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## UNIT 1: RESPONSIBLE BEVERAGE SERVICE TRAINING

### Alcoholic Beverage Regulation

- The manufacture, distribution, and sale of alcoholic beverages are closely regulated by the states.
- In California, that responsibility rests with the Department of Alcoholic Beverage Control (commonly referred to as ABC).

### The Responsible Beverage Service Training Act of 2017

- Created with the passage of California Assembly Bill 1221
- Codified into Sections 25680 through 25686 of the California Business and Professions Code
- Required ABC to establish a responsible beverage service training program to train servers and their managers on the dangers of serving alcohol to minors or overserving alcohol to patrons of all ages
- Intended to reduce alcohol-related harm to local communities
- Created California's first mandated server training program
- ABC adopted Sections 160 through 173 of Division 9, Chapter 1 of the California Code of Regulations to address training requirements

### The Five RBS Curriculum Requirements

- The social impact of alcohol sales
- The impact of alcohol on the body
- State laws and regulations relating to alcoholic beverage control and driving under the influence
- Intervention techniques to prevent service and sales to underage or intoxicated persons
- The development of management policies to prevent service and sales to underage or intoxicated persons

### Definitions

#### Definitions Related to Alcoholic Beverage Control

- ABC - The Department of Alcoholic Beverage Control, also referred to as "the Department"
- ABC on-premises license - An ABC license that grants the privilege to serve alcoholic beverages to patrons who then consume them within the licensed premises
- ABC on-premises licensee - The owner of an ABC on-premises license
- ABC licensed premises - A location where an ABC on-premises licensee uses the privileges granted by an ABC on-premises license

#### Definitions Related to Responsible Beverage Service Training

- RBS - Responsible beverage service
- RBSTPA - Responsible Beverage Service Training Program Act of 2017
- RBS trainer - An owner, contractor, or employee of a training provider that delivers an RBS training course to alcohol servers either in-person or online
- RBS training program - A statewide Responsible Beverage Service training program administered or authorized by the department that provides RBS training courses to licensees and their agents and employees
- Alcohol server certification - A certification issued by a training provider to a person who has successfully completed an RBS training course, as demonstrated by the passage of an exam
- Alcohol server certification exam - An exam given to alcohol servers after they complete an RBS training course to test the alcohol server's knowledge of the required curriculum



## California Responsible Beverage Service Responsible Beverage Service (RBS) Training Guide

- **Initial employment** – The date an employee signs an employment contract or employee tax and identification documents, whichever is sooner.

### Definitions Related to Alcoholic Beverage Service

- **Alcohol server** - A person who serves alcoholic beverages for consumption, or a person who manages or supervises that person, on premises licensed to serve alcoholic beverages pursuant to this division, including a designee for alcoholic beverage sales and service pursuant to a temporary license.
- **Serving alcoholic beverages for consumption** - 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:
  - checking patron identification
  - taking patron alcoholic beverage orders
  - pouring alcoholic beverages for patrons
  - delivering alcoholic beverages to patrons
- **Manager** - Manages or supervises persons who serve alcohol for consumption on premises licensed to serve alcoholic beverages.
- **Manages or supervises** - Any person who directly hires, oversees alcohol servers at an ABC licensed premises, or trains alcohol servers how to perform the service of alcohol for consumption for an ABC on-premises licensee including, but not limited to, when to check identification or when to refuse service to a patron. This specifically excludes an employee or contractor of another separate ABC licensee who is training alcohol servers for marketing or distribution purposes.
- **Onsite** - 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.
- **Temporary daily license designee** - A person designated for alcohol sales and service pursuant to a temporary daily license. The designee is required to remain onsite (within the area where the service of alcoholic beverages is occurring) for the duration of the non-profit organization's licensed event.

## Training and Certification

### Responsibilities of Licensees

- Sections 25682 through 25684 of the Business and Professions Code cover the responsibilities of the licensee.
- Beginning July 1, 2022, an on-sale licensee shall not employ or continue to employ any alcohol server without a valid alcohol server certification.
- The licensee must ensure that each alcohol server it employs has a valid alcohol server certification.
- The licensee must maintain records of certifications for inspection, upon request, by ABC.
- The licensee will not be subject to any criminal action for violating these laws.
- Failure of a licensee to comply with these laws shall be grounds for disciplinary action by ABC, which could result in the suspension or revocation of the license.

### Responsibilities of Servers and Managers

- Sections 25682 through 25684 of the Business and Professions Code cover the responsibilities of servers and managers of servers.
- Section 25683 of the Business and Professions Code requires servers and managers of servers to have a valid alcohol server certification to perform their duties.
- An alcohol server who was employed by the licensee prior to July 1, 2022, must obtain an alcohol server certification by August 31, 2022.
- An alcohol server employed by the licensee on or after July 1, 2022, must obtain an alcohol server certificate within sixty (60) calendar days.
- A server or manager of a server will not be subject to criminal action for performing alcohol service duties without a valid alcohol server certification, but the licensee could be subjected to ABC disciplinary action.



**Certified  
Alcohol  
Training**

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### **Responsibilities of Temporary Daily Licensees**

- Section 25682 also applies to a non-profit organization holding a temporary daily on-sale or off-sale license.
- A nonprofit organization that has obtained a temporary daily on-sale or off-sale license from the department shall designate a person or persons to receive RBS training prior to the event.
- The designated person or persons shall remain onsite for the duration of the event.



## UNIT 2: THE SOCIAL IMPACT OF ALCOHOL

### The General Positive Impact of Alcohol Sales

- Alcohol sales contribute significantly to the economy.
- Alcohol sales generate substantial revenue each year within the state and for the State of California through sales and excise taxes and alcoholic beverage-related fees.
- There are nearly 107,000 permanent alcoholic beverage licenses issued in California.
- The alcohol industry is a significant employer in the state and provides jobs that support owners, employees and their families.
- The California wine industry is world-renowned.
- On-sale businesses provide important products and services and offer needed venues where people can eat, drink, socialize, celebrate important events, and conduct business with one another.
- Businesses that sell and serve alcohol are vital in helping communities thrive and remain vibrant.

### The General Negative Impact of Alcohol Sales

- Most of the negative effects stem from the harmful use of alcohol.
- Alcohol sales create health, social, and economic burdens on society.
- The World Health Organization (WHO) estimates that alcohol consumption results in three (3) million deaths across the globe, with 5.1 percent of all diseases attributed to harmful use.
- This includes mental and behavioral disorders; non-communicable conditions like liver cirrhosis, some cancers, and cardiovascular disease; suicides; tuberculosis; HIV/AIDS; road injuries; and violence.
- The Centers for Disease Control and Prevention (CDC) reports that the harmful use of alcohol is the leading risk factor for death and disability among persons 15 to 39 years of age, accounting for 13.5 percent of all deaths for this age group.
- The CDC further estimates that excessive alcohol consumption costs the U.S. approximately \$223.5 billion; in California, that cost is estimated to be over \$35 billion.

