

TECHNIQUES *FOR* **EFFECTIVE** **ALCOHOL** **MANAGEMENT**

A Comprehensive Alcohol
Management Program for Sports and
Entertainment Professionals



TEAM **COALITION**

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WHY IS ALCOHOL MANAGEMENT TRAINING SO IMPORTANT?

Alcohol Servers have a responsibility to the community as the **gatekeepers** of persons obtaining alcohol in public settings.

ALCOHOL COST BENEFIT ANALYSIS

Positive Impact of Alcohol Sales

- Guests have a more enjoyable event day experience
- Less abuse of alcohol on event day with controlled service inside venue as opposed to uncontrolled drinking outside
- Stable employment for alcohol servers at venue
- Funds raised for nonprofit organizations staffing alcohol service locations in venue
- Creates jobs and generates revenue
- Good for tourism

Negative Impact of Alcohol Sales

- When alcohol service is not in accordance with ABC regulations, alcohol abuse leads to dangerous behaviors
- Criminal acts
- Increased calls to first responders
- Neighborhood quality of life
- Public health risks
- Drunk driving

SPECIFIC COSTS TO THE COMMUNITY FOR OVERUSE OF ALCOHOL

Alcohol Related Crimes

Driving Under the Influence

- Annually, more than 10,000 Americans are killed in alcohol-related traffic crashes
- CDC estimates the annual cost of U.S. alcohol-related crashes exceeds \$44 billion
- 1 million drivers arrested annually for DUI

Assault and Sexual Assault

- 27% of aggravated assaults are committed by individuals who have used alcohol
- At least 50% of all college sexual assaults involve alcohol

Domestic Violence

- World Health Organization (WHO) estimates that 55% of domestic abusers drank alcohol prior to assault
- Women who are abused are 15x more likely to abuse alcohol

Public Health Risk

- CDC reports 1 in 6 US adults **binge** drinks 4 times/month
- 40% of all hospital beds in the U.S. are used to treat health conditions related to **alcoholism**
- CDC says 6 people **die** each day from **alcohol poisoning**
- 3.5% of **cancer** deaths in the U.S. are alcohol-related
- 24,000+ alcoholic liver disease (**Cirrhosis**) deaths annually

Neighborhood Quality of Life

Neighbors of sports stadiums and concert venues complain about drunken, disorderly behavior, public indecency, noise and litter

Calls to First Responders

30% of all 9-1-1 calls have alcohol as a contributing factor (EMTs, Law Enforcement, Fire Dept.)

POTENTIAL SIGNS OF INTOXICATION

SIGNS OF IMPAIRMENT

6

- Judgment
 - Inhibitions
 - Reactions
 - Coordination
- Alcohol affects the human body by depressing the central nervous system functions
 - Use effective listening and visual cues to determine when patrons have become obviously intoxicated

POTENTIAL SIGNS OF INTOXICATION

SIGNS OF IMPAIRMENT

■ (Inhibits or Loss) of Judgment

- Annoying others
- Inappropriate jokes
- Increased rate of alcohol consumption
- Foul language
- Unacceptable behavior
- Alcohol impaired driving
- Playing drinking games
- Careless with money
- Complains about strength of alcoholic drinks being served

■ Lowered Inhibitions

- Increased volume of speech
- Overfriendly
- Relaxed
- Mood swings
- Behaving unusually
- Being flirtatious
- Irrational statements
- Argumentative
- Removing clothing
- Physical appearance
- Disheveled clothes

POTENTIAL SIGNS OF INTOXICATION

SIGNS OF IMPAIRMENT

■ (Slowed Physical) Reactions

- Lose train of thought
- Red or watery eyes
- Slurred speech
- Face appears flush red
- Forgetful
- Unresponsive
- Lack of eye focus
- Reduced concentration
- Slowed and Deliberate Movement
- Decreased Alertness
- Sweating
- Droopy eyelids

■ Coordination

- Stumbling or falling
- Swaying
- Asleep
- Dropping things
- Unbalanced
- Fumbling
- Spilling drinks
- Reduced or decreased vision
- Could happen while sitting or standing

TOLERANCE

- The body's ability to mask or hide the Signs of Impairment
- A guest with high tolerance can hide effects of intoxication while still being impaired
- Can build up over time as the human body adapts
- Lessens the effects of alcohol on the central nervous system

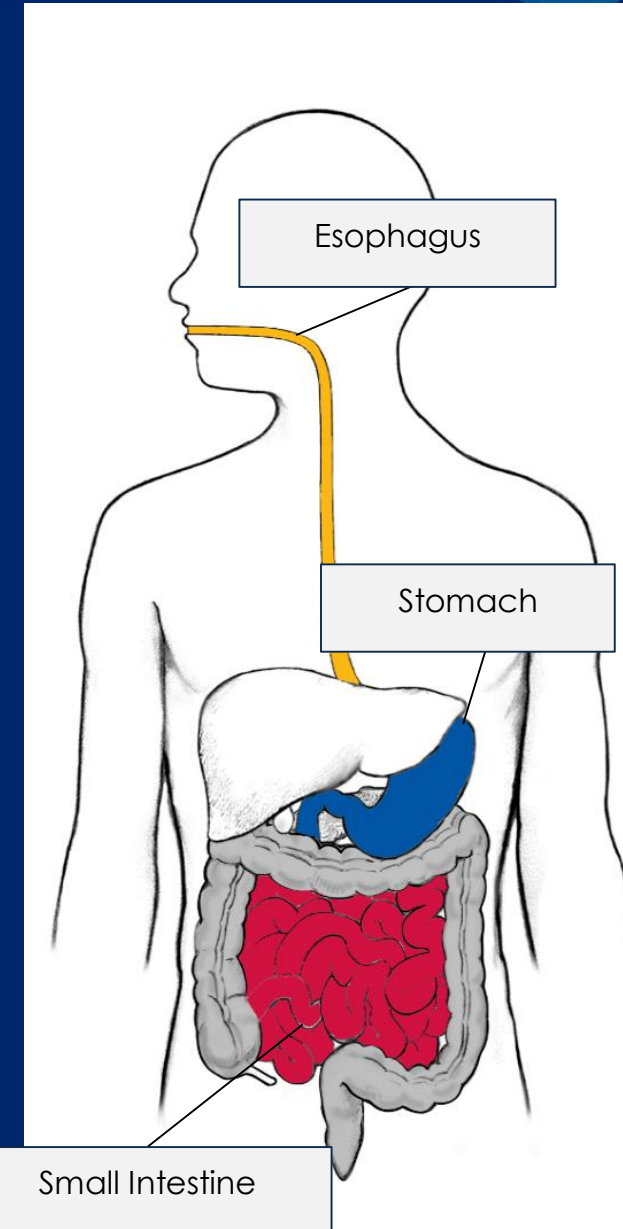
TOLERANCE COMMON CLUES

- Stockpiling beers
- Stacking new beers inside empty cups of beer already drunk
- Refusing to remove sunglasses in an indoor or night event
- Strong odor of alcohol or cologne/perfume
- Frequent trips to the restroom

