



## Techniques for Effective Alcohol Management

### State information: California

#### **General Regulations: Hiring practices for alcohol servers**

Legal age to Consume Alcohol: 21

Legal age to Serve Alcohol: 21 for bartenders and cocktail servers; 18 to serve alcohol in a Bona Fide eating place, if working in an area primarily designed and used for the sale and service of food, and as an incidental part of the server's overall duties.

To pour and serve an alcoholic beverage, an employee must be 21 years or older

If incidental to food service, an employee who is at least 18 years old may serve and pour an alcoholic beverage. The primary duty of the employee must be service of meals to be able to pour and serve alcohol.

Limit for Driving While Intoxicated: .08

Limit for Driving While Intoxicated, under 21: .01

Limit for Driving While Intoxicated, Commercial Drivers License: .04

Dram Shop Liability Laws: Yes (limited)

Maximum Alcohol per Drink: Not regulated

Number of Drinks Served at One Time: Not regulated

#### **Server Training**

Beginning July 1, 2022 all alcohol servers must complete training from a Responsible Beverage Service (RBS) approved course.

The California Department of Alcoholic Beverage Control offers a free voluntary prevention program for off-sale retail licensees, their employees and applicants called LEAD (Licensee Education on Alcohol and Drugs) This program provides practical information on selling alcoholic beverages safely responsibly and legally while preventing illicit drug activity at or around their licensed establishment.

#### **Acceptable Forms of ID**

According to business and professions code 25660; the ABC recommends that licensees accept only "Bona Fide" identification which are currently valid, issued by a Government Agency, and contain the following criteria:

Name of Person

Photograph

Physical Description

Date of Birth

Issued by a Governmental Agency

Must be Valid (Not Expired)

Relying on identification using these 6 elements provides a legal defense to a violation of California Code Section 25658. For additional information see Sections 25668-25660 of the B&P Code.

#### **Recommended Age for Carding**

30



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#### **ID Confiscation**

Under Section 25659, a licensee, or his or her agent or employee, may seize any identification by a person that shows to be under 21 or false, so long as a receipt is given to the person from whom it was seized and the seized identification is given over to the local law enforcement agency that has jurisdiction over the premises within 24 hours.

#### **Policies Regarding Minors**

It is unlawful to serve or sell alcohol to anyone under the age of 21. Persons under 21 years of age may not enter and remain in any premises with a green-colored ABC license except on lawful business. These premises are required to post a sign visible from the exterior at each public entrance and another one inside stating that no one under the age of 21 is allowed inside. Minors are not allowed to consume alcohol in the presence of their parents or legal guardian under any circumstances, either on or off a licensed premises, except that a very small amount of an alcoholic beverage may be consumed in a Bona Fide religious service. The prohibition extends to all locations in the state, not only within a licensed premises. Those furnishing alcoholic beverages to minors face a misdemeanor charge regardless of the location (except as described above.)

#### **Non-Alcoholic Beer and Wine**

Formally there are no laws regulating the sale of non-alcohol brew or non-alcohol wine to minors. However, California authorities strongly recommend establishments not make those sales. The beverage is not considered to be an alcoholic beverage if it contains less than one-half of 1% alcohol by volume.

#### **Alcohol Liability**

Following is a list of violations and penalties:

Minors in a public premises: penalty for licensee is maximum penalty of \$1000 and/or 6 months in county jail

Minors in a public premises (bar): penalty for minor is fine not less than \$200

Sale during prohibited hours: maximum penalty of \$1000 and/or 6 months in county jail

Sale to an intoxicated person: maximum penalty of \$1000 and/or 6 months in county jail

Sale to a habitual drunkard: maximum penalty of \$1000 and/or 6 months in county jail

Sale to minors: maximum penalty of \$250 and/or 24-32 hours Community Service

Sale to minors - 2nd offense: maximum penalty of \$500 and/or 36-48 hours of Community Service

Furnishing alcohol to a minor: \$1000 and 24 hours Community Service

Furnishing alcohol to a minor resulting in great bodily injury or death: minimum 6 months in jail and/or maximum \$1000 fine

ABC administrative penalties are determined on a case-by-case basis.



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#### **Statute of Limitations**

The Statute of Limitations is one to three years depending on the type of violation.

#### **Record Keeping**

ABC on-premises licensees' employment and payroll records shall be kept for a minimum of four (4) years and made available for inspection by ABC agents upon request.

#### **State Contact Information**

California Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834  
916-419-2500  
[www.abc.ca.gov](http://www.abc.ca.gov)

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