### Specific Costs to the Community for Overuse of Alcohol

- **Alcohol Related Crimes**
  - Driving Under the Influence
    - The CDC reports that almost one in three traffic deaths in the U.S. involves a driver with a BAC level of .08 percent or higher.
    - In California, 1.5% of all adult drivers report driving after drinking too much.
  - Domestic Violence
    - There is an established link between domestic violence and alcohol.
    - WHO reports that alcohol consumption, especially at harmful and hazardous levels, is a major contributor and direct cause of domestic violence.
    - Excessive drinking affects cognitive and physical function which leads to less self-control.
    - Excessive drinking causes individuals to be less able to use non-violent means to resolve their conflicts in a relationship.
    - Excessive drinking further aggravates financial difficulties, childcare problems, infidelity, and other family stressors that can lead to marital tension and conflict, and ultimately violence.
  - Assault and Sexual Assault
    - Often involve alcohol.
    - Alcohol lowers inhibitions, impairs judgment, and increases risk of aggressive behavior.
- **Increased Calls to First Responders**
  - Emergency Medical Transporters
  - Law Enforcement
  - Fire Departments



- **Neighborhood Quality of Life**
  - Noise
  - Litter
  - Crime
  - Public Indecency
  
- **Public Health Risks**
  - Binge Drinking
    - The CDC reports that binge drinking is the most common, costly, and deadly pattern of excessive alcohol use in the U.S.
    - It is defined as a pattern of drinking that brings a person's BAC level to .08 percent or higher.
    - It occurs when males consume five drinks and females consume four drinks in about a two-hour period.
    - The CDC estimates that one in six U.S. adults binge drinks about four times a month.
    - It is a significant health concern at college campuses nationwide.
  - Alcoholism
    - When one can no longer control their use of alcohol or compulsively abuses alcohol despite negative ramifications, or person experiences emotional distress when they are not drinking.
    - Chronic, relapsing disease.
  - Diseases, including Cancer and Cirrhosis
    - Excess alcohol use is a risk factor in numerous chronic diseases and conditions, including cancer, psychiatric conditions, digestive diseases, and cardiovascular diseases.
  - Alcohol Poisoning and Death
    - These can result from excessive alcohol use.
    - The CDC reports that excessive alcohol use is the leading cause of preventable death in the U.S., resulting in approximately 261 deaths per day.

### **Alcohol Servers' Responsibility as Gatekeepers**

- Servers make a difference in the community.
- They can prevent an injury.
- They can save a life!





### UNIT 3: THE IMPACT OF ALCOHOL ON THE BODY

#### Physiology of Alcohol on the Human Body

- **The Path of Alcohol through the Body**
  - Begins in the mouth, travelling down the esophagus and into the stomach.
    - About 20% of the alcohol in the stomach passes through the stomach wall.
    - Can reach the brain from the stomach within one minute where it can begin to affect cognitive functions like judgment and coordination.
  - Remaining 80% is absorbed into the bloodstream through the small intestine.
    - Once in the bloodstream, it is quickly distributed throughout the body.
    - Alcohol in the bloodstream causes intoxication.
  
- **How the Human Body Processes Alcohol**
  - No digestion is needed in alcohol absorption.
  - Alcohol is metabolized in the liver.
    - Alcohol must be processed by the liver in order to leave the body.
    - The liver can only process about one standard drink or alcoholic drink equivalent per hour.
    - The liver does not speed up metabolism to process the excessive amount of alcohol in the bloodstream.
    - The excess alcohol continues to circulate in the bloodstream creating a buildup of alcohol in the system which causes intoxication.
  - Standard drink sizes
    - A standard drink is approximately a 12-ounce beer (5% alcohol by volume), 8-9 oz. malt liquor including some beers (greater than 7% alcohol by volume), a 5-ounce glass of wine (12% alcohol by volume), or a 1-1/2-ounce shot of 80-proof distilled spirits (40% alcohol by volume). Proof is twice the percent of alcohol by volume, so 80-proof distilled spirit is 40 percent alcohol by volume. Alcohol by volume is also referred to as ABV.
  
- **Common Myths about Sobering Up**
  - There is nothing one can do to speed up the process of the liver breaking down alcohol.
  - Drinking black coffee, exercising, getting some fresh air, or taking a cold shower can make a person more alert, but will not sober a person up more quickly.
  - Only time can sober a person up.
  
- **Alcohol's Effect on the Human Body**
  - Alcohol is a depressant; it depresses the central nervous systems' functions including judgment, inhibitions, and reaction times.
  - It depletes the body's fluids and causes thirst and dehydration, often leading persons to consume more alcohol to address their thirst.
  - The liver normally maintains the body's blood-sugar levels, but when alcohol is present, the liver ceases normal functions so it can metabolize the alcohol from the bloodstream.
    - Alcohol creates a challenge for diabetics when managing their blood sugar.
    - Alcohol creates disruptions in blood sugar for non-diabetics, which can lead to a drop in their blood sugar level causing hunger, nausea, and a hangover.
  - Heavy drinking harms the liver and can result in fatty liver disease, alcohol hepatitis, fibrosis, and cirrhosis.
  - Alcohol weakens the immune system, impeding the body's ability to ward off infections, which can lead to serious acute and chronic conditions.
  - It can cause alcohol poisoning and death.
  - Alcohol affects every part of the body it touches.



## **Alcohol-Impaired Driving**

- **Alcohol's Effect on Driving and a Driver**
  - Alcohol-impaired driving occurs when there is enough alcohol in a person's system to cause driving skills to become impaired by alcohol.
  - Driving ability may become impaired after just one or two drinks.
  - Alcohol affects a person's driving abilities in the following ways, all of which are essential to operating a vehicle:
    - Reduces the function of the brain
    - Impairs thinking
    - Impairs vision
    - Slows reaction times
    - Reduces concentration, reasoning, and coordination
  - Affects the driver in the following ways, all of which make alcohol-impaired driving dangerous and deadly:
    - Have a reduced ability to judge distances or estimate the velocity of moving objects
    - Be more likely to take greater risks
    - Have a distorted view of one's own personal capabilities and find oneself in driving situations they are unable to control
    - Have a more narrowed field of vision, experiencing tunnel vision
    - Scan the driving environment less often, and may fixate on one object
    - Have a reduced ability to do more than one thing at a time

## **Blood Alcohol Concentration (BAC) Level**

- **What is Intoxication?**
  - The point at which alcohol depresses the central nervous system so that mood and physical and mental abilities are noticeably changed. Intoxication can occur in as little as one standard drink or alcoholic drink equivalent.
  - In California, it is unlawful for a person to drive with certain amounts of alcohol in their system.
  - Blood Alcohol Concentration (BAC) is the way law enforcement measures intoxication, mainly for the crime of driving under the influence. BAC represents the amount of alcohol, by weight, in a person's bloodstream.
    - A breathalyzer measures the amount of alcohol in a driver's breath, based on grams of alcohol per 210 liters of breath. At the scene of a DUI arrest, police will use a preliminary alcohol screening (PAS) device for this purpose.
    - A blood test measures the amount of alcohol in a driver's blood, based on grams of alcohol per 100 milliliters of blood.
- **Physical and Mental Effects at Various BAC Levels**
  - A person's BAC changes as the person consumes more alcohol. The effects can quickly creep up on a drinker to the point they find themselves experiencing significant effects.
  - See charts below for effects of various BAC levels on the body and driving ability.



