

STATE OF DELAWARE

TRAINED ALCOHOLIC BEVERAGE SERVER PROGRAM



Presented by:

Department of Safety & Homeland Security

Division of Alcohol & Tobacco Enforcement

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Objectives

The primary objective of the mandatory Server Training Program is to educate and assist the alcoholic beverage server as to how to serve and sell alcoholic beverages in a responsible manner consistent with the Commissioner Rules and the Laws of the State of Delaware.

Upon the successful completion of this program, you will have the necessary tools to fulfill your obligations of serving alcoholic beverages responsibly. Serving alcoholic beverages in a responsible manner is not an option or a choice...it's the law. Anyone who violates the laws or Commissioner Rules can expect nothing less than to be held fully accountable for their actions.

Server's Responsibility

When a person accepts a license to serve and sell alcohol they accept a public trust that they will serve and sell alcohol in a responsible manner. Some states have legislated Dram Shop Laws. Delaware does not currently have Dram Shop, but it does have Civil/Tort Statutes that may hold the server responsible. Servers must realize that failing to uphold their responsibility to abide by the laws and rules of the State of Delaware may not be just a matter of a criminal court hearing and a fine. It could escalate into a serious civil hearing with the possible repercussions of a judgment with substantial punitive damages.

Division of Alcohol & Tobacco Enforcement

"Saving lives by enforcing Delaware's Alcohol and Tobacco Laws"

The Division of Alcohol & Tobacco Enforcement is responsible for the enforcement of Title 4 (Delaware Liquor Control Act) and the Alcoholic Beverage Commissioner's Rules, which apply to all retailers, suppliers, and wholesalers who are licensed to manufacture, sell, serve, transport, or store liquor in the State of Delaware.

Agents of the Division of Alcohol and Tobacco Enforcement are certified police officers in the State of Delaware. Agents have statewide jurisdiction and arrest powers and have full authority to enforce all of the laws of the state, including liquor, drug, criminal, and traffic statutes.

Agents routinely conduct investigations involving underage consumption and possession of alcohol, sales of alcohol and tobacco to underage persons, fictitious identification, over-service of alcohol to patrons, bootlegging, prostitution, illegal gambling, narcotics, tax evasion, and other criminal activities.

Agents work with federal, state, and local law enforcement agencies by assisting them with investigations and/or public safety issues.

The Office of the Alcoholic Beverage Control Commissioner

The Office of the ABC Commissioner is a separate and distinct agency from the Division of Alcohol & Tobacco Enforcement. The Commissioner's office is responsible for all matters related to Liquor licensing process. This includes the licensing of all suppliers, wholesalers, and retailers doing business in the State of Delaware.

In addition to granting licenses and approving variances, the Commissioner is the administrative judge who hears cases of licensees charged with violations of the Liquor Control Act and/or administrative rules.

What is Alcohol?

Alcohol is the oldest documented compound of abuse. The principal ingredient in alcoholic beverages is "Ethyl" Alcohol, more commonly known as Ethanol or just plain Alcohol. Alcohol is a drug; it is a central nervous system depressant that affects the entire nervous system. In spite of the initial surge of energy it gives you, alcohol is not a stimulant. Alcohol can have serious side effects when combined with other drugs.

Statistics

Alcohol-related accidents cause more than 500,000 serious injuries each year. Alcohol is a factor in about 50 - 70% of all the pedestrian fatalities in this country each year. Surveys indicate that approximately 50% of all the intoxicated drivers on the road come from commercial establishments. This is an indication that bartenders, waiters and waitresses are over serving these patrons. Surveys such as these, indicate the need for alcohol-related training programs and were very much a part of the reason that House Bill #65 was passed in Delaware in July of 1991. This is the law that mandates trained alcohol beverage servers in Delaware.

What is a drink?

Beer: 12 ounces

Wine: 5 ounces

Spirits (80-86 Proof): 1.25 ounces

Spirits (100 Proof): 1 ounce (1 Shot)

- ❖ Each of the above drinks contains approximately the same amount of alcohol and is considered one 'regular' drink.
- ❖ Each would raise the average persons Blood Alcohol Content (BAC) approximately .025%.

- ❖ One drink is eliminated per hour by the liver.

Intoxication Factors

The three most important factors are:

- ❖ Time: How long has the person been drinking?
- ❖ Weight: How much does the person weigh?
- ❖ Number of Drinks: How many drinks have they had in that space of time?

