentation forms, and 6) how to most effectively implement the store's policies and procedures.
- b. A copy of the alcohol 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, understood, and agree to comply with all alcohol policies and procedures. Deliberately or knowingly violating any one of these policies or procedures will be grounds for immediate dismissal.

- c. Managers and/or owners will periodically monitor employees' performance in the area of compliance with the alcohol policies and procedures to ensure that policies are understood and followed by all staff.

## 6. Signage/Promotions

- a. \_\_\_\_\_ (Store name) 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 employee at all times.
- c. Signs that are required by the ABC will be exhibited at all times within our establishment.
- d. No signage or promotions that are aimed at youth will be displayed in \_\_\_\_\_ (name of store).

## 7. Security

- a. Adequate lighting will be provided in the store and parking lot.
- b. The manager and/or owner will participate in any community neighborhood watch program or other community support program 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.)



## Ensuring Policy Implementation and Compliance

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The following are examples of simple things that managers can do to make sure that their policies are upheld.

1. Hire employees who are conscientious. Provide them with a copy of store policies and procedures and have them sign a statement attesting that they have read and understood the policies and agree to implement them.
2. Discipline those employees who are not enforcing store policies and guidelines, including alcohol policies and procedures. Terminate any employee who is caught knowingly violating the policy (and document the reasons why).
3. Make sure all new employees are trained in responsible sales practices.
4. Periodically emphasize to your staff that you want them to implement and comply with these policies.
5. Institute an incentive program for employees who effectively uphold responsible alcohol sales policies and procedures.
6. Conduct periodic spot checks or hire a "shopper" to check on employees to monitor their compliance with policies and procedures.
7. Support your employees when they refuse sales to a customer.
8. Do not allow your employees to drink alcoholic beverages on your premises on the job or after hours.

## Action Planning

**Instructions:** Based on the off-premise policy recommendations discussed in this workshop (or anything else you have learned), list the top five items you will implement in your own establishment. Item one is already provided, should it prove necessary.

1. <i>Complete your establishment's alcohol management policy.</i>
2.
3.
4.
5.



## **Post-Test for Off-Premise Licensee/Manager Training**

---

1. What is meant by the term "liability" regarding the sale of alcohol?
2. In a licensed establishment, who may be found liable for damages in a civil liability case?
3. What elements constitute a bona fide ID, that is, an ID that can provide documentary evidence that an alcohol purchaser is 21 years old?
4. What are three defenses against the charge of selling to a minor?
5. Where can staff obtain information to clarify legal issues?

### **Alcohol-Seller Education**

1. What are some effective interventions that clerks should use with customers who appear to be buying alcohol for minors?
2. What is the value of learning about alcohol laws?

## **Risk Assessment**

1. What are three important areas to consider in managing risk?
2. Why is it helpful to have a formal (written) alcohol management policy?
3. What physical, structural, or procedural changes could any manager consider making in his or her establishment to reduce the risk of irresponsible alcohol sales?

**Part Three:**  
**Trainer's Guide**

## Introductory Notes for Trainers

---

This course consists of two parts:

**Part One** is designed for all individuals who sell or serve alcohol in an off-premise outlet. Participants could include licensees, managers, and clerks. The focus of **Part One** is on preventing alcohol sales to minors. **Part One** is a complete program by itself.

**Part Two** is intended only for those individuals who are responsible for the development of alcohol management policies, such as the licensee, owner, or manager. The focus is to build on the information and skills in **Part One** and create or revise a draft alcohol management policy for each establishment represented at the training. **Part Two** is not a stand-alone course and must be given in conjunction with **Part One**.

Strict adherence to the timelines and content is recommended to ensure that all of the material is covered in the allotted time.

## Part One:

### 9:00–9:10 Welcome and Introductions

---

(10 min.)

**NOTE: AS PARTICIPANTS ENTER THE ROOM, DIRECT THEM TO REVIEW THE “PRETEST” ON PAGE 1.** Ask them to see how many questions they can already answer as they wait for the program to begin.