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.01 — .03	No apparent effects. Slight mood elevation. In California, a person under 21 will test as legally impaired at .01 % BAC. It is illegal for a minor to drive at this level.
.04 — .06	Feeling of relaxation. Sensation of warmth. Minor impairment of reasoning and memory
.07 — .09	Mild impairment of balance, speech, vision and control. In California, any person will test as legally impaired if they test at this level. It is illegal to drive at a 0.08% BAC level.
.10 — .12	Significant impairment of motor coordination and loss of judgement. Speech may be slurred.
.13 — .15	Gross impairment of motor control. Blurred vision and major loss of balance. Onset of dysphoria (anxiety, restlessness).
.16 — .20	Dysphoria predominates. Nausea may appear. Drinker has the appearance of a "sloppy drunk."
.25 — .30	Severe intoxication. Needs assistance walking. Mental confusion. Dysphoria with nausea and some vomiting.
.35 — .40	Loss of consciousness. Brink of coma.
.4 & over	Onset of coma. Likelihood of death due to respiratory failure.

Source: Source: Stanford University. Office of Substance Use Programs, Education & Resources, Student Affairs. *Effects of alcohol at various Blood Alcohol Concentration levels*. Retrieved from <https://super.stanford.edu/alcohol-rug-info/buzz-buzz/what-bac>.

- o Effect of the number of drinks on BAC:

		BLOOD ALCOHOL CONTENT (BAC) Table for Male (M) / Female (F)							Driving Condition	
Number of Drinks		Body Weight in Pounds								
		100	120	140	160	180	200	220	240	
0	M	.00	.00	.00	.00	.00	.00	.00	.00	Only Safe Driving Limit
	F	.00	.00	.00	.00	.00	.00	.00	.00	
1	M	.06	.05	.04	.04	.03	.03	.03	.02	Driving Skills Impaired
	F	.07	.06	.05	.04	.04	.03	.03	.03	
2	M	.12	.10	.09	.07	.07	.06	.05	.05	
	F	.13	.11	.09	.08	.07	.07	.06	.06	
3	M	.18	.15	.13	.11	.10	.09	.08	.07	Legally Intoxicated
	F	.20	.17	.14	.12	.11	.10	.09	.08	
4	M	.24	.20	.17	.15	.13	.12	.11	.10	
	F	.26	.22	.19	.17	.15	.13	.12	.11	
5	M	.30	.25	.21	.19	.17	.15	.14	.12	
	F	.33	.28	.24	.21	.18	.17	.15	.14	

Subtract .01% for each 40 minutes that lapse between drinks.  
1 drink = 1.5 oz. 80 proof liquor, 12 oz. 5% beer, or 5 oz. 12% wine.  
**Fewer than 5 persons out of 100 will exceed these values.**

Source: California Department of Motor Vehicles, *Get a DUI - Lose Your License! Form DL 606 (Rev. 1/2018)*.

## Potential Signs of Intoxication

- **Physical Reactions**
  - o Slurred and varied speech
  - o Slow and deliberate movement
  - o Decreased alertness
  - o Loss of coordination, such as when a person:
    - Is sitting or standing
    - Fumbles with their money
    - Spills their drink
    - Cannot find their mouth with their drink
    - Is unable to sit straight on their chair or barstool
    - Sways as if appearing drowsy
    - Bumps into things



- Falls
- Is unable to light their cigarette
- **Physical Appearance**
  - Red or watery eyes
  - Sweating
  - Droopy eyelids
  - Lack of eye focus
  - Flushed or red face
  - Disheveled clothing
  - Odor of alcohol on their person
- **Lowered Inhibitions**
  - Overly friendly
  - Use of foul language
  - Increasing volume of speech
  - Increasing rate of alcohol consumption
- **Loss of Judgment**
  - Complaints about the strength of their drink
  - Careless with their money
  - Becoming increasingly argumentative or belligerent
  - Making irrational statements
  - Ordering doubles
  - Buying rounds for strangers
  - Lighting more than one cigarette at a time
  - Losing train of thought

### **Factors Affecting the Severity of Intoxication**

- Amount of alcohol consumed – When more alcohol is consumed, more of it accumulates in the blood, which increases intoxication.
- Speed of consumption – When alcohol is consumed quickly, it is absorbed more rapidly into the bloodstream, which results in higher levels of intoxication.
- Food in the stomach – Having food in the stomach slows the rate of intoxication by keeping it in the stomach and out of the small intestine where most alcohol is absorbed into the bloodstream. For this reason, it is recommended that people consuming alcohol have food, like high protein or fatty foods, in their stomachs to slow digestion and absorption.
- Size - A larger person has more blood circulating in the body than a smaller person, so the concentration of alcohol rises more slowly than it does in the smaller person, even if they drink the same amounts of alcohol.
- Sex - A woman becomes intoxicated more quickly than a man of the same size because women tend to accumulate more alcohol in their bloodstreams than men do, their bodies process alcohol differently than men's, they have lower levels of the stomach enzyme that neutralizes alcohol before it moves into the bloodstream than men, and they have a higher proportion of body fat (which does not absorb alcohol) thereby increasing alcohol levels in the blood.
- Tolerance – Tolerance can build up over time as the body adapts to alcohol, drugs, and other toxic substances. Increased tolerance lessens the effects of alcohol on the central nervous system. Tolerance varies from person to person and is unrelated to a person's BAC level. While the effects of intoxication may not be readily apparent, a person can still be impaired, which makes tolerance highly dangerous.
- Medications or drugs – Medications or drugs can impair the human body in similar ways to alcohol intoxication; combining alcohol with medications or recreational and illegal drugs can lead to side effects from discomfort to death.