The number of drinks in the body at any time therefore equals the number of drinks consumed minus the number of hours since drinking started.

The average size person (150-160 lbs.) would have to consume any combination of four of the above drinks in one hour in order to get their B.A.C. to an approximate level of .08%, which is the legal limit of intoxication in the state of Delaware:

4 drinks (in one hour) x .025% = .10% BAC - .25% (1 drink eliminated per hour)= .075%

The legal limit of intoxication in the State of Delaware is .08%

How is alcohol absorbed into the body?

Alcohol is not digested like other food and beverages; it is absorbed and diffused into the body. As a person drinks, the alcohol enters their bloodstream and body tissues almost immediately. When alcohol enters the bloodstream it goes into all areas of the body. First and most important is the brain, (the brain and liver are the organs with the largest blood supply.) It reaches the brain in this order:

Cortex: Judgment

Cerebellum: Coordination

Limbic System: Emotion

Brain Stem: Respiratory System

The first sense a person loses when they drink is their sense of judgment.

Food Consumption

An important factor on the absorption rate of alcohol is the presence of food in the stomach. Food can slow down the absorption rate of alcohol, provided the food is in the stomach before the person begins drinking. Food does two basic things to slow down the absorption rate of alcohol. It blocks the pyloric valve, and it acts as a sponge to absorb some of the alcohol. All the alcohol that you ingest will eventually get into your system. It is important that we understand that food does not keep one from becoming intoxicated. It will only slow down the rate at which alcohol gets into your body. Once alcohol has passed through the pyloric valve and gotten into the small intestine, any food eaten afterward will have no effect on the alcohol that is in the small intestine.

Mood

Alcohol's impact can be significantly affected by the individual's mental state. It usually accentuates the drinker's mood. If a person is depressed, one or two drinks may have the same effect as three or four. When a person is in a pleasant mood, the alcohol often enhances that feeling, often giving the person much more confidence in himself or herself. When the body has had little sleep, the effects of alcohol are often magnified.

Tolerance

An inexperienced drinker tends to feel alcohol's effect more quickly and often more severely than an experienced drinker. The experienced drinker develops a certain tolerance to alcohol's effect. He or she needs progressively more alcohol to produce the same mood-altering effects experienced in earlier stages of drinking. However, experience has no effect on BAC! An experienced, or inexperienced drinker with five drinks in his or her system has the same BAC (Both body weights being about the same).

Eliminating Alcohol

The liver metabolizes and eliminates 90-95% of all the alcohol that a person consumes. You lose 1-9% through your breath, perspiration and urine, but not enough to make an

appreciable difference. The liver eliminates alcohol at a rate of about one (1) drink per hour. You should also be aware of the fact that you can not change the rate at which the liver eliminates alcohol - food, non-alcoholic beverages, exercise or cold showers; it makes no difference - about one (1) drink per hour is eliminated.

BAC - The Legal Standard

Blood Alcohol Content, or BAC, is a measurement of the level of alcohol in the bloodstream at any particular time. In the State of Delaware, the legal per se BAC level is .08%. This means that at that level, if you are stopped operating a motor vehicle, the state has a prima face case for DUI. You can be arrested and found guilty of driving under the influence (DUI) in Delaware at levels less than .08% if proper evidence is present (Probable Cause for the stop).

How does BAC affect driving?

The higher the concentration of alcohol in the blood, BAC, the greater its impact on driving. Driving is a complex task requiring judgment, information processing, and conscious control of behavior, memory, coordination, and quick reaction time. Alcohol tends to retard these processes and, for many individuals, it does so at BAC levels far below the legal blood alcohol limits. Judgment, reaction time, and coordination may so be affected as to make it impossible to safely operate a motor vehicle. Remember, alcohol is a false confidence builder! Whether its driving a vehicle, riding a bicycle, operating a watercraft or operating any type of machinery, you can not do it as well as you think you can, or, as well as you can without the alcohol.

Below is a basic BAC level of impairment chart. Remember, people respond differently depending on tolerance and circumstances to the same BAC level:

- ❖ .02-.04 Reaction times are increasing. Coordination has started to slow. Judgment is beginning to be affected.
- ❖ .05-.08 Reaction time is considerably impaired, as is coordination and judgment. You are considered seriously impaired and legally intoxicated when your BAC reaches .08%.