ALCOHOL'S PATH THROUGH THE HUMAN BODY

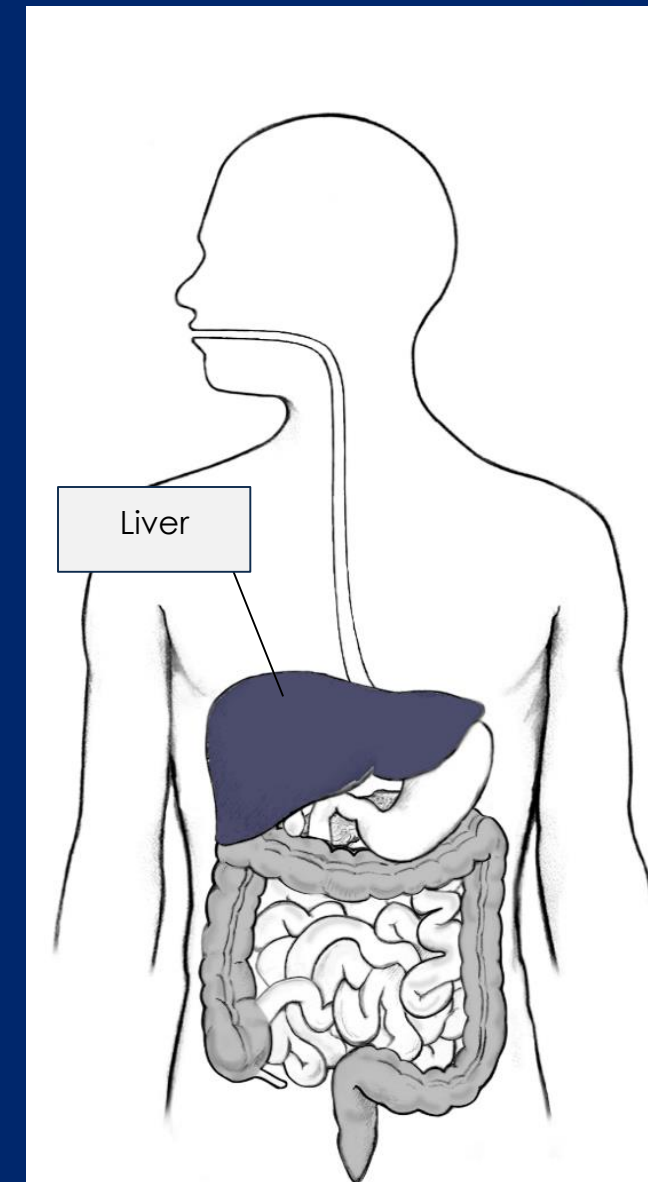
Physiology of alcohol on the human body

- Alcohol is absorbed into the bloodstream **immediately** after consuming
- **No digestion** is needed for alcohol absorption
- Alcohol in the blood stream is what causes intoxication
- Absorption begins in the **esophagus**
- Some alcohol is absorbed through the **stomach lining**
- Most consumed alcohol is absorbed quickly through the **small intestine**
- Alcohol depletes the body's fluids and causes thirst and dehydration



HOW THE HUMAN BODY PROCESSES ALCOHOL

- Most alcohol must be processed by the **liver** to remove it from the body
- The liver processes alcohol out of the bloodstream
 - Liver processes 1 standard size alcohol drink per hour
 - There is no way to speed up metabolism in the liver
 - The liver does not speed up when the bloodstream has excessive alcohol
- The liver normally maintains the body's sugar levels, but when alcohol is present the liver ceases normal functions to metabolize the alcohol from the bloodstream



ABSORPTION RATE FACTORS

Factors Affecting the Severity of Intoxication

- **Gender**
- **Rate of Consumption**
 - Amount & speed of consumption of alcohol
 - Drinking alcohol rapidly, like binge drinking, can quickly lead to higher levels of intoxication
- **Age**
 - The older the drinker the less efficient the liver
- **Size of Drinker**
- **Strength of Drink**
 - The higher amount of alcohol consumed the more alcohol will be in the bloodstream
- **Food**
 - Following digestive tract can slow the rate of intoxication
 - Offer food promotions

ABSORPTION RATE FACTORS

Factors Affecting the Severity of Intoxication

We CANNOT Control

- Gender
- Size
- Age

We CAN Control

- Rate of Consumption
- Strength of Drink
- Food

COMMON MYTHS ABOUT ABSORPTION

- Weather
- High altitude: With less oxygen your body loses the ability to tolerate alcohol, making the impact feel as if it is twice as potent, but there is no more alcohol in the bloodstream at high altitude
- Nationality

Time is the only thing that eliminates alcohol from your bloodstream: Coffee, taking a shower, and exercise do not speed up metabolization

ADDITIONAL INFORMATION

DRINK EQUIVALENCIES & BAC

- Standard Drink = 0.6 oz of pure alcohol
Average size by type of alcohol and average ABV
 - 12 oz. of beer (5% ABV) =
 - 8-9 oz. malt liquor or craft beer (7% ABV) =
 - 5 oz. of wine (12% ABV) =
 - 1.5 oz. of 80 proof spirits
- BAC – Blood Alcohol Content
- Intoxication can occur in as little as one alcoholic drink equivalent or one standard drink

ADDITIONAL INFORMATION

DRINK EQUIVALENCIES & BAC

The amount of pure alcohol in a drink (total alcohol) depends on the serving size and Alcohol By Volume (ABV) for each type of alcohol

Total Alcohol = Serving Size (oz.) * Alcohol by Volume (ABV %)

- Total alcohol can vary for all types of alcohol
- Mixed beverages may have multiple servings within one drink

ADDITIONAL INFORMATION

DRINK EQUIVALENCIES & BAC

- Use measuring devices to ensure standard drink sizes or alcoholic drink equivalents are used for all types of alcoholic beverages.
- The size of a drink equivalent is dependent on the beverage's ABV.
- Using correct pours ensures profitability of the business and helps the alcohol server calculate how much a customer has consumed to comply with other policies against serving obviously intoxicated patrons.