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- Altitude – Altitude can make alcohol intoxication nearly twice as potent on the human body until the person becomes acclimated to the height.
- Mood – A person’s mood can become exaggerated by alcohol.
- Physical condition – A person’s physical condition can impact intoxication levels. A muscular person becomes less intoxicated than a non-muscular person because the muscular person has more blood to dilute the alcohol.
- Carbonation – Carbonation pushes alcohol through the digestive system resulting in quicker absorption and a person becoming intoxicated more quickly. Sugars and juices also speed up alcohol absorption.



## UNIT 4: STATE LAWS AND REGULATIONS

### Rights, Responsibilities, and Liabilities

- Rights are the actions one chooses to take under specific circumstances, many of which are specified in the law.
- Responsibilities are the actions one must take under specific circumstances, many of which are also spelled out in the law.
- Liabilities occur when one is held responsible for injury and damage that either occurs to one's patrons or is caused by one's patrons, some of which are specified in the law (known as statutory liabilities). Others evolve through common law or case law.

### Categories of Crimes in California

- **Infractions**
  - Least serious public offenses
  - Fines up to \$250
  - No jail sentences or probation times
  - Do not appear on person's criminal record
- **Misdemeanors**
  - Crimes that are more serious than infractions, but not as serious as felonies
  - Fines up to \$1000
  - Up to one year in county jail
- **Felonies**
  - Most serious crimes
  - Fines up to \$10,000
  - Incarceration for more than one year in county jail or imprisonment in state prison, or death

### Types of Liabilities for Licensees, Employees & Contractors

Licensees are strictly liable for all activities that occur at their licensed business and for the acts of their agents and employees, even in the absence of fault or criminal intent.

- **Criminal**
  - Occurs when a person commits a criminal act that results from a violation of a criminal law.
  - Most of the criminal codes covered in this course come from the California Penal Code, Business and Professions Code (includes the ABC Act), the Vehicle Code, and the Health and Safety Code.
  - Generally includes fines, community service, jail or prison sentences.
- **Administrative**
  - Action a licensing agency takes against a license, such as when ABC takes disciplinary action against an ABC license.
  - California Constitution authorizes ABC, in its discretion, to suspend or revoke any license to sell alcoholic beverage if it determines that the continuance of such license would be contrary to public welfare and morals.
  - Includes violations of codes and department rules and regulations (Division 4, Chapter 1 of the California Code of Regulations).
  - ABC uses a range of progressive and proportional penalties in a consistent and uniform manner to encourage and reinforce voluntary compliance with the law.
  - Purpose of penalties is not to punish, but to deter licensees from using their license privileges in ways contrary to law or in a manner that puts the community's health, safety, and welfare at risk.



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- Types of penalties:
  - Letters of warning
  - Petitions for offer in compromise (authorized under Section 23095 B&P to allow a fine in lieu of a suspension); range from \$750-\$20,000 or higher in some types of cases
  - License suspensions
  - License revocations
  - Imposition of operating conditions
- Aggravating factors that can result in higher penalties
  - A licensee's prior disciplinary history
  - Prior warning letters
  - Licensee involvement in the offense
  - The location of the business in a high crime area
  - Lack of cooperation by the licensee in an investigation
  - Continuing course or pattern of conduct
  - Appearance and actual age of an involved minor
- Mitigating factors that could result in lower penalties
  - Length of licensure at the location without prior discipline or problems
  - Positive action by the licensee to correct the problem
  - Documented training of the licensee and employees
  - Cooperation by the licensee in an investigation
- **Civil**
  - Civil liability is what licensees and their sellers or servers can face for injuries caused by their intoxicated patrons.
  - Monetary liability includes payments to victims who bring civil lawsuits.
  - Dram shop laws hold a business liable for serving or selling alcohol to minors or intoxicated persons who later cause death, injury, or property damage to another person.
    - Term originated from 18<sup>th</sup> century Britain; "dram" was a measurement of alcohol; dram shop was a place where alcohol was sold and consumed.
    - Dram shop laws in the U.S. are enacted at the state level.
    - In California, dram shop laws are extremely limited.
    - Section 25602.1 of the Business and Professions Code prevents a person who sells, furnishes, gives, or causes to be sold, furnished, or given away an alcoholic beverage to an obviously intoxicated person from being civilly liable to any injured person or the estate of such person for injuries inflicted on that person as a result of intoxication by the consumer of such alcoholic beverage.
    - Exception: when the obviously intoxicated person was a minor (at the time of service) and the alcoholic beverage was the proximate cause of the personal injury or death.
  - Licensees are still expected to exercise reasonable care for the safety of their patrons.
  - Under common law, a licensee can still be liable under two instances:
    - When the licensee is **negligent** in exercising reasonable care
      - The aggrieved party may file a common law action in court and be awarded civil damages.
      - Customer's age is not a factor.
    - When a licensee engages in **reckless conduct**, that, too, may result in civil liability
      - Often results when a person has intentionally done an act of an unreasonable character, or has disregarded a risk that the person knew or should have known of, and it was highly probable that harm would follow
      - Is usually accompanied by a conscious indifference to the consequences

### Laws Relating to Alcoholic Beverage Service and Driving Under the Influence

- **Section 25658(a) B&P – Sales to Minors**
  - It is a misdemeanor for any person to sell, furnish, give, or cause to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age.



- Criminal penalties:
  - Sales = maximum \$250 fine or 24-36 hours of community service or both
  - Furnishing/causing to be furnished = maximum \$1000 fine and 24 hours of community service
- Administrative penalties:
  - 1<sup>st</sup> violation = 15-day suspension
  - 2<sup>nd</sup> violation within 36 months = 25-day suspension
  - 3<sup>rd</sup> violation within 36 months = Revocation
- **Section 25658(b) B&P – Purchase/Consumption by Minors**
  - It is a misdemeanor for a person under 21 years of age to purchase any alcoholic beverage, or consume any alcoholic beverage in any on-sale premises.
  - Criminal penalties:
    - 1<sup>st</sup> offense = maximum \$250 fine or 24-36 hours of community service or both
    - 2<sup>nd</sup> offense = maximum \$500 fine or 36-48 hours of community service or both
- **Section 25658(c) B&P – Furnishing to Minor Who Causes Injury or Death**
  - It is a misdemeanor for a person who purchases an alcoholic beverage for, or furnishes, gives, or gives away any alcoholic beverage to a person under 21 who then consumes it and proximately causes great bodily injury or death to himself, herself, or any other person.
  - Criminal penalties = \$1000 fine or 6-12 months in county jail or both
- **Section 25658(d) B&P – Licensee Knowingly Permitting Consumption by Minor**
  - It is a misdemeanor for an on-sale licensee to knowingly permit a minor to consume alcoholic beverages in the on-sale premises.
  - Criminal penalties = Maximum \$250 fine or 24-36 hours of community service or both
- **Section 25665 B&P – Minor in a Public Premises**
  - It is a misdemeanor for a licensee to permit a person under 21 years to enter and remain in the business licensed with an on-sale license issued for a public premises without lawful business.
  - It is also a misdemeanor for the minor to enter and remain inside a licensed public premises without lawful business.
  - A licensed public premises is a business where minors are restricted from entering and remaining without lawful business. These are typically associated with bar or tavern operations, not restaurants.
  - Criminal penalties = Both licensee and minor may be criminally liable; the minor may be ordered to pay a minimum \$200 fine
  - Administrative penalty = 10-day suspension
- **Section 25663(a) B&P – Minor Employees**
  - It is a misdemeanor for an on-sale licensee to employ a person under 21 to prepare or serve alcoholic beverages, or to work in or on that portion of a premises during business hours which are primarily designed and used for the sale and service of alcohol for consumption on the premises.
  - Administrative penalty = 10-day suspension
- **Section 25663(c) B&P – Minor Employees**
  - A minor employee between 18 and 21 years of age may serve, deliver, present, open, or pour alcohol in the area primarily designed and used for the sale and service of food for consumption on the premises, provided the minor's primary duties involve the sale of meals to guests, with alcohol service incidental to the food service.
  - Administrative penalty = 10-day suspension