**WELCOME THE GROUP AND INTRODUCE YOURSELF.**

**REFER TO PARTICIPANT MANUAL PAGE 2.**

**READ:** Workshop Objectives

**ASK:** Which objectives are most interesting or relevant to you?

**Ask** participants to scan the various performance outcomes to determine whether any are particularly interesting to them.

**HOW TO:** Use the objectives/outcomes

The focus should be on developing the territory so participants know what to expect. Try to ask questions that will direct participants' attention to the statements, and then interact with them.

**Keep this discussion brief.** Otherwise, the participants will become restless. You will discuss all these things in greater detail later.

**REFER TO PARTICIPANT MANUAL PAGE 3.**

**HOW TO:** Conduct quick introductions:

- Direct each person in turn to answer the questions on page 3 of the participant manual.
- Model this process, with an emphasis on keeping the introductions brief.
- Chart the expectations. You can refer back to this chart as you cover items on it.
- Listen for particular interests so you can address these during the workshop.

**DEBRIEF**  
**BY SAYING:**

- State that you think most of their expectations will be met. If any expectations may not be met or be met only partially, acknowledge the fact, so participants do not feel cheated.
- State that considerable experience is represented in the room with alcohol and 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.
- Post the chart somewhere in the room.

**BRIDGE**  
**BY SAYING:**

Let's examine the issue of teenagers and alcohol within the context of this course.



(10 min.)

**NOTE: THERE IS NO CORRESPONDING PAGE IN THE PARTICIPANT MANUAL FOR THIS SECTION.**

**EXPLAIN:**

Alcohol-selling establishments are a vital part of the community. ASK participants to list some of the benefits their establishments offer to the community (e.g., jobs, tax revenue, shopping convenience, place where food is served, and others). VALIDATE all answers and acknowledge the many advantages of off-premise establishments.

However, alcohol and teenagers 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 teenagers. Nearly 90 percent of high school seniors have consumed alcohol and more than 50 percent have had a drink within the past month. (Tobacco and marijuana are much less popular overall.)
2. Much underage drinking takes place in cars or in conjunction with driving. Approximately 50 percent of adolescents have driven after drinking and 62 percent have ridden with an intoxicated driver.
3. About half of all fatal traffic crashes involving 15–20 year olds are alcohol-related. Recent statistics show that 32 percent of fatally injured underage drivers were legally intoxicated.
4. Adolescents are more sensitive to the effects of alcohol than adults. As a result, young drinking drivers are more impaired and more at risk for fatal crashes than older drinking drivers.
5. Traffic crashes are only one area where alcohol poses problems. Youth suicide and crimes such as assault and homicides are often alcohol-related events.
6. As availability of alcohol increases, frequency of drinking, intoxication, and drinking and driving by minors increases. (The converse is also true.)
7. Minors most often obtain alcohol by purchasing it themselves at off-sale license retail outlets or by having friends purchase it for them. Identification is not requested in a majority of cases when minors purchase alcohol.

**BRIDGE  
BY SAYING:**

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

*(15 min.)***REFER TO PARTICIPANT MANUAL PAGES 4 AND 5.**

- Review instructions.
- Solicit and answer questions.
- Direct participants to team up with a partner and allow 5 minutes for this exercise.

**DEBRIEF:**

- Ask each pair in turn to read their questions and answers. Identify correct answers and clarify incorrect ones.
- Answer any general questions about these laws, which are the most critical.

**EXPLAIN:**

It is not important that participants know every answer to every question, but that they know how to find the answers. The ABC is an excellent source of information and managers should have a good relationship with the field representative in their area. The ABC is happy to respond to licensee questions.

**HOW TO:**

Present legal issues: You may wish to consider having a representative of the ABC present for this section of the training. It will help establish a positive relationship with the enforcement agency, and will also give the ABC a chance to answer specific questions about criminal acts.

**BRIDGE  
BY SAYING:**

We would like to examine six laws in more detail to make sure you understand their significance.

*(5 min.)***REFER TO PARTICIPANT MANUAL PAGE 6.**

te: The summary of laws in Appendix A should be adapted for other States and jurisdictions.