ADDITIONAL INFORMATION

ALCOHOL AND OTHER DRUGS

- Evaluate the individual every time
- Impacts of alcohol vary from person to person
- Any/all drugs can have very harmful effects when mixed with alcohol
- Side effects range from discomfort to death
- Drugs can impair the human body in similar ways to alcohol intoxication

DRUG CLASSIFICATIONS

Identifying Persons Under the Influence of Medication or Recreational or Illegal Drugs

	Stimulants	Depressants	Hallucinogens
Definition	Speeds up the messages between the brain and the body	Slows down the messages between the brain and the body	Changes perception and cognitive processes by disrupting the interaction of nerve cells and neurotransmitters
Types	<ul style="list-style-type: none"> • Cocaine • Amphetamines • Caffeine • Nicotine 	<ul style="list-style-type: none"> • Alcohol • GHB • Benzodiazepines – Valium, Xanax 	<ul style="list-style-type: none"> • LSD • Peyote • MDMA
Potential Signs	<ul style="list-style-type: none"> • Energetic, more awake • The “down” that follows the “up” • Exhaustion • Apathy • Depression 	<ul style="list-style-type: none"> • Euphoria • Nausea • Confidence • Mood swings 	<ul style="list-style-type: none"> • Rapid, intense emotional swings • Seeing images, hearing sounds and feeling sensations that seem real but do not exist

DRUG CLASSIFICATIONS

Identifying Persons Under the Influence of Medication or Recreational or Illegal Drugs

	Opioids	Inhalants	Cannabis
Definition	Addictive pain relievers that induce euphoria	Wide variety of breathable substances that produce mind-altering results	Often classified as a depressant, stimulant and a hallucinogen, marijuana
Types	<ul style="list-style-type: none"> • Heroin • Codeine • Oxycodone • Morphine 	<ul style="list-style-type: none"> • Nitrites – room deodorizer • Aerosols – hair spray • Anesthetic gases – whipped cream dispensers • Solvents – glue, paint thinner 	<ul style="list-style-type: none"> • THC • Cannabinoids • Dronabinol
Potential Signs	<ul style="list-style-type: none"> • Very small pupils (black circle in the center of the eye) • Rush of feeling good • Throwing up 	<ul style="list-style-type: none"> • Slurred or distorted speech • Poor coordination • Euphoria • Dizziness 	<ul style="list-style-type: none"> • Dizziness • Giggles • Red, bloodshot eyes • Hunger

UNDERSTANDING LIABILITY

- Common Negligence
 - Broad laws based on prior court cases, not specifically addressing alcohol
- Dram Shop Liability
 - Alcohol-specific laws that apply to establishments that provide alcohol

UNDERSTANDING LIABILITY

Reasonable Efforts

The steps that all employees are legally expected to take to prevent alcohol-related problems or injuries

REASONABLE EFFORTS

CRITICAL RBS POLICY ELEMENTS

- Stopping alcohol service to a patron
- Encouraging intoxicated patrons to travel home safely
- Handling patrons who arrive already intoxicated
- Handling potentially violent situations
- Handling illegal activity
- Dealing with underage patrons
- Handling emergency situations
- Good hospitality
- How and when to check a patron's identification
- Communicate and enforce policies
- Train employees
- Establish drink limits
- Document incidents
- Cut-off impaired guests
- Offer alternative transportation
- Offer alternative beverages
- Designated driver programs
- Work with police and security
- Check bags at gates
- Stop serving alcohol before event ends
- Offer communication channels for reporting problems
- Support employees who follow policies
- Secret shop
- Limit time on property before/after event
- Clear lot after event starts/ends
- Know alcohol content per serving – Alcohol By Volume (ABV)

UNDERSTANDING LIABILITY

Documentation – Incident logging

Recording all alcohol-related incidents can help you and the facility track problem areas as well as improve your management of alcohol-related problems

DOCUMENTATION- INCIDENT LOG

- Information about incident
- Information about steps taken
- Protects facility
- Tracks trends
- Use the word “allegedly”
- Don't admit fault or provide opinions

INCIDENTS TO DOCUMENT

INCIDENT LOGGING

- When a guest is denied alcohol service
- When alternate transportation has been arranged for a guest
- Anytime a fake ID is believed to be used
- Any seizure of an identification
- An ill guest due to overconsumption
- Injury, or medical treatment provided to a person
- Illegal or violent incidents
- Any calls to Law Enforcements or other contact with peace officers
- Violations to your code of conduct

VENUE POLICIES

ABC Licensees have a duty to ensure policies are created to provide for the consumption of alcohol in their licensed premises according to legal standards.

Benefits for ABC on-premises licensee of having policies in place for alcohol service

- Ensure uniformity of responsible business practices
- Ensure an ABC licensed premises is a safe and comfortable space for guests and employees
- Reduce risk of criminal, civil, and administrative liability for ABC licensee, its agents, and employees
- Potential increase profitability of the ABC licensed premises

VENUE POLICIES

PROHIBITED PRACTICES

Business and Professions Code 125.6

- Promotions encouraging intemperate consumption of alcohol or unlawful discrimination
 - 2 for 1 drink specials
 - Ladies night
 - 10 cent beer night
 - All you can drink or bottomless drink specials
- Employees are NOT allowed to consume alcohol or other drugs while working
- Discrimination against classifications of individuals included in [California Civil Code § 51.6](#) at an ABC licensed premises is prohibited

CALIFORNIA LAW PROHIBITS ANY BUSINESS ESTABLISHMENT FROM DISCRIMINATING, WITH RESPECT TO THE PRICE CHARGED FOR SERVICES OF SIMILAR OR LIKE KIND, AGAINST A PERSON BECAUSE OF THE PERSON'S GENDER.
- Prohibition includes discrimination by drink specials

POLICY DEVELOPMENT GUIDELINES

- Enforce objectives like preventing alcohol service to minors or overly intoxicated persons
- Comply with all state and local laws
- Develop strategies for instructing and reinforcing policy implementation by management and employees
- Written policies should be clear and specific
- Policies should be reviewed for relevance and accuracy, especially if there are frequent incidents of violence or illegal activity