- **Section 25602(a) B&P – Sales to Habitual Drunkard or Obviously Intoxicated Person**
  - It is a misdemeanor for any person to sell, furnish, give, or cause to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person.
  - Obviously intoxicated:
    - The average person can plainly see that the person is intoxicated.
    - The server must either see or have the opportunity to see the signs of intoxication before the service; BAC level is not a factor.
  - Habitual drunkard:
    - A person who has lost control over their drinking
    - May discover a habitual drunkard in one of two ways:
      - A family member tells the server or licensee that the person has a drinking problem and asks that the person not be served; or
      - The patron is a regular customer and unable to handle drinking on a regular basis.
  - Administrative penalties:
    - 1<sup>st</sup> offense = 15-day suspension
    - 2<sup>nd</sup> offense within 3 years = 25-day suspension
    - 3<sup>rd</sup> offense within 3 years = 45-day suspension to a revocation
- **Section 647(f) PC – Public Intoxication**
  - It is considered disorderly conduct, a misdemeanor, if a person is found in any public place, either:
    - Under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of these, or
    - In a condition that they are unable to exercise care for their own safety or the safety of others, or
    - Interfering, or obstructing, or preventing the free use of any street, sidewalk, or other public way.
  - BAC level is not a factor.
  - Police officers will look at the same outward signs of intoxication that a server might see.
  - Police officers will also consider whether the person's impairment prevents them from caring for their own safety or the safety of another.
- **Sections 23152 VC – Driving Under the Influence**
  - Section 23152(a) of the Vehicle Code (VC) makes it unlawful for any person who is under the influence of any alcoholic beverage to drive a vehicle.
  - Section 23152(b) VC further states that it is unlawful for a person who has .08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.
  - Section 23152(f) VC makes it unlawful for a person who is under the influence of any drug to drive a vehicle.
  - Section 23152(g) VC makes it unlawful for a person under the combined influence of any alcoholic beverage and drug to drive a vehicle.
  - If a person takes a chemical test within three hours of driving, and the test shows the person had a .08 percent or more BAC level, it is presumed that the person had a .08 BAC level at the time they were driving the vehicle.
  - A person may also be arrested and convicted of DUI with a BAC level of less than .08 percent. In this case, the prosecution would depend on the driver's lack of driving skill, poor performance on a field sobriety test, and other signs of impairment to establish intoxication.
  - Consequently, any person with any alcohol in their system whose driving ability has become impaired may be arrested for driving under the influence.
  - Criminal penalties:
    - Most DUI arrests are prosecuted as misdemeanors.
    - Prosecutors may file felony DUI charges if the driver's actions injured another person, or if the intoxicated person has multiple prior DUI convictions or a prior felony DUI conviction.
    - A conviction within 10 years from the current offense date is considered a prior conviction.



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- Penalties include:
  - Fines, penalty assessments, and fees.
  - Restitution for the injured parties when the DUI results in injuries or property damage.
  - Jail sentences of varying lengths depending on whether the violation was a first offense or a felony injury DUI.
  - Additional actions may be imposed on the driver, such as being ordered to complete a DUI program or an enhanced DUI treatment program or required to install an ignition interlock device on the vehicle.
- Other costs associated with a DUI conviction include:
  - Storage fees when a driver's vehicle has been impounded.
  - Attorney fees to defend the person against criminal and administrative actions and civil lawsuits.
- Administrative penalties vary depending on:
  - Driver's age (under or over 21).
  - Whether the driver took a PAS or blood or breath test after being stopped.
  - Driver's prior history of DUI convictions.
  - Driver's license can be suspended or revoked.
- **Section 23136 VC – Driving Under the Influence (Minor)**
  - California has zero tolerance for underage drinking and driving.
  - It is unlawful for a person under the age of 21 years who has a BAC of .01 percent or greater, as measured by a PAS test or other chemical test, to drive a vehicle. Any minor with a BAC of .01 percent or greater will be considered to be driving under the influence.
  - DMV imposes administrative penalties (referred to as "admin per se"), which includes a one-year suspension of the minor's driver's license or a one-year delay in issuance of a driver's license for a minor who did not have a license at the time of violation.
  - A minor can also be prosecuted for Sections 23152 and 23153 (felony DUI).
- **Sections 25631 & 24632 B&P – Retail Hours of Sale**
  - Section 25631 B&P - It is a misdemeanor for any on-sale or off-sale licensee, or agent or employee of that licensee to sell, give, or deliver to any persons any alcoholic beverage between the hours of 2 o'clock a.m. and 6 o'clock a.m. of the same day.
  - This same section also makes it a misdemeanor for any person to knowingly purchase any alcoholic beverage between the hours of 2 o'clock a.m. and 6 o'clock a.m. of the same day.
  - Section 25632 B&P – It is a misdemeanor for any retail licensee, or agent or employee of such licensee, to permit any alcoholic beverage to be consumed by any person on the licensee's licensed premises during these restricted hours.
  - On a day when a time change occurs from Pacific standard time to Pacific daylight savings time, or back again to Pacific standard time, 2 a.m. means two hours after midnight of the day preceding the day the change occurs. In other words, when the time changes at 2 a.m. to become 1 a.m. again, that does not mean you have one more hour to sell alcohol.
- **Section 24200.5(a) B&P – Sales of Drugs**
  - The use and sale of illegal drugs inside a licensed business is a serious problem for several reasons:
    - It is illegal; most drug laws are felonies, punishable by imprisonment in State prison.
    - It can lead to injuries or deaths due to fights, shootings, and driving under the influence incidents involving drug-impaired customers.
    - It damages the reputation of a business in a community, which reduces profitability.
  - Section 24200.5(a) B&P makes it unlawful for any licensee to knowingly permit the illegal sale, or negotiations for the sales, of controlled substances or dangerous drugs upon the licensed premises. Successive sales, or negotiations for sales, over any continuous period of time shall be deemed evidence of permission.