Signs of Impairment

Most servers can recognize when a patron is intoxicated, by then however it is too late. In order to keep people from becoming intoxicated, you have to recognize early on the signs of over-drinking. Here are the five major categories of signs. When you see these you must evaluate whether or not to stop serving the patron:

- ❖ Physical: Red, watery eyes, flushed face, etc.
- ❖ Mental: Difficulty speaking, slurring words, loss of judgment, etc.
- ❖ Emotional: Exaggerated mood (very happy/sad), louder, etc.
- ❖ Social: False confidence, etc.
- ❖ Coordination: Difficulty holding glass, opening doors, walking, stumbling, etc.

Slowing Down the Pace

An important part of a server's job is to prevent their patrons from becoming impaired or intoxicated by controlling to some degree the patrons ability to consume alcohol. When patrons are drinking too quickly, you can slow consumption down by:

- ❖ Suggesting alternative beverages such as soft drinks, mock-tails, non-alcoholic beers and wine.
- ❖ Offering food such as table snacks, hor d'oeuvres, soups, salads, sandwiches, or full meals.
- ❖ Visiting the table less frequently.
- ❖ Waiting until everyone is finished and clearing glasses before taking orders.
- ❖ Encouraging participation in available activities such as dancing, song contests, video games, etc.

Terminating Service

Intervening in the drinking or driving of impaired patrons is not the easiest part of alcohol service, but it is an important part of it. We recommend that management does the cutting off. It is not that the servers are incapable, but managers are perceived as authoritative figures, and it may help to preserve the server's tips.

It may not always be pleasant, but it is almost always possible to terminate service without causing the intoxicated patron, other customers, and the establishment undue embarrassment, danger or liability.

There are six basic steps to intervening with intoxicated patrons:

- ❖ Reporting the patron to management.
- ❖ Getting the facts about approximately how long the person has been drinking/how many drinks.
- ❖ Approaching the patron.
- ❖ Terminating service.
- ❖ Providing protection.
- ❖ Preventing disturbances.

Preventing Underage Drinking

Checking Identification

Serving underage patrons is a serious violation of the law and could be the basis of a costly lawsuit. We recommend that you accept **only** the following forms of identification (ID):

- ❖ State Driver's License (With Picture)
- ❖ State Issued Identification Cards
- ❖ Military ID

❖ Passports

Check the identification of any patron who you are not positively sure is of legal drinking age. Take physical possession of the identification and examine it under strong light. Look for the following:

- ❖ Expiration Date: It must be currently valid. Do not serve on an expired ID!
- ❖ Signs of tampering
- ❖ Compare the patron's appearance with the picture and descriptive information on the license. Compare features that are not easily changed such as ears, jaw line, and hairline.
- ❖ Make sure they are the correct height.
- ❖ Ask patrons to tell you information directly from the license; e.g., date of birth, address, zip code, height, weight etc.
- ❖ Ask them the month and year of their DOB as most people memorize the DOB in month-day-year order.
- ❖ Ask for county, year of graduation, or any other information that they may not have memorized.
- ❖ Ask for a second form of identification if necessary.

Remember, you do not have to serve someone if you are not satisfied that the identification is valid.

The Division of Alcohol and Tobacco Enforcement has three programs that are designed to prevent sales of alcoholic beverages to persons under the age of 21. They are:

- ❖ The Cooperating Underage Witness Program (CUW)
- ❖ The Cops-In-Shops Program
- ❖ Fake ID Sweeps

These programs assist law enforcement officers in assuring that all servers and sellers make every reasonable effort to ensure that persons under 21 years of age do not receive alcoholic beverages.

The reasonable effort is that all servers/sellers always ask for identification and check it carefully!

- Alcohol is the #1 drug of choice for children and adolescents.
- More than 40% of individuals who start drinking before the age of 15 will develop alcohol abuse or alcohol dependence at some point in their lives.
- Among high school students, those who started drinking before age 13 are nine times more likely to binge drink (5+ drinks on one occasion at least six times per month).
- 67% of 8th graders and 83% of 10th graders believe that alcohol is readily available to them.
- 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.
- In a survey of 18-24 year-old current drinkers who failed to complete high school, nearly 60% had begun to drink before age 16.
- Those who begin drinking at age 14 or younger are significantly more likely to experience unintentional injuries, physical fights, and motor vehicle crashes.
- Alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students.
- Alcohol is a major factor in unprotected sex among youth, increasing their risk of contracting HIV or other sexually transmitted diseases.

An overwhelming number of Americans (96%) are concerned about underage drinking and a majority support measures that would help reduce teens drinking, such as stricter controls on alcohols sales, advertising, and promotion.