Review the laws, asking whether anyone had questions or comments about them. It is essential not to unnecessarily prolong this discussion. The most relevant law for this course is the one pertaining to Sales to Minors and even then, do not spend a lot of time on the laws but rather on what can be done to prevent sales to minors.

**POINTS****TO MAKE:**

- **After hours:** Clerks must be careful to monitor the time.
- **Obviously intoxicated:** No legal blood level has been established for obvious intoxication. Statistically, sales to minors is the most common infraction. However, the incidence of DUIs and alcohol-related traffic incidents is traceable not to the underage drinker, but to the drinker of age who over-consumes.
- **Disorderly house:** Such problems might include numerous and consecutive incidents or fights in the store or parking lot or involve patrons under the influence of alcohol or drugs, loitering, and others.
- **Failure to correct:** When the problems cited above continue, they can be costly in and of themselves, resulting in increased security, lawsuits, loss of license, and other consequences. These are the hidden costs.
- **Law Enforcement:** This is relatively straightforward.
- **Sales to Minors:** The legal age for purchase, consumption, and possession of alcohol is 21.

**BRIDGE****BY SAYING:**

It is important to understand individual laws, but it is also helpful to know general principles of liability, which we will consider next. Who can define what is meant by the term “liable” or “liability”? (See next section for answer.)



9:40–9:50

**Alcohol-Related Consequences and Civil Liability**

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*(10 min.)*

**REFER TO PARTICIPANT MANUAL PAGES 7 AND 8.**

**ASK:**

For definitions of “liable/liability” and chart them. Provide the dictionary definition as a point of reference and reinforcement of their ideas.

**EXPLAIN:**

- In our litigious society, owners/managers need to exercise caution.
- Although the statutes for civil liability are very narrowly written, it only takes one case to create a nightmare for owners and managers.

**EXPLAIN:**

Enormous costs result if a business or livelihood is lost. Attorneys agree that the best offense is a good defense: an aggressive alcohol management program. The purpose of this workshop is to establish such a program. We will now review ways of preventing the number one challenge to off-premise establishments: sales to minors.

**BRIDGE**

**BY ASKING:**

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

9:50–9:55

**Strategies Commonly Used by Minors  
To Gain Access to Alcohol**

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(5 min.)

**ASK:** What kinds of strategies do minors use to get alcohol? (Prompt them by having them recall incidents they have experienced.)

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

**Chart** 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:** We've got quite a list here. 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 that furnishing alcohol to a minor is method that underage drinkers consistently use to get alcohol.

**REFER TO PARTICIPANT MANUAL PAGE 9.**

**Review** the list there, highlighting any items the participants have not yet mentioned.

**BRIDGE  
BY SAYING:** Minors are definitely motivated to gain access to alcohol. In fact, *the most common kind of retailer infraction related to the sales of alcohol is sales to a minor.*

Likewise, responsible sellers are motivated to prevent them from using alcohol until they can do so responsibly. Now, let's look at ways of ensuring that all alcohol purchasers in your outlets are of legal age.

*(10 min)***REFER TO PARTICIPANT MANUAL PAGE 10.**

- SAY:** Many things can be done to prevent sales to minors, most of which are listed on page 10 of the 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 minors? (The answer is to simply ASK FOR ID and ENSURE THAT IT IS VALID.)
- ASK:** What are some reasons given by clerks for not asking for ID? (e.g., 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; and other reasons.) Acknowledge these reasons, but state that they are not sufficient at all for a 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 as a matter of course. More importantly, it may be the 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 that they are usually quite comfortable asking for ID in this situation because they are expected to do so. They will likely experience a consequence if the check is "bad" and there is no validating information for followup on it. Emphasize that the potential consequences for selling to minors are much greater than getting stuck with a bad \$50 check.
- SUGGEST:** Alcohol sellers need to develop an attitude that selling alcohol is serious business and only those who qualify to purchase it will be allowed to do so.
- REMIND:** Remind them that it is the seller's legal right to refuse service to anyone who cannot produce adequate ID.
- Preventing sales to minors begins and ends with ASKING FOR and correctly checking ID.
- BRIDGE  
BY SAYING:** Assuming that you agree from now on to ask for ID from anyone who appears under age 30, let's look at a step-by-step process for checking the ID.