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- A licensee has an affirmative duty to:
  - Maintain a lawful establishment.
  - Anticipate reasonable possible unlawful activity.
  - Instruct employees accordingly.
- Once a licensee knows of a particular violation of law, such as drug sales occurring on the premises, that duty comes into play and the licensee must focus on eliminating the violation.
- In the case of drug sales, failure to prevent its recurrence, once the licensee becomes aware of it, is viewed as “permitting” it to happen. Because of the significant ramifications of such activity, licensees and employees must take reasonable steps to prevent drug activity from occurring on the licensed premises.
- Administrative penalties:
  - For transactions occurring on the licensed premises = Revocation.
  - If the licensee is directly involved in the illegal drug activity = All of the business assets including the ABC license may be seized and sold after 10 days’ notice.
- **Sections 11362.3 H&S, Section 25621.5 B&P, and Section 40300, Title 17 of the California Code of Regulations – Cannabis and Cannabis Products**
  - Sections 11362.3 of the Health and Safety Code and Section 25621.5 of the Business and Professions Code describe what activities involving cannabis and cannabis products can occur at a licensed premises.
  - The following activities involving these products are prohibited at a licensed premises:
    - It is unlawful to smoke or ingest cannabis or cannabis products in a public place, where smoking tobacco is prohibited, which includes a licensed premises.
    - Smoking is defined as inhaling, exhaling, burning, or carrying any lighted or heated device or pipe or any other lighted or heated cannabis or cannabis product intended for those purposes, including the use of an electronic smoking device that carries an aerosol or vapor (commonly referred to as vaping).
    - It is also unlawful for a licensee to sell, offer, or provide cannabis or cannabis products, including an alcoholic beverage that contains cannabis or a cannabis product, and no alcoholic beverages shall be manufactured, sold, or offered for sale if it contains tetrahydrocannabinol (also known as THC) or cannabinoids, regardless of source.
  - These laws apply even if the licensee is not exercising the privileges of the license, such as after hours when the business is closed or if the license has been surrendered or suspended. The administrative penalty for violations of these laws on a licensed premises is the suspension or revocation of the license.
  - Section 40300, Title 17 of the California Code of Regulations specifies the types of products that shall not be sold as cannabis products and includes alcoholic beverages (except tinctures allowed under Section 40308).

### **Regulation of Alcoholic Beverages**

- **Role of ABC**
  - In California, ABC is the state regulatory and enforcement agency responsible for licensing and regulating the alcoholic beverage industry.
  - However, alcohol-related laws are enforced by both state and local law enforcement agencies.
  - Licensing
    - To carry out its licensing function, ABC licensing representatives investigate applications for ABC licenses for businesses that seek to manufacture, distribute and sell alcohol in California.
    - ABC licenses are issued to the owner or owners of the business, which can be an individual, partnership, limited partnership, limited liability company, corporation, trust, or association. Licenses are not issued to business trade names.
    - ABC licensing representatives investigate an applicant’s moral character and financial interests to determine if the applicant is qualified to hold an ABC license. They also



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- investigate the proposed premises and operation to determine if they are suitable for licensing.
- Education & Prevention
    - Licensee Training
      - Licensee Education on Alcohol and Drugs Program (also known as LEAD) is free, voluntary training for licensees and their employees on how to sell alcoholic beverages safely, responsibly, and legally.
      - Responsible Beverage Service Training Program (referred to as RBSTP) certifies all alcohol servers and their managers signifying they have received effective training designed to curb harm related to underage drinking or excess intoxication.
    - Industry Advisories
      - Published frequently.
      - Keep licensees abreast of important issues or changes affecting the alcoholic beverage industry.
    - Business Inspections
      - Known as Informed Merchants Preventing Alcohol-Related Crime Tendencies Program (known as IMPACT).
      - Department agents team up with local law enforcement officers to conduct business inspections.
      - Purpose is to educate licensees on the laws affecting their businesses, help them achieve compliance, and take corrective or enforcement action when appropriate.
  - Enforcement
    - After a license issues, ABC agents investigate suspected violations involving licensees and licensed premises. Investigations are often generated from complaints received.
    - Agents are sworn peace officers in California who derive their authority from Section 830.2 of the California Penal Code and Section 25755 of the Business and Professions Code.
    - Agents are empowered to investigate and make arrests for violations of alcoholic beverage laws on or about licensed premises, as well as enforce any penal provision of law anywhere in the state while in the course of their employment.
  - Section 25755 B&P – Enforcement Authority
    - This law grants ABC agents, while acting as peace officers, authority to enforce ABC laws, rules, and other provisions of law while in the course of their employment.
    - The law also grants ABC agents and certain other law enforcement officers, including local police officers and sheriff's deputies, while in the course of their employment, the authority to visit and inspect the premises of any licensee at any time the licensee is exercising the privileges of that license.
  - Section 25753 B&P – Inspection Authority
    - This law grants ABC agents the authority to visit and inspect the premises of any licensee or other person and to make an examination of the books and records of any licensee it deems necessary.
    - An inspection can be made without a search warrant or probable cause.
    - This includes areas where the public may not generally have access, such as the bar, back bar, store room, office, closed or locked cabinets, safes, the kitchen, or any other area included as part of the licensed business.
    - It is a misdemeanor for any person to:
      - Refuse an inspection of the premises.
      - Refuse an examination of the books.
      - Fail to keep or preserve for inspection such books.
      - Falsify records.



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- **Administrative Penalties:**
  - Refusing to allow an inspection = 30-day suspension of an ABC license
  - Failing to produce records = Minimum 30-day suspension and indefinitely until the records are produced
- **Interfering with a Peace Officer**
  - Licensees have a duty to cooperate with ABC and local law enforcement officers.
  - It is a misdemeanor for any person, including a licensee or an employee, to resist, delay, or obstruct any peace officer in the discharge or attempt to discharge any duty of their office or employment.
  - Administrative penalties = Range from a 35-day suspension to a revocation of the ABC license.
- **Targeted Responsibility for Alcohol Connected Emergencies (TRACE) Protocol**
  - Department agents also investigate alcohol-related emergencies when notified by first responders of incidents involving minors and alcohol resulting in great bodily injury or death.
  - Through its TRACE program, agents conduct investigations simultaneous to those investigating the injury or death to determine where the alcoholic beverages were acquired, purchased, or served.
  - If the investigation determines that an ABC-licensed business sold or furnished alcohol to a minor or served or sold alcohol to someone charged with vehicular manslaughter who was under the influence of alcohol, regardless of age, the Department can file an administrative action to suspend or revoke the license of that business.