POLICY DEVELOPMENT GUIDELINES

- Policies should be taught, enforced, and reinforced with each employee through regular trainings and meetings
- Cooperation and teamwork among all organizations operating on event day before, during and after events, including interacting with Law Enforcement, sworn peace officers, and ABC agents
- Policy changes to avoid frequent need for Law Enforcement Officers
 - Appropriate security staffing
 - Hire more staff
 - Closing earlier
 - Tailor lighting and music to control crowd
 - Cut-off alcohol service before the end of the event

POLICIES ON THE ECONOMICS OF QUALITY HOSPITALITY SERVICE

- Having ***multiple interactions*** with patrons to evaluate their moods and needs
- ***Listening*** to patron complaints, compliments, and suggestions for improvement of service
- ***Sharing*** feedback with management
- ***Recognizing*** that better service and customer engagement will help the establishment be more popular and productive

INTERVENTION GUIDELINES

TECHNIQUES FOR AN ALCOHOL SERVER TO REFUSE SERVICE TO A PATRON

1. Avoid Escalation

- Be quiet and discrete
- Do not bargain with the guest
- Do not serve a beverage to anyone who does not want one

2. Make Clear Statements

- Be courteous and firm in telling patrons they can no longer be served
- Be assertive in the decision to stop alcoholic beverage service

3. Use first person “I”

- Focus on statements about the alcohol server’s duty and liability not to serve

4. Be Non-judgmental and Unthreatening

- The server should inform managers and co-workers of the decision, identity of the person, and the reasons the person should no longer be served alcohol
- Inform other members of the patron’s group if any

5. Provide Reasons for your Action

6. Use Indirect Strategies

- Offer a glass of water, non-alcoholic beverage, or food item
- Serve one beverage per patron at a time
- Slow beverage service if needed

BLOOD ALCOHOL CONTENT

BAC

For a 200 pound man who is 30 years of age drinking on an empty stomach over 1 hour

2 beers (12 oz.; 5% ABV) = .03 BAC

4 beers (12 oz.; 5% ABV) = .07 BAC

8 beers (12 oz.; 5% ABV) = .14 BAC

12 beers (12 oz.; 5% ABV) = .22 BAC

Definition of intoxication by alcohol = .08 BAC

SELLER / SERVER GUIDELINES

Techniques for Checking ID

- Ask for positive ID – don't guess.
- Ask for more proof if you have any doubts.
- Know where the alcohol is going.
- Physically hold the ID.
- Look at the front and the back of the ID.
- Compare the photograph to the face of the person holding the ID.
- Compare the physical description on the ID to the person holding it.
- Compare the signature on the ID to a fresh signature given by the ID holder.

SELLER / SERVER GUIDELINES

When to Refuse Service

- Refuse service if a customer's ID is invalid.
- Refuse service if the customer becomes belligerent.
- Refuse service if a patron is obviously intoxicated by alcohol or another drug.
- Refuse service if a patron requests service outside the hours of operation.
- Refuse service if the server has any doubts about any of the preceding factors.

SELLER / SERVER GUIDELINES

Cut-Off Guidelines

- Say “No,” offer an alternative to keep the line moving.
- Give clear reasons and don’t judge the guest. Never say “You’re drunk.”
- Advise managers and coworkers when ceasing service to a patron.
- Call for backup if the guest makes trouble.
- Avoid service to obviously intoxicated individuals showing significant signs of impairment.
- Do not advocate for continued drinking when the one patron attempts to buy a beverage for another customer who no longer wants a beverage.

SELLER / SERVER GUIDELINES

Safe-Drinking Guidelines

- Buy time. Limit the number of drinks a guest can buy or the number of times a vendor in the stands walks by fans.
- Offer alternatives to alcohol.
- Use the personal touch. Make eye contact and friendly conversation with each guest.
- Monitor patrons' alcohol beverage intake.
- Encourage all customers to have a safe ride to their next destination.

CHECKING IDS

- Ask the guest to remove the ID
- Thoroughly examine the ID
- Ask questions to quiz the guest about the ID
- Ask for a second form of ID if necessary
- If in doubt, don't sell
- Check for security features visible by a UV light or flashlight

CHECKING IDS

ACCEPTABLE FORMS FOR PURCHASE

Business and Professions Code 25660

Bona fide evidence of majority and identity of the person is any of the following:

- (1) A document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, physical description, and picture of the person.
- (2) Government issued passports, even without a physical description of the ID holder
- (3) Military IDs even without a physical description of the ID holder
 - Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658 , 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon

CHECKING IDS

IDs acceptable for alcohol purchase

- Valid U.S State Driver's License
- Valid U.S. State or Federal Government-Issued Identification
- Valid U.S. Passport and/or Passport Card
- Valid Military ID issued by the U.S. Department of Defense
- Valid Foreign Passport

CHECKING IDS

REQUIREMENTS TO BE A VALID ID

- Photo ID
- Physical description of guest
- Name
- Date of Birth
- Valid expiration date

CHECKING IDS

UNACCEPTABLE FORMS OF ID

Type

- Expired ID
- School or Work ID
- Altered ID
- Belonging to someone else
- Interim or temporary state issued driver licenses

Indicators of Fake ID

- Raised or obviously altered photo
- Thickness of card, too thick or too thin
- Lumps, bumps, creases on surface
- Peeled apart
- Alterations to birthdate
- Signature written in ink

COMMON BEHAVIOR OF MINORS SEEKING ALCOHOL SERVICE

- One patron ordering alcoholic beverages for a large group that may include 1 or more minors
- Making excuses for not having an ID
- Finding secluded locations in the licensed premises where employees cannot monitor their activity

CHECKING IDS


Business and Professions Code 25659

- Any licensee, or his or her agent or employee, **may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of 21 years.**
- A licensee, or his or her agent or employee, **may seize any identification** presented by a person that shows the person to be under the age of 21 years or that is false, so long as a **receipt** is given to the person from whom the identification is seized and the **seized identification is given within 24 hours of seizure** to the local law enforcement agency that has jurisdiction over the licensed premises.
- A licensee, his or her agent or employees decision not to seize a license shall not create any civil or criminal liability.
- If prior to serving alcohol an alcohol server diligently inspects a patron's ID and reasonably concludes it is legally acceptable (even if it turns out to be a fake ID), and the appearance of the minor indicates the minor could be twenty-one years of age or older, the alcohol server has a defense to a charge of selling to a minor.

CALIFORNIA ID ELEMENTS

- Embossed Date of Birth
- State Seal on card holder's picture
- Magnetic strip on the back

What Does a REAL ID Card Look Like?

REAL ID driver license and identification cards have a  in the top right corner.