**10:05–10:15 Process for Checking ID—The F-L-A-G System**

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(10 min)

**REFER TO PARTICIPANT MANUAL PAGES 11 AND 12.**

Take the participants through the process, amplifying as necessary. Have them take out their own drivers license or trade with the person next to them to check information.

**POINTS FOR ELABORATION...**

1. A customer buying a six-pack requires more of your attention than a customer buying a dozen eggs or a loaf of bread.
2. 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 an item that is commonly overlooked. Older brothers and sisters may pass expired IDs on to younger siblings. Height and weight are good backups for bad photos or people who say they have changed since their photo was taken.
3. Show the ID checking guide during this section. The reason for removing the ID is to check more closely for the fake ones.
4. 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!*
5. Birth date and photo are most likely to be retouched, cut open, or altered in some way. The standard for servers is: the server must "in good faith carefully examine and reasonably rely upon as evidence of age." Consistent carding practices support this defense. Remember, the seller's prerogative is to be able to "refuse service to anyone."

**The local ABC can be very helpful during this section.**

**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.

**10:15–10:25    The REFUSE System**

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*(10 min)*

**REFER TO PARTICIPANT MANUAL PAGE 13.**

**Read topic sentence.**

Divide participants into pairs. Assign each pair one letter of the system on which to report. You may assign more than one section to each pair, or duplicate sections, depending on the number of participants you have. With few participants or if time is limited, you can simply walk them through the concepts. If you do, keep it brief and interactive.

**ASK:**                    Are there any questions for clarification?

**BRIDGE  
BY SAYING:**        Let's look at your personal action plan for putting this information to work.

**10:25–10:30    Action Planning**

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(5 min.)

**EXPLAIN:**

The time has come to put this learning into practice. At this point in the program, allow a 5-minute break for the managers who are staying for Part Two while you finish up with the clerks. Part One is almost completed.

**REFER TO PARTICIPANT MANUAL PAGE 14.**

- **Direct** participants to list any action items of their own or any procedures they will implement upon their return to work.
- Note that item number one on page 14 is already filled in—ask for and check ID for anyone who appears under age 30.
- Ask for question clarification.

**DEBRIEF:**

- **Ask** participants to share what they wrote.
- **Direct** participants to the post-test on page 15 and determine whether any questions still need to be answered. Answer them with the help of the other participants.

**DISTRIBUTE**    Course certificates if appropriate.

**THANK THE GROUP AND DISMISS THOSE WHO  
ARE NOT REMAINING FOR PART TWO  
(LICENSEE/MANAGER TRAINING).**

**THIS ENDS PART ONE OF THE TRAINING.**

## Part Two:

Call the licensees and managers back into the room. Say that the workshop will continue with work on their alcohol and tobacco management policies. Begin with the pre-test on page 17, then open the discussion by asking them what is meant by the terms “risk” and “risk assessment.”

### 10:30–10:40 Risk Assessment: What To Look For

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(10 min.)

#### TAKE A FEW ANSWERS

**EXPLAIN:** The term “risk” is generally meant to refer 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 which 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.

Ask whether anyone knows the two main areas of risk in establishments that sell alcohol. **REFER TO PARTICIPANT MANUAL PAGE 19.**

Establishments with a high incidence of underage youth attempting to buy alcohol and/or tobacco, as well as problems with theft, are naturally going to experience some type of loss (financial, legal, etc.).

There are four areas where licensees can work to reduce their risk.

**Review the page.** For each area, ask: “What possible elements of risk or potential problems exist? Look for these answers:

- *Customers:* Having lots of *young* customers increases risk. Are your clerks selling to their friends who are underage?
- *Security:* Where is the liquor placed? What about lighting? Are parking lots being monitored? Is there good visibility in the establishment?
- *Legal History:* If there have been problems in the past, they are likely to emerge in the future.
- *Location:* Being near a college campus or other youth-oriented center is a potential problem. The neighborhood may also present a problem if it is rundown or if other establishments have poor sales practices. Is there a drug problem in the area?