### **Role of Local Law Enforcement**

- Local law enforcement officers (police officers and sheriff's deputies) also have authority to enforce alcohol laws and other laws at licensed premises to ensure businesses are being operated safely and responsibly.
- Whether in uniform or in plain clothes, they have the same right as an ABC agent to visit and inspect any licensed premises at any time a licensee is exercising the privileges of the license (which generally, but not exclusively, means during business hours).
- They are required by law to send ABC all reports of arrests and calls for service that occur at these businesses, which ABC agents then investigate to determine if grounds exist to suspend or revoke an ABC license.

### **Role of Local Jurisdictions**

- Local jurisdictions may have additional laws, ordinances, or provisions that apply to an ABC-licensed business in their area in addition to the statewide laws.
- It is important to check with local officials to verify what laws apply to the businesses.



## UNIT 5: INTERVENTION TECHNIQUES

### Intervention Techniques to Prevent the Service or Sale of Alcoholic Beverages to Underage Persons

- **Legal Age to Purchase Alcohol**
  - In California, 21 is the minimum age for a person to legally purchase alcohol anywhere, or consume it in an on-sale premises.
  - A person is considered to be 21 years of age on the date of the person's actual birthday.
- **Section 25659 B&P – Legal Right to Refuse Service**
  - This law provides a legal right to refuse alcoholic beverage service to anyone who is unable to produce bona fide ID showing them to be over 21.
  - It is important to not discriminate against any person based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. Persons under age 21 are not protected by age discrimination laws.
- **Section 25660(b) B&P – Defense to Selling to a Minor**
  - This law provides a defense for selling to a minor if the licensee or the employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction.
  - In practice, if prior to serving alcohol, the alcohol server diligently inspects a patron's ID and reasonably concludes it appears legally acceptable (even if it turns out to be fake), and the appearance of the minor indicates the minor could be 21 years of age or older, the alcohol server has a defense to a charge of selling to a minor and the licensee has a defense to any ABC action.
  - Defense also applies to allowing a minor into a business where minors are not permitted (like a bar or tavern) or employing a minor to perform duties or be in an area of a business where one must be 21 years of age or older.
  - In summary, a licensee or employee has a legal defense if they relied upon bona fide ID and showed good faith in checking the ID.
- **Section 25660(a) B&P – Characteristics of a Legally Acceptable ID**
  - This law defines what is required for an ID to be considered bona fide, or legally acceptable.
  - Must contain all of the following features:
    - Issued by a government agency [such as a federal, state, county, or municipal (city) government agency]
    - Name of the person
    - Date of birth
    - Photograph
    - Physical description (height, weight, hair color and eye color)
    - Currently valid; cannot be expired
- **Examples of Acceptable ID**
  - Valid, State-issued driver's license or identification card
  - Valid identification card issued to a member of the Armed Forces (military IDs) that includes a date of birth and a picture of the person, even without a physical description of the ID holder
  - Valid government-issued passport, issued by the United States or by a foreign government, even without a physical description of the ID holder
- **Examples of Unacceptable ID**
  - Expired ID
  - Obviously altered ID
  - Forged ID
  - Counterfeit ID



- Borrowed ID (which is ID that belongs to someone else)
- Stolen ID
- School or work ID
- Interim or temporary state-issued driver's license
- Any other ID not meeting the legal requirements, such as:
  - Birth certificate
  - U.S. Immigration card
  - Social Security card
  - Check cashing card
- **ID Security Features**
  - The following features appear on all valid California Real IDs and driver's licenses and Federal Non-Compliant IDs or driver's licenses:
    - The format for persons 21 and over is horizontal, while it is vertical for minors.
    - The expiration date appears in red.
    - The date of birth appears in several locations: horizontally in red on the front, embossed over the color photograph, vertically in black on the front, and vertically in black on the back. For a minor, the date of birth is also embossed across the top of the color photograph, and the words "AGE 21 IN..." appear in a red highlighted box under the birthday.
    - The cardholder's last name is on a single line; the first and middle names are on the second line.
    - The signature appears in two places: engraved under the photo that appears raised and can be felt by touch, and a smaller one on the bottom right corner on the back.
    - There are two photographs: a larger one in color and a smaller one in black and white.
    - There are illustrations on the front of the cards of well-known California images, such as the state itself, a gold miner, sailboats, and poppies. On the backside, there is an image of a pier and birds flying.
    - There is a laser perforation of an outline of the state and a California brown bear visible when a flashlight is pressed against the back of the card.
    - There is a hologram state seal on the front of the card that is visible with a special UV light.
    - There is a 2D barcode on the reverse side that contains the same information found on the front of the card.
- **Features of California Federal REAL ID**
  - Contains a gold bear with a star in the top right corner of the ID.
- **Features of Federal Non-Compliant ID**
  - Has the words "FEDERAL LIMITS APPLY" in the top right corner (in place of the gold bear).
- **Techniques for Checking ID**
  - If a patron looks under 30 years old, say, "I need to see your ID please. Could you remove it from your wallet?"
  - Swipe the ID through a magnetic stripe reader or electronic scanning device if you have one, to aid in detecting a counterfeit ID. If the magnet strip reader doesn't read the strip on the ID, it is a fake. Do not accept it.
  - ABC recommends using the **F – L – A – G** (Feel, Look, Ask, and Get) system of checking IDs.
    - **Feel**
      - Physically hold the ID and feel it.
      - Feel for lumps, bumps and creases on the surface of the card that don't belong there and that the card cannot be peeled apart.
      - Feel the thickness of the card; is it too thick or too thin?
    - **Look**
      - Look at the front and back of the ID.