Federal requirements go into effect 10/1/2021



If I Don't apply for a REAL ID, Which Card Will I Receive?

You will receive a federal non-compliant driver license or identification card with the phrase "Federal Limits Apply."



LEGAL & STATE SPECIFIC INFORMATION

- Minimum age to purchase or consume alcohol **21**
- Minimum age to pour or sell **21 for bartenders**
- Minimum age to serve **18 to serve in bona fide eating place**
- Dram Shop liability laws **Yes (Limited)**
- Server training **Required beginning 7/1/2022**
- Age to check an ID **30**
- Confiscation of IDs **Only if receipt is provided to guest and ID is provided to authorities**

CALIFORNIA STATE LAWS

Beyond Standard Program
ABC Related Laws

REGULATIONS REGARDING HIRING AND TRAINING SERVERS

Business Professions Code 25682

- Hired before 7/1/22, alcohol server certification by 8/31/22
- Hired on/after 7/1/22, alcohol server certification within 60 days of employment
- Nonprofit with temporary daily on-sale license or temporary daily off-sale license must have at least 1 person receive RBS training before event and remain onsite for event

July 2022						
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31						

Friday, Jul 1st 2022

REGULATIONS REGARDING HIRING AND TRAINING SERVERS

Business Professions Code 25683

Employees will not sell or serve alcohol without a valid alcohol server certification

Business Professions Code 25684

Failure for a licensee to comply is cause for disciplinary action; not criminal

REGULATIONS OF ALCOHOLIC BEVERAGES

Role of the ABC

- Licensing, Enforcement, Education
- RBS training is an function of education provided by ABC
- Licenses businesses to sell alcohol
- ABC agents are sworn peace officers
- ABC agents have the primary duty of enforcing the laws relating to alcoholic beverages
- Alcohol-related laws are enforced by state and local law enforcement agencies.
- Local jurisdictions may have additional laws, ordinances, or provisions that apply to an ABC licensed location in addition to the statewide laws

Role of Law Enforcement

- Enforce alcohol laws
- Send the department all arrest reports and calls for service at ABC licensed locations
- Inspection rights and peace officer authority:
 - a) Inspect any licensed premises at any time during business hours
 - b) Interfering with inspection is grounds for arrest and license revocation
 - c) Inspection extends to the bar, back bar, store room, office, closed or locked cabinets, safes, kitchen, or any other area within the licensed premises
 - d) ABC agent's right to inspect also extends to licensee records required to be kept under Business and Professions Code Division 9

T.R.A.C.E.

TARGET RESPONSIBILITY FOR ALCOHOL CONNECTED EMERGENCIES

- First responders to alcohol-related emergencies immediately notify Department of Alcoholic Beverage Control (ABC) when an incident involves a person under 21 results in great bodily injury or death
- First responders immediately notify ABC when anyone is charged with vehicular manslaughter that was under the influence of alcohol regardless of their age
- ABC Agents will conduct a simultaneous investigation to determine where the alcoholic beverages were acquired, purchased, or served
- Agents will be alert to the collection of evidence that may indicate where the alcoholic beverage was obtained; including false identification, receipts, bags, labels, and statements of witnesses
- **If the TRACE investigation determines that an ABC licensed location sold or furnished alcohol to a minor or served or sold alcohol to someone who was obviously intoxicated, the Department will file an administrative action to suspend or revoke the license of that business**
- TRACE Protocol was developed by the Department of Alcoholic Beverage Control, Office of Traffic Safety, California Attorney General's Office, California Highway Patrol, California Police Chiefs Association, and California State Sheriffs' Association

LIABILITY TYPES FOR LICENSEES, EMPLOYEES & CONTRACTORS

	Criminal	Administrative	Civil
Definition	Committing a criminal act	<ul style="list-style-type: none"> Action against the license Purpose is not punishment, but to deter licensee's using license privileges in ways contrary to law and that puts the community's health, safety, and welfare at risk 	<ul style="list-style-type: none"> A cause of action may be brought by or on behalf of any person who has suffered injury or death against any person licensed, who serves alcohol to any obviously intoxicated minor who causes the personal injury or death General negligence and reckless conduct
Penalties	<ul style="list-style-type: none"> Monetary fines Community service Jail time 	<ul style="list-style-type: none"> Suspension of license privileges Imposition of conditions Revocation of a license 	Payments to victims who bring civil lawsuits

PENALTIES FOR VIOLATION

Aggravating Factors

- Prior disciplinary history
- Prior warning letters
- Licensee involvement
- Premises located in high crime area
- Lack of licensee cooperation
- Appearance and actual age of minor
- Continuing course or pattern of conduct

Mitigating Factors

- History of licensee without prior discipline or problems
- Positive action by licensee to correct problem
- Documented training of licensee and employees
- Licensee cooperation

BUSINESS AND PROFESSIONS CODE 23095

APPEALING ADMINISTRATIVE PENALTIES

(a) Whenever a decision of the department to suspend a license becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition the department for permission to make an **offer in compromise**, to be paid into the Alcohol Beverage Control Fund, consisting of a **sum of money in lieu of serving the suspension**.

(b) No licensee may petition the department for an offer in compromise in any case in which the proposed suspension is for a period in excess of 15 days.

BUSINESS AND PROFESSIONS CODE 23095

APPEALING ADMINISTRATIVE PENALTIES (CONTINUED)

(c) Upon the receipt of the petition, the department may stay the proposed suspension and cause any investigation to be made which it deems desirable and may grant the petition if it is satisfied that the following conditions are met:

1. The public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and the payment of the sum of money will achieve the desired disciplinary purposes.
2. The books and records of the licensee are kept in such a manner that the loss of sales of alcoholic beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom

DEFINITIONS: TITLE 4 CALIFORNIA CODE OF REGULATIONS § 160(B)

[Click for 15 Key Definitions](#)

ABC

ABC on-premises license

ABC on-premises licensee

ABC licensed premises

Accreditation agency

Alcohol server certification exam

Initial employment

Interactivity element

Manages or supervises

Onsite

Online certification system

Owners and officers

RBS

RBS trainer

**Serving alcoholic beverages for
consumption**

CONTROLLED SUBSTANCES

Business Professions Code 24200.5

The department shall revoke a license if a retail licensee has knowingly permitted the illegal sale, or negotiations for the sales, of controlled substances or dangerous drugs upon his or her licensed premises.

CANNABIS

Business Professions Code 25621.5

- (a) Licensees may not sell or serve cannabis in any form, including an alcoholic beverage if it contains tetrahydrocannabinol or cannabinoids
- (b) Violation could lead to suspension or revocation of the license.