**ASK:** For each area, name one approach you already know you could take to reduce risk.

**BRIDGE BY SAYING:** Now let’s turn our attention to the best tool the manager has for combating potential areas of risk: a policies and procedures manual.



**10:40–10:45    The Importance of Alcohol Management Policies**

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*(5 min.)*

**ASK:**                    What is a policy?

**REFER TO PARTICIPANT MANUAL PAGE 20 AND READ THE DEFINITION.**

**EXPLAIN:**            ■ The party in this case is the establishment that sells alcohol. Prudent conduct has to do with selling alcohol with good judgment.

                              ■ Policies are usually collected or codified in a manual of some kind for easy reference.

**ASK:**                    ■ How many of you have a formal manual with written policies and procedures? (Some may have them, others may not.)

                              ■ The definition of policy includes the words “sagacity.” Does anyone know what that means? (Wisdom or insight.)

**EXPLAIN:**            Effective policies promote good judgment regarding behavior.

**ASK:**                    What are some other advantages to good policies? (Look for the answers on page 20.)

**Review** the page for any missed answers.

**Ask** for questions.

**BRIDGE  
BY SAYING:**        Now, let’s look at some policies and procedures that can really facilitate responsible beverage sales.

**10:45–11:00 Additional Suggested Policies  
Related to Alcohol Sales and Security**

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*(15min.)* **REFER BACK TO PARTICIPANT MANUAL PAGE 10.**

Remind participants of the policy items discussed earlier in the course and the importance of checking ID on a regular basis for anyone who appears under age 30.

**EXPLAIN:** A list of policies have been provided for the participants to analyze. Participants will report back to the group each policy assigned.

**REFER TO PARTICIPANT MANUAL PAGES 21 AND 22.**

Review the instructions on top of **PAGE 21**. Demonstrate the assignment using one of the policies to show how the activity works.

Assign partners and allow about 10 minutes for this activity. Parcel out the policy ideas so that each pair has four or five. (If some of the other policies have already been discussed, you do not need to assign them.) Check with the teams to make sure they understand the task, and coach them if necessary.

**DEBRIEF:**

- **Ask** pairs to briefly report their ideas.
- **Ask** for the barriers and the adaptation. If participants can not find a way to adapt the policy, open the discussion to the entire group. Do not try to argue or force the policy on them. Others in the room may have different opinions. Note that in many establishments that have applied these policies, responsible beverage sales have been supported while increasing profits and empowering the staff.

**BRIDGE  
BY SAYING:** Now that you have a general understanding of how policies work, we are going to develop/revise your policy.



**11:00–11:20 Suggested Alcohol Management Policies for Off-Sale Licensees**

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*(20 min)*

**REFER TO PARTICIPANT MANUAL PAGES 23–25.**

**EXPLAIN:**

The main goal of this part of the course is to create an alcohol management policy that addresses risk areas and helps establishments to 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 policy is intended to be a guide for minimum standards.)

**ASK:**

Ask them to refer to the policy provided and to place a check mark beside those items which they want to include in their establishment's policy. Suggest that when they finish and return to their establishments, they should transfer this information onto company letterhead, sign it, and make copies for all staff. The staff should then read, sign, and agree to comply with the policies.

**11:20–11:25    Ensuring Policy Implementation and Compliance**

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*(10 min)*

**REFER TO PARTICIPANT MANUAL PAGE 26.**

Review the list and ask if there are any questions. (This list is fairly self-explanatory. You may wish to make this presentation by asking questions like “Has anyone tried this one?” or “How has this method worked for you?”)

**EXPLAIN:**            Neglecting to enforce policies makes licensees/managers more liable than if they had no policies at all. Employees need to know that you are sincere in your commitment to support them in reducing alcohol-related problems.

**BRIDGE  
BY SAYING:**        Let’s finish up the course by completing an “action plan.”

## 11:25–11:30 Action Planning

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(5 min.)

**EXPLAIN:** The time has come to implement the lessons learned.

### **REFER TO PARTICIPANT MANUAL PAGE 27.**

**Direct** participants to list any action items of their own or any procedures they will implement upon their return to work.