LAWS AND RULES

NOTE: All licensees are required by law to have their licensed premises at all times an updated copy of:

The Liquor Control Act (Title 4) The Commissioner Rules and Regulations

Common Title 4 laws:

Title-4 Sec. 525

Spirits, Wine and Beer Tasting

A license to permit spirits, wine, and beer tasting may be granted by the Commissioner to any person holding a license under this title as a retailer.

- a. Limit of (1) one ounce of wine or beer.
- b. Limit of (1/2) one half ounce or spirits.
- d. Must be in an area designated by the Commissioner.

Title-4 Sec. 561

Grounds for cancellation or suspension

The licensee maintains a noisy, lewd, disorderly, or unsanitary establishment or has been supplying impure or otherwise deleterious beverages or food.

Title-4 Sec. 705

Containers for Sale and Delivery of Beer for off Premises Consumption

No sale or delivery of beer for off premise consumption shall be made in open containers.

Title-4 Sec. 706

Sale or Service of Alcoholic Liquors to Intoxicated Persons

No licensee or employee of a license shall sell or serve any alcoholic liquor to any person that is intoxicated or appears to be intoxicated.

Title-4 Sec. 708

Prohibition of Sales of Alcoholic Beverages to Certain Persons

No person shall sell any alcoholic liquor to:

- a. Anyone who has not reached the age of twenty-one;
- b. Persons to whom such sales are prohibited;
- c. An individual who is mentally ill or mentally deficient;
- d. An individual who habitually drinks to excess or whom the Commissioner has, after investigation, decides to prohibit such sale.

Title-4 Sec. 709

Prohibition of Sale at Certain Times

- a. No sales or serving of alcoholic beverages between the hours of 1:00 a.m. and 9:00 a.m. Municipalities having a population of 50,000 or more persons may set earlier closing times.
- b. Package stores, Taverns and Taprooms may not sell any alcoholic beverages on holidays. Holidays are defined as Christmas, Thanksgiving, and Election Day while the polls are open.

Package stores are allowed to be open Sundays from the hours of 12:00-8:00 p.m.

Title 4 Sec. 727

Last Call

No more than 1 (one) alcoholic beverage may be served to a person 15 minutes before closing of the establishment. (One drink per person).

Title-4 Sec. 901

Offenses carrying penalty of imprisonment for 3 to 6 months

Whoever not being the holder of a proper and valid license, or not being so authorized by this title, sells alcoholic liquor in this State.

Title 4 Sec. 903

Consumption of Alcoholic Beverages on a premise licensed for Off Premises Consumption

No alcoholic beverages may be consumed in a package store or its dependencies by anyone.

Title-4 Sec. 904

Offenses concerning certain persons (criminal offenses)

- a. Sale of alcohol to any person who has not yet reached the age of 21.
- b. Any person under the age of 21 who knowingly makes false statement to any person engaged in the sale of alcoholic liquor for the purpose of obtaining alcohol.
- c. Any person who purchases, buys, or gives alcoholic liquor for or to a person under the age of 21 or knowingly allows a person under the age of 21 to consume alcoholic liquor.
- d. Licensees may not permit persons under the age of 21 are not to enter or remain in a tavern or taproom.
- e. Persons under the age of 21 are not allowed to enter or remain inside taverns, taprooms, or package stores.
- f. Persons under the age of 21 are not allowed to possess or consume alcohol.

Title 4 Sec. 907

Interference with officer or inspector

Whoever interferes with or hinders any officer or inspector authorized by the Director to investigate any infringements of this title or to make any search, examination or seizure, in the performance of the officer's or inspector's duties to that end, shall, in addition to any other penalty which may be imposed upon him or her under this title shall be fined \$100.00 for each offense.

Title 4 Sec. 916

Penalties imposed against licensees who threaten employees.

No licensee or representative thereof may discipline, threaten, or otherwise penalize an employee for refusing to violate rules of the Commissioner and/or the Division or Statutes of the State.

Common Commissioner Rules:

Commissioner Rule #2

Prohibited Trade Practices

Any practice, which would promote excessive consumption.

- a. Giving away alcoholic beverages.
- b. Giving away cash or check (directly or indirectly).
- c. Selling alcoholic beverages below cost.
- d. No two for one drinks.
- e. No extending credit.

f. No unlimited consumption, open bar, unless authorized by the Commissioner.