Health & Safety Code 11362.3

- No person is permitted to smoke or ingest cannabis in a public place
- Smoking cannabis is not permitted where tobacco smoking is not permitted
- Smoke cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center while children are present

CANNABIS – PROHIBITED PRODUCTS

Title 17 40300 Prohibited Products

- Alcohol may not be sold as cannabis
- Products with additives like nicotine or caffeine that would increase potency
- Cannabis products that require being kept at 41° F for safety
- Any cannabis product that if it did not contain cannabis, would be subject to the manufacturing requirements of Title 21, Code of Federal Regulations, Part 113 or Part 114
- Juice that is not shelf-stable
- Dairy, meat, seafood
- Candy or snack that resembles a similarly available item that does not contain cannabis
- Any cannabis product attractive to children
- Any cannabis product in the shape of a human being, animal, insect or fruit

CATEGORIES OF CRIME IN CALIFORNIA

	Infraction	Misdemeanor	Felony
Definition	<ul style="list-style-type: none"> • A public offense, not punishable by imprisonment • Typically punished by fine 	Crime punishable by imprisonment in a county or city jail not to exceed one year, fine of \$1,000	A more serious crime, punishment of imprisonment in a state prison or death
Examples	<ul style="list-style-type: none"> • Purchase/attempt to purchase or consume alcohol under 21 • Possession of less than 1 ounce of marijuana 	<ul style="list-style-type: none"> • 1st, 2nd, 3rd DUI offenses • Slides 62 to 65 	<ul style="list-style-type: none"> • 4th DUI within 10 years • DUI that caused serious injury or death to another person • Vehicular manslaughter • Sale of a controlled substance
Penalties	<ul style="list-style-type: none"> • Maximum \$250 fine • 24 to 32 hours of community service • Driver's license suspension for 1 year 	<ul style="list-style-type: none"> • Fines of \$1,000 • 24 hours of community service • Suspension/loss of license • Jail, 6-12 months 	<ul style="list-style-type: none"> • 2 to 3 years in state prison • Maximum fines of \$10,000 • Ignition Interlock Device installed for 1 year • Suspension of license for 4 years

MISDEMEANORS

Vehicle Code 23152

- a) It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle
- b) It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle
- g) It is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle

MISDEMEANORS

Business Professions Code 25602 & 25602.1

Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person or minor is guilty of a misdemeanor.

Business Professions Code 25631-25632

- Alcohol service from 2 am to 6 am
- Alcohol service during hours when it is unlawful to serve

MISDEMEANORS

Business Professions Code 25658

- Alcohol service to anyone under 21 years of age
- Purchasing alcohol for anyone under 21 and providing the alcohol to that person
- Serving alcohol to someone without checking an ID to confirm the person is at least 21

Business Professions Code 25663

- Employing an alcohol server who is under 21
- Employees who are 18 to 21 may serve alcohol only in areas primarily designed for food service
- Alcohol service is defined as delivering, opening or pouring

MISDEMEANORS

Business Professions Code 25665

- Allowing someone who is under 21 to enter and remain in a licensed premises
- Anyone under 21 who enters and remains in a licensed premises
- \$200 fine

Penal Code 647f

Disorderly conduct as defined by any person found in any public place under the influence of intoxicating liquor

RBS PARTICIPANT TEST

- Provide server ID and Last Name to trainer
- Wait at least 24 hours
- Log in to the RBS portal
- Take 50 question test
- Send a screenshot to your trainer once you pass

Business Professions Code 24200.5

Notwithstanding the provisions of Section 24200, the department shall revoke a license upon any of the following grounds:

- (a) If a retail licensee has knowingly permitted the illegal sale, or negotiations for the sales, of controlled substances or dangerous drugs upon his or her licensed premises. Successive sales, or negotiations for sales, over any continuous period of time shall be deemed evidence of permission. As used in this section, “controlled substances” shall have the same meaning as is given that term in Article 1 (commencing with Section 11000) of Chapter 1 of Division 10 of the Health and Safety Code, and “dangerous drugs” shall have the same meaning as is given that term in Article 2 (commencing with Section 4015) of Chapter 9 of Division 2 of this code.

Business Professions Code 25602

- (a) Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor.

Business Professions Code 25621.5

- (a) A licensee shall not, at its licensed premises, sell, offer, or provide cannabis or cannabis products, as defined in Section 26001, including an alcoholic beverage that contains cannabis or a cannabis product, and no alcoholic beverage shall be manufactured, sold, or offered for sale if it contains tetrahydrocannabinol or cannabinoids, regardless of source.
- (b) The department shall take disciplinary action against a licensee that violates this section, including, but not limited to, suspension or revocation of the license.

Business Professions Code 25631-25632

Any on- or off-sale licensee, or agent or employee of that licensee, who sells, gives, or delivers to any persons any alcoholic beverage or any person who knowingly purchases any alcoholic beverage between the hours of 2 o'clock a.m. and 6 o'clock a.m. of the same day, is guilty of a misdemeanor.

For the purposes of this section, on the day that a time change occurs from Pacific standard time to Pacific daylight saving time, or back again to Pacific standard time, "2 o'clock a.m." means two hours after midnight of the day preceding the day such change occurs.

Any retail licensee, or agent or employee of such licensee, who permits any alcoholic beverage to be consumed by any person on the licensee's licensed premises during any hours in which it is unlawful to sell, give, or deliver any alcoholic beverage for consumption on the premises is guilty of a misdemeanor.

Business Professions Code 25658

- (a) Except as otherwise provided in subdivision (c), every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor.
- (c) Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under 21 years of age, and the person under 21 years of age thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to themselves or any other person, is guilty of a misdemeanor.
- (d) Any on-sale licensee who knowingly permits a person under 21 years of age to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under 21 years of age, is guilty of a misdemeanor.

Business Professions Code 25663

- (a) Except as provided in subdivision (c), no licensee that sells or serves alcoholic beverages for consumption on the premises shall employ any person under 21 years of age for the purpose of preparing or serving alcoholic beverages. Every person who employs or uses the services of any person under the age of 21 years in or on that portion of any premises, during business hours, which are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.
- (c) Any person between 18 and 21 years of age employed in any bona fide public eating place, as defined in Sections 23038 and 23038.1, which is licensed for the on-sale of alcoholic beverages, may serve alcoholic beverages to consumers only under the following circumstances: such service occurs in an area primarily designed and used for the sale and service of food for consumption on the premises; and the primary duties of the employee shall be the service of meals to guests, with the service of alcoholic beverages being incidental to such duties. For purposes of this subdivision, “serve” or “service” includes the delivery, presentation, opening, or pouring of an alcoholic beverage.