**Note** that item number one on page 27 is already filled in: finish the establishment's alcohol management policy.

**ASK:** Ask for questions.

**DEBRIEF:** Ask participants to share what they have written.

**Direct** participants to the post-test on pages 28 and 29 and see if there are any questions that still need to be answered. Include other participants in responding to questions.

**DISTRIBUTE:** Distribute course certificates if appropriate.

**THANK THE GROUP AND  
ADJOURN THE WORKSHOP.**

**Appendix A:  
Summary of Selected Alcohol Laws  
Pertaining to  
Off-Sale Retail Establishments**

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# Summary of Selected Alcohol Laws Pertaining to Off-Sale Retail Establishments

## Notes

- All code sections refer to the California Business and Professions Code (Division 9 - Alcoholic Beverage Control Act), unless otherwise noted. "CCR" refers to the California Code of Regulations. *This information must be adapted for use in other States and jurisdictions.*
- ABC penalties are determined on a case-by-case basis. Consideration is given to the type of violation, the licensee's past record, and the circumstances surrounding each particular case. Penalties may range from probation only to ABC license suspension, fine in lieu of license suspension, or license revocation.
- This appendix contains only abbreviated information. Contact your local ABC office for full information before doing anything which may jeopardize the license. ( )
- "Minor" means a person under 21 years of age.

Subject	Code Section	Summary of Law	Possible Penalties
Sales to Minors	25658 (a)	<p>No person may sell, furnish, or give any alcoholic beverage to any person under the age of 21 years.</p> <p>No person may cause or permit this to occur.</p>	<p><b>Criminal:</b> Min. \$250 fine and/or 24-32 hours community service. Max. \$1,000 fine and/or 6 months county jail (25658(d) &amp; 25617)</p> <p><b>Administrative:</b></p> <p><b>1st Offense (within 3 year period):</b> possible probation, suspension, or fine (fine can range from \$750 to \$6,000)</p> <p><b>2nd Offense (within 3 year period):</b> mandatory license suspension</p> <p><b>3rd Offense (within 3 year period):</b> license may be revoked. (25658.)]</p>



Subject		Code Section		Summary of Law		Possible Penalties	
Right to Refuse Service to Minors	25659	Licensees and employees have legal right to refuse service to anyone who cannot produce proper ID.		Not applicable			
Off-Sale Beer and Wine License Privileges	23393	Type 20 licensees cannot sell more than 52 gallons of wine at one time. Cannot sell alcohol for resale.		<b>Criminal:</b> Max. \$1,000 fine and/or 6 months county jail (25351 & 25617) <b>Administrative:</b> decided on a case-by-case basis.			
Off-Sale General License Privileges	23394	Type 21 licensees cannot sell more than 52 gallons of wine at one time (except to holder of daily general license).		<b>Criminal:</b> Max. \$1,000 fine and/or 6 months county jail (25351 & 25617) <b>Administrative:</b> decided on a case-by-case basis			
Minimum Operating Standards <b>Applies to licensees other than a retail on-sale licensee who is licensed and operates as a bona fide eating place as defined in Section 23038.</b>	25612.5	<p>Licensees must comply with the following operating standards: (1) posting "No Loitering" signs if requested in writing from ABC, (2) posting "No Open Alcoholic Beverage Containers are allowed on premises" signs if requested in writing by ABC, (3) not allowing consumption of alcoholic beverages outside the premises (including parking lot and adjacent public sidewalks), (4) illuminating the exterior of the establishment, (5) removing litter daily (including adjacent public sidewalks and parking lots under the control of the licensee), (6) removing graffiti within 120 hours of application, (7) no more than 33% of total square footage of windows and clear door space may be devoted to advertising or signs of any sort, (8) telephones equipped to prevent incoming calls if requested by police, (9) a copy of operating standards shall be posted for viewing by the general public.</p>		<b>Administrative:</b> decided on a case-by-case basis.			