Commissioner Rule #2.1

Items to be sold in Package Stores

- a. All bottles must be sold with the seal unbroken.
- b. Food items may not be cooked, refrigerated, or unwrapped and repackaged (area limited to 20 square feet.)
- c. Single can insulated coolers are permitted.

Commissioner Rule #7

Work Permits

- a. **16, 17 and 18** year olds must have a work permit from the Office of the Alcoholic Beverage Control Commissioner.
- b. **16, 17 and 18** year olds may only handle alcohol when they bus it from the table. They may not solicit drink orders.
- c. **19 and 20** year olds may solicit orders for alcohol and may serve the alcohol but they may never mix, open, or pour an alcoholic beverage.
- d. **18** year olds may work in liquor stores as long as they do not serve or sell alcoholic beverages. They may stock shelves and work in the stock room.

Commissioner Rule #11

Specifications for Stores and Off Premise Establishments (Package Stores)

- a. Hours of operation must be posted.
- b. Must have an accurate clock inside the store.
- c. Updated copies of the Commissioner Rules and Title 4 on premises at all times.
- d. All parts of the rooms where alcohol is sold shall be visible from the street.
- e. Prenatal Decal and Decal of legal drinking age must be posted at each entrance.

Commissioner Rule #19

Rule Pertaining to Requirements for Restaurants

A 'restaurant' means an establishment that is open principally for the service of complete meals.

- a. Food must be available all hours that alcohol is being served.
- b. A restaurant shall serve at least lunch and dinner five days a week. The lunch hours shall consist of a minimum of three hours. The dinner hours shall consist of a minimum of four hours.

Commissioner Rule #36

Delivery, sale and consumption of alcoholic liquors for on-premise consumption

No person shall sell, serve, or deliver alcoholic liquors between the hours of 1:00 a.m. and 9:00 a.m. No alcoholic liquors shall be consumed on licensed premises between the hours of 2:00 a.m. and 9:00 a.m.

Commissioner Rule #45

Rule Pertaining to Taverns, Taprooms and Stores

- a. Must be twenty-one years of age to come onto the premise (This means employees as well as patrons).
- b. Non-employees cannot be on the licensed premise between the hours of 2:00 a.m. and 9:00 a.m.

Commissioner Rule #52

Minor at a Bar or Service Counter

- a. Minors are never allowed to sit, stand or remain at a bar or service counter, and a minor cannot get service at the bar or service counter (Not even to get change, pay a bill, play a video game, get a soda or glass of water).

If alcoholic beverages are served across it, then it is considered a bar or service counter.

Commissioner Rule #70

Drugs and Drug Activity on a Licensed Premise

- a. No licensee, employee of a licensee, or agent of a licensee shall knowingly permit or participate in any illegal drug activity whatsoever on a licensed premise (This also includes the parking area).

Commissioner Rule #73
Standard For Server Training

Certification of Training:

- a. All certified servers are required to carry their card on their immediate person while serving alcoholic beverages.
- b. No person shall make any false statements or other misrepresentation of fact to obtain a server training card.
- c. No person certified shall sell, serve, or promote the sales of alcoholic beverages in a manner not consistent with the rules of the Commissioner or the Liquor Control Act.
- d. The Server Training Card must be obtained within 30 days of date of hire.

DELAWARE ANTI-TERRORISM TIP LINE

1-800-FORCE-1-2

(1-800-367-2312)

Terrorism affects all areas of society. As servers, you may be on the front line to overhear information that may help to prevent a terrorist act. It is a proven fact that the terrorists involved in the attack on America on September 11, 2001, were seen in bars the night before the attacks and were overheard celebrating and discussing their plans.

Those of us in law enforcement need everyone to be alert and helpful in our efforts to combat terrorism. If you hear anything or see anything unusual, please contact the Anti-terrorism hotline. Even if you are unsure about how important the information is. We are not advocating you taking the matter into your own hands, but to call the hotline and allow trained law enforcement professionals determine if the information is relevant or not. Your help can prevent possible terrorist activities.

Contact Information

Agent George Merrill	(302) 741-2855	
Server Training Class Schedule	(302) 577-5208	
Mothers Against Drunk Driving (MADD)	1-888-822-3223	
Delaware Anti-Terrorism Tip Line:	1-800-FORCE-1-2	(1-800-367-2312)
Al-Anon/Alateen	1-888-4AL-ANON	(1-800-425-2666)
Eyes and Ears Tip-line	1-800-EYES-EARS	(1-800-393-7327)