Business Professions Code 25665

Any licensee under an on-sale license issued for public premises, as defined in Section 23039, who permits a person under the age of 21 years to enter and remain in the licensed premises without lawful business therein is guilty of a misdemeanor.

Any person under the age of 21 years who enters and remains in the licensed public premises without lawful business therein is guilty of a misdemeanor and shall be punished by a fine of not less than two hundred dollars (\$200), no part of which shall be suspended.

Business Professions Code 25682

- (a) Beginning July 1, 2022, a licensee that is subject to this article shall not employ or continue to employ any alcohol server without a valid alcohol server certification.
 - 1) An alcohol server who was employed by the licensee prior to July 1, 2022, shall obtain an alcohol server certification by August 31, 2022.
 - 2) An alcohol server who is employed by the licensee on or after July 1, 2022, shall obtain an alcohol server certification within 60 calendar days of employment.
- (b) (1) A licensee that is subject to this article shall ensure that each alcohol server it employs has a valid alcohol server certification. The licensee shall maintain records of certifications for inspection, upon request, by the department.
 - 2) Except for a violation of subdivision (c), it shall be a defense against any action for a violation of this article that the alcohol server was within 60 calendar days of initial employment or, with regard to employees employed prior to July 1, 2022, between July 1, 2022, and August 31, 2022, inclusive.
- (c) A nonprofit organization that has obtained a temporary daily on-sale license or a temporary daily off-sale license from the department shall designate a person or persons to receive RBS training prior to the event, and that designated person or persons shall remain onsite for the duration of the event.

Business Professions Code 25683

A person shall not perform duties that include the sale or service of alcoholic beverages for consumption on licensed premises, and shall not manage that person, without a valid alcohol server certification.

Business Professions Code 25684

The failure of a licensee to comply with this article shall be grounds for disciplinary action. A violation of this article shall not be grounds for any criminal action, pursuant to this division, against a licensee or an agent or employee of a licensee.

California Civil Code 51.6

- a) This section shall be known, and may be cited, as the Gender Tax Repeal Act of 1995.
- b) No business establishment of any kind whatsoever may discriminate, with respect to the price charged for services of similar or like kind, against a person because of the person's gender.
- c) Nothing in subdivision (b) prohibits price differences based specifically upon the amount of time, difficulty, or cost of providing the services.
- d) Except as provided in subdivision (f), the remedies for a violation of this section are the remedies provided in subdivision (a) of Section 52. However, an action under this section is independent of any other remedy or procedure that may be available to an aggrieved party.
- e) This act does not alter or affect the provisions of the Health and Safety Code, the Insurance Code, or other laws that govern health care service plan or insurer underwriting or rating practices.
- f)
 1. The following business establishments shall clearly and conspicuously disclose to the customer in writing the pricing for each standard service provided:
 - a) Tailors or businesses providing aftermarket clothing alterations.
 - b) Barbers or hair salons.
 - c) Dry cleaners and laundries providing services to individuals.
 2. The price list shall be posted in an area conspicuous to customers. Posted price lists shall be in no less than 14-point boldface type and clearly and completely display pricing for every standard service offered by the business under paragraph (1).
 3. The business establishment shall provide the customer with a complete written price list upon request.
 4. The business establishment shall display in a conspicuous place at least one clearly visible sign, printed in no less than 24-point boldface type, which reads: "CALIFORNIA LAW PROHIBITS ANY BUSINESS ESTABLISHMENT FROM DISCRIMINATING, WITH RESPECT TO THE PRICE CHARGED FOR SERVICES OF SIMILAR OR LIKE KIND, AGAINST A PERSON BECAUSE OF THE PERSON'S GENDER. A COMPLETE PRICE LIST IS AVAILABLE UPON REQUEST."
 5. A business establishment that fails to correct a violation of this subdivision within 30 days of receiving written notice of the violation is liable for a civil penalty of one thousand dollars (\$1,000).
 6. For the purposes of this subdivision, "standard service" means the 15 most frequently requested services provided by the business.

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California Code of Regulations Title 17 40300

Prohibited Products

The following types of products shall not be sold as cannabis products:

(a) Alcoholic beverages, as defined in section 23004 of the Business and Professions Code. This prohibition does not apply to tinctures that meet the requirements of Section 40308;

(b) Any product containing any non-cannabinoid additive that would increase potency, toxicity, or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include, but are not limited to, nicotine and caffeine. This prohibition shall not apply to products containing naturally-occurring caffeine, such as coffee, tea, or chocolate;

(c) Any cannabis product that must be held at or below 41 degrees Fahrenheit to keep it safe for human consumption, including, but not limited to, cream or custard-filled pies; pies or pastries which consist in whole or in part of milk or milk products, or eggs; and meat-filled pies or pastries. This prohibition shall not apply to juices or beverages that need to be held below 41 degrees Fahrenheit if the juice or beverage was processed in accordance with Section 40270, or to infused butter manufactured as permitted by subsection (g);

(d) Any thermally-processed low-acid cannabis product packed in a hermetically sealed container that, if it did not contain cannabis, would be subject to the manufacturing requirements of Title 21, Code of Federal Regulations, Part 113;

(e) Any acidified cannabis product that, if it did not contain cannabis, would be subject to the manufacturing requirements of Title 21, Code of Federal Regulations, Part 114;

(f) Any juice that is not shelf-stable or that is not processed in accordance with Section 40270;

California Code of Regulations Title 17 40300 (Continued)

- (g) Dairy products of any kind, as prohibited by section 26001 (t) of the Act, except that butter purchased from a licensed milk products plant or retail location that is subsequently infused or mixed with cannabis may be sold as a cannabis product;
- (h) Meat products other than dried meat products prepared in accordance with Section 40272;
- (i) Seafood products of any kind;
- (j) Any product that is manufactured by application of cannabinoid concentrate or extract to commercially available candy or snack food items without further processing of the product. Commercially available candy or snack food items may be used as ingredients in a cannabis product, provided that they are used in a way that renders them unrecognizable as the commercially available items and the label, including the ingredient list, does not note that the final cannabis product contains the commercially available item;
- (k) Any cannabis product that the Department determines, on a case-by-case basis, is attractive to children, as specified in Section 40410;
- (l) Any cannabis product that the Department determines, on a case-by-case basis, is easily confused with commercially available foods that do not contain cannabis;
- (m) Any cannabis product in the shape of, or imprinted with the shape, either realistic or caricature, of a human being, animal, insect, or fruit.