Subject	Code Section	Summary of Law	Possible Penalties
Obviously intoxicated person or habitual drunkard	25602 (a)	No person may sell or give alcohol to anyone who is obviously intoxicated or a habitual drunkard. No person may cause this to occur. Signs of intoxication include staggering, alcoholic breath, blood shot eyes, slurred speech, loss of coordination, etc.	<b>Criminal:</b> Min. \$250 fine and/or 24-32 hours of community service. Max. \$1,000 fine and/or 6 months county jail. (25658(d) & 25617) <b>Administrative:</b> decided on a case-by-case basis.
Hours of Sale	25631	Licensees and employees may not sell, give or deliver alcohol between 2:00 a.m. and 6:00 a.m. No person may knowingly purchase alcohol between 2:00 a.m. and 6:00 a.m.	<b>Criminal:</b> Min. \$250 fine and/or 24-32 hours of community service. Max. \$1,000 fine and/or 6 months county jail. (25658(d) & 25617) <b>Administrative:</b> decided on a case-by-case basis.
Alcohol Consumption During Restricted Hours	25632	Licensees/employees may not permit alcohol consumption by patrons or staff between 2:00 a.m. and 6:00 a.m. (even if drinks were purchased before 2:00 a.m.).	<b>Criminal:</b> Min. \$250 fine and/or 24-32 hours of community service. Max. \$1,000 fine and/or 6 months county jail. (25658(d) & 25617) <b>Administrative:</b> decided on a case-by-case basis.
Employment of Minors	25663 (b)	Persons 18 years and older may sell alcohol unsupervised in off-sale premises. Persons age 17 and younger may sell alcohol if under the continuous supervision of a person 21 years or older.	<b>Administrative:</b> decided on a case-by-case basis.

Subject		Code Section	Summary of Law	Possible Penalties
Purchase or Consumption by Minors	25658 (b)	Minors may not purchase alcohol. Minors may not consume alcohol in an establishment.	<b>Criminal:</b> Min. \$250 fine and/or 24-32 hours of community service. Max. \$1,000 fine and/or 6 months county jail. (25658(d) & 25617) <b>Administrative:</b> decided on a case-by-case basis.	
Attempt to Purchase by Minors	25658.5 23057	Minors may not even try to buy alcohol. <i>(Immunity given to minors used in decoy operations by law enforcement. New section 23057 requires the ABC to send information regarding the use of minor decoys with license renewal notices.)</i>	<b>Criminal:</b> Max. \$100 fine. 2nd offense max. \$250 fine and/or 36 hours community service. (25658.5) <b>Administrative:</b> decided on a case-by-case basis.	
Possession of Alcohol by Minors	25662 (a)	Minors may not possess alcohol in public <i>(with some exceptions, such as in making a delivery in the course of employment).</i>	<b>Criminal:</b> Max. \$1,000 fine and/or 6 months county jail (25617). <b>Administrative:</b> decided on a case-by-case basis.	
Minors presenting false ID	25661	Minors may not possess or use false ID.	<b>Criminal:</b> Min. \$250 fine and/or 24-32 hours community service (25661). <b>Administrative:</b> decided on a case-by-case basis.	
Disorderly Premises	25601	Licenseses and employees may not permit premises to become a disturbance to the neighborhood or injurious to the public morals, health, convenience or safety. "Premises" includes parking lot.	<b>Criminal:</b> Min. \$250 fine and/or 24-32 hours of community service. Max. \$1,000 fine and/or 6 months in county jail. (25658(d) & 25617) <b>Administrative:</b> decided on a case-by-case basis.	

Subject	Code Section	Summary of Law	Possible Penalties
Law Enforcement Problem	24200	Licensees may not allow premises to require an inordinate amount of police services. ABC may discipline licensees who fail to correct objectionable public nuisance activities at the licensed premises or immediate adjacent area owned, leased or rented by the licensee. Nuisance conditions include disturbing the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise.	<b>Administrative:</b> decided on a case-by-case basis.
Telephone Orders	25605	Customers must be able to present ID showing age 21 years or older when alcohol is delivered.	<b>Administrative:</b> decided on a case-by-case basis.
Retail-to-retail sales	23402	Off-sale licensees may not sell alcohol knowing that the person is going to resell it. (Except Type 21 licensees may sell distilled spirits for resale to the holder of a daily on-sale license.)	<b>Criminal:</b> Max. \$1,000 fine and/or 6 months county jail (25351 & 25617) <b>Administrative:</b> decided on a case-by-case basis.
Retail Delivery Orders	Rule 17 (e), CCR	Employees cannot deliver alcohol without a delivery order. It must state quantity, brand, proof, price, name/address of customer, name/address of store. Store must keep order on file for 2 years after delivery.	<b>Administrative:</b> decided on a case-by-case basis.
Retail Store Qualifications	Rule 27, CCR	Alcohol must be sold in original package for consumption off premises; alcohol must be conveniently displayed; alcohol must be delivered from premises; no telephone orders when store is not open for business.	<b>Administrative:</b> decided on a case-by-case basis.