Health & Safety Code 11362.3

(a) Section 11362.1 does not permit any person to:

(1) Smoke or ingest cannabis or cannabis products in a public place, except in accordance with Section 26200 of the Business and Professions Code.

(2) Smoke cannabis or cannabis products in a location where smoking tobacco is prohibited.

(3) Smoke cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center while children are present at the school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of the school, day care center, or youth center while children are present.

(b)(2) "Smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.

(b)(4) "Youth center" has the same meaning as in Section 11353.1.

(c) Nothing in this section shall be construed or interpreted to amend, repeal, affect, restrict, or preempt laws pertaining to the Compassionate Use Act of 1996.

Vehicle Code 23152

(a) It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle.

(b) It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.

(g) It is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle.

Regulations of Alcoholic Beverages

- 1) Alcohol-related laws are enforced by state and local law enforcement agencies.
- 2) Role of the department:
 - a) The department licenses businesses to sell alcohol;
 - b) ABC agents are sworn peace officers;
 - c) Definition of a sworn peace officer in California; and
 - d) Information about the Target Responsibility for Alcohol Connected Emergencies(T.R.A.C.E.) protocol.

Local jurisdictions may have additional laws, ordinances, or provisions that apply to an ABC licensed location in their area in addition to the statewide laws.

Role of Local Law Enforcement Officers

- 1) Local law enforcement is required to enforce alcohol laws; and
- 2) Local law enforcement officers are required to send the department all arrest reports and calls for service at ABC licensed locations.
- 3) Inspection rights and peace officer authority:
 - a) Any sworn peace officer, whether in uniform or in plain clothes, has the right to visit and inspect any licensed premises at any time during business hours;
 - b) The right to inspect is not dependent on probable cause or obtaining a warrant;
 - c) The right to inspect extends to the bar, back bar, store room, office, closed or locked cabinets, safes, kitchen, or any other area within the licensed premises;
 - d) Interfering in any way with a peace officer's right to inspect is grounds for arrest and license revocation; and
 - e) The ABC agent's right to inspect also extends to licensee records required to be kept under Business and Professions Code Division 9.

Penal Code 647(f)

Except as provided in paragraph (5) of subdivision (b) and subdivision (k), every person who commits the following acts is guilty of disorderly conduct, a misdemeanor:

(f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.

Types of Liability for Licensees, Employees & Contractors

(1) Criminal liability:

- (A) Committing a criminal act; and
- (B) Penalties include monetary fines, community service, and jail time.

(2) Administrative liability:

- (A) Action against the license;
- (B) The purpose of penalties is not punishment, but to deter licensee's using license privileges in ways contrary to law and that puts the community's health, safety, and welfare at risk; and
- (C) Penalties include the suspension of license privileges, the imposition of conditions, and revocation of a license.

(3) Civil liability:

- (A) Information contained in Business and Professions Code § 25602.1; Notwithstanding subdivision (b) of Section 25602, a cause of action may be brought by or on behalf of any person who has suffered injury or death against any person licensed, or required to be licensed, pursuant to Section 23300, or any person authorized by the federal government to sell alcoholic beverages on a military base or other federal enclave, who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic beverage, and any other person who sells, or causes to be sold, any alcoholic beverage, to any obviously intoxicated minor where the furnishing, sale or giving of that beverage to the minor is the proximate cause of the personal injury or death sustained by that person.
- (B) General negligence and reckless conduct; and
- (C) Monetary liability includes payments to victims who bring civil lawsuits.

Title 4 California Code of Regulations § 160(b)

- (1) "ABC" means the Department of Alcoholic Beverage Control.
- (2) "ABC on-premises license" means an ABC license that grants the privilege to serve alcoholic beverages to patrons who then consume them within the licensed premises.
- (3) "ABC on-premises licensee" means the owner of an ABC on-premises license
- (4) "ABC licensed premises" means a location where an ABC on-premises licensee uses the privileges granted by an ABC on-premises license.
- (5) "Accreditation agency" means a business entity the department has given the authority to approve RBS training courses and training providers according to the standards of the RBSTPA and this article.
- (6) "Alcohol server certification exam" means an exam given to alcohol servers after they complete an RBS training course to test the alcohol server's knowledge of the required curriculum.
- (7) "Initial employment" means the date an employee signs an employment contract or employee tax and identification documents, whichever is sooner.
- (8) "Interactivity element" means a portion of an RBS training course that reasonably requires alcohol servers to be engaged in the training, demonstrate their knowledge of the curriculum, and develop an understanding of how to apply course material to their employment.

NEXT SLIDE FOR ADDITIONAL DEFINITIONS

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Title 4 California Code of Regulations § 160(b) continued

(9) “Manages or supervises” means any person who trains, directly hires, or oversees alcohol servers at an ABC licensed premises, or any person who trains alcohol servers how to perform the service of alcohol for consumption for an ABC on-premises licensee makes policy or operational decisions dictating how alcohol service is performed at an ABC licensed premises, including but not limited to, when to check identification or when to refuse service to a patron. This definition specifically excludes an employee or contractor of another separate ABC licensee who is training alcohol servers for marketing or distribution purposes.

(10) “Onsite” for the purposes of Business and Professions Code § 25682(c) means being engaged and directly overseeing the service of alcohol for consumption by any persons on behalf of the nonprofit organization licensee. This includes, but is not limited to, creating and imparting responsible beverage service policies to the other persons serving alcoholic beverages for consumption at the event.

(11) “Online certification system” means an electronic online database maintained by the department that alcohol servers, training providers, ABC on-premises licensees, law enforcement agencies, and the department will use to establish the validity of issued alcohol server certifications.

(12) “Owners and officers” include any owner, director, or officer of a business entity that has at least a ten percent interest or control of a business entity.

(13) “RBS” means responsible beverage service.

(14) “RBS trainer” means an owner, contractor, or employee of a training provider that delivers an RBS training course to alcohol servers either in-person or online.

(15) “Serving alcoholic beverages for consumption” means performing any of the following actions by an alcohol server as an employee or contractor of an ABC on-premises licensee when interacting with a patron of the ABC licensed premises: (A) checking patron identification, (B) taking patron alcoholic beverage orders, (C) pouring alcoholic beverages for patrons, or (D) delivering alcoholic beverages to patrons.