Subject	Code Section	Summary of Law	Possible Penalties
Clerk's Application and Acknowledgment; Posting of Sign	25658.4	Any person selling alcohol at off-sale premises must sign statement of understanding of basic ABC laws (available from ABC office); must disclose ABC law convictions. Owner must post customer warning sign in store.	<b>Administrative:</b> decided on a case-by-case basis.
Unlawful possession on licensed premises	25607 (a) (b)	Licensees may not allow any alcohol on premises other than those types which they are licensed to sell. (Except Type 41 licensees may have brandy, rum or liqueurs used solely for cooking.)	<b>Criminal:</b> Max. \$1,000 fine and/or 6 months county jail. (25617) <b>Administrative:</b> decided on a case-by-case basis.
Conditional licensees	23800-23805	Some ABC licenses have special restrictions known as "conditions." Licensees and employees must abide by the conditions at all times, and be able to produce a copy of conditions upon request of any peace officer.	<b>Administrative:</b> decided on a case-by-case basis.
Substitution of brands	25609	No person may substitute types or brands of alcohol without first informing the purchaser.	<b>Criminal:</b> Max. \$1,000 fine and/or 6 months county jail. (25617) <b>Administrative:</b> decided on a case-by-case basis.
Narcotics and drugs	24200.5 (a)	Licensees may not knowingly permit illegal sales or negotiations of narcotics or drugs on the premises.	<b>Criminal:</b> Most drug offenses are felonies, punishable by imprisonment in State prison. <b>Administrative:</b> decided on a case-by-case basis.

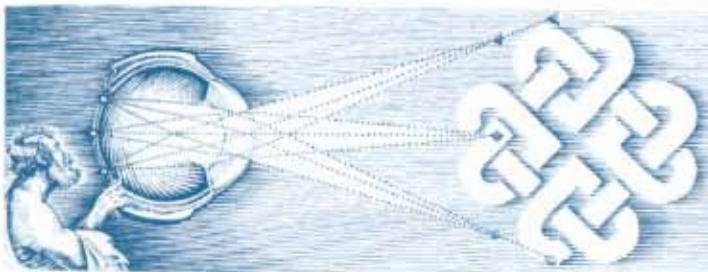
Subject	Code Section	Summary of Law	Possible Penalties
Concurrent Sales of Alcohol/Gasoline	23790.5 (d)	<p>Licenses who sell both gasoline and alcohol must abide by special conditions:</p> <ol style="list-style-type: none"> <li>1. No beer/wine within 5 ft. of cash register or front door (unless in permanently affixed cooler since 1/1/88).</li> <li>2. No alcohol ads at fuel islands.</li> <li>3. No alcohol sales from drive-in window.</li> <li>4. No alcohol sales from ice tub.</li> <li>5. No self-illuminated beer/wine ads on buildings/windows.</li> <li>6. Cashiers must be 21 years or older to sell beer or wine between 10:00 p.m. and 2:00 a.m.</li> </ol>	<p><b>Administrative:</b> decided on a case-by-case basis.</p>
Undisclosed Ownership/Changes in Ownership	23355, Rule 68.5, CCR	<p>ABC license must reflect true ownership of the licensed business. There can be no "hidden owners" or "silent partners." Licensee must report ownership changes to the Department.</p>	<p><b>Administrative:</b> decided on a case-by-case basis.</p>



National Crime Prevention Council



American Indian Development Associates



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