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- Look at the expiration date. If the ID is expired, there is no reason to check anything else; you shouldn't accept it.
- If it appears valid, look at the front and back of the ID.
- Do you see the security features (such as the hologram and the California images)?
- You can use a UV light or flashlight if that helps.
- You can look to see if the types and colors of the fonts are consistent with what California uses for their IDs.
- Compare the Photograph of the ID Holder.
  - The photograph should look like the person in front of you.
  - Look at features that generally do not change like the nose, chin, shape of the eyes, mouth shape, and ears.
  - Focus less on features that often do change, like hairstyles and hair color, facial hair like beards and mustaches, and makeup.
  - A good technique for comparing ID to someone with a beard or mustache is to cover up the facial hair on the ID and focus on the nose or ears.
  - If the photo does not reasonably match the person in front of you or it appears raised or altered, do not accept the ID.
- Compare the Physical Description of the ID Holder.
  - The physical description on the ID should look like the person in front of you.
  - The height on the card should be similar to the height of the person in front of you.
  - Use a marker in the room or your own height to quickly evaluate height.
  - The weight on the card should be similar to the weight of the person in front of you; keep in mind that weights can change.
  - As previously mentioned, hair color can be deceiving as it can be changed easily.
  - Eye color on the ID should not be different from the eye color of the person in front of you; keep in mind that people can wear different color lenses to change their eye color.
- Look at the Date of Birth.
  - Note if there are any apparent alterations.
  - For you to have a successful defense, the patron must look like they could be 21 years old. If not, do not accept the ID no matter how good it looks.
  - Do the math!
    - Subtract 21 from the current year.
    - For example, in 2021, if you subtract 21, the year would be 2000; this means anyone born on or before this same month and day in the year 2000 is over 21 and old enough to purchase alcohol.
- **Ask**
  - Verify the information on the card by asking questions of the ID holder such as:
    - What is your driver's license number?
    - What is your zip code?
    - What month were you born in? If they respond with a number instead of the name of the month, they have probably just memorized what is on the ID.
  - You can ask "May I see another piece of ID with your name on it?" Most people who carry a false ID do not carry any other form of ID.
  - If the ID presented is an out-of-state ID, ask the person to describe the license plate of their home state. Then, look in the back of the ID checking guide to confirm.





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- While you're asking questions, notice the signature.
  - Is it written in ink or permanently included in the ID as part of the normal manufacturing of the ID?
  - You can then ask the person to sign their name for you so you can compare the signature of the person in front of you with the signature on the card.
- **Get or Give:**
  - If the ID passes the feel, look, and ask tests, give it back to the patron and make the sale.
  - If the ID does not pass the feel, look & ask tests, refuse the sale.
  - Then, either give the ID back or seize it, depending on your company's policy.
  - If you seize an ID, you are required to do the following:
    - Issue a receipt to the person.
    - Turn the ID over to your local police department or sheriff's office within 24 hours as required by law.
  - It is recommended that you also do the following:
    - Attach a copy of the receipt to the ID.
    - Keep a copy of the receipt for your records, with notes about the situation (who, what, when, where, and why)
  - Refer to an ID checking guidebook when accepting out-of-state driver's licenses.
- **Techniques for Refusing Service to Minors**
  - Occasionally, a customer may become upset if you ask them for ID (particularly if they feel they clearly look over 21).
  - In response, you can say something like, "I'm sorry for the inconvenience. It is our policy to check everyone's ID before serving alcohol," or "I could lose my job if I accept this ID."
- **Common Behaviors of Minors Seeking Alcohol Service**
  - Minors will often look for ways to remain inconspicuous so that they can obtain alcohol without being seen or carded. For example, you might see one patron ordering alcoholic beverages for a large group that may include one or more minors. You must assume that the friends of legal age will furnish drinks to their underage friends.
  - When you request ID, minors are more likely to make excuses for not having an identification.
  - Minors often look for secluded locations in the licensed premises where employees cannot or are less likely to monitor their activity.
- **The Minor Decoy Program**
  - The Minor Decoy Program is one way local law enforcement agencies address complaints of sales to minors at licensed businesses, as well as when alcoholic beverages are delivered away from the premises pursuant to an order made by internet, telephone, other electronic means, or other method other than in person at the licensed premises.
  - During a decoy operation, the agency sends a person 19 years of age or younger (who is immune from prosecution) into a business to try to buy alcohol.
  - If the server serves the decoy, the officer will issue the server a citation to appear in criminal court. The business owner will also receive notification within 72 hours when a violation has occurred at the business, and the ABC license may be suspended or revoked.
  - The operation has to be conducted according to certain legal requirements for ABC to take action against the license. These include:
    - The decoy must be under 20 years of age.
    - The decoy must appear under 21.
    - The decoy must carry their true ID or no ID.
    - The decoy must present their true ID if asked.
    - The decoy must answer truthfully about their age if asked.
    - There shall be a face-to-face identification between the seller and the decoy.
  - The Supreme Court ruled that the decoy operation is constitutional and not entrapment.



### **Avoiding Service to Obviously Intoxicated Persons**

- **Techniques for Refusing Service to a Patron**
  - Use effective listening and visual cues to determine when patrons have become obviously intoxicated.
  - Do not advocate for continued drinking when one patron attempts to buy a beverage for another patron who no longer wants a beverage.

### **When to Refuse Service**

- If a patron's ID is invalid
- If the patron becomes belligerent
- If a patron is obviously intoxicated either by alcohol, medication, or recreational or illegal drugs
- If a patron requests service outside the hours of operation
- If a server has any doubts about any of the preceding factors

### **Techniques for Refusing Service to a Patron**

- Be courteous but firm in telling patrons they can no longer be served.
- Be quiet and discrete.
- Be assertive in the decision to stop alcoholic beverage service
- Focus on statements about the alcohol server's duty and liability not to serve
- Do not bargain with the patron.
- The server should inform managers and co-workers of the decision, identity of the person, and reasons the person should no longer be served alcohol.
- Inform other members of the patron's group, if any.
- Offer a glass of water, non-alcoholic beverage, or food item.

### **Identifying Persons Under the Influence of Medication, Recreational, or Illegal Drugs**

- **Depressants**
  - Depressants affect the central nervous system by slowing down messages between the brain and the body. They include tranquilizers and sedatives and are prescribed therapeutically to induce sleep, relieve anxiety and muscle spasms, and prevent seizures. They can be fatal when used in high doses or combined with other drugs or alcohol.
  - Some common depressants include barbiturates, benzodiazepines (like Valium, Xanax), illegal drugs (like GHB), and alcohol.
  - Signs of a patron under the influence of a depressant:
    - Slurred speech
    - Poor concentration
    - Confusion
    - Loss of motor coordination
    - Slowed reaction time
    - Impaired judgment
    - Complaints of headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, slowed breathing.
- **Stimulants**
  - Stimulants speed up the body's systems, and are often prescribed to treat obesity and attention-deficit hyperactivity disorder.
  - Some common prescription stimulants include amphetamines (like Adderall, Ritalin), or illicit drugs (including meth, speed, crystal, crank, and cocaine). Caffeine and nicotine also have stimulant effects on the body.



- Signs of a patron under the influence of a stimulant include:
  - Restlessness, irritability, agitation
  - Anxiety, paranoia
  - Increased respiration and body temperature
  - Loss of appetite
  - Mental and physical exhaustion following a crash
- **Hallucinogens**
  - Hallucinogens (also referred to as psychedelics) are a broad class of drugs that induce visual and auditory hallucinations, profound distortions in a person's perceptions of reality, and changes in mood.
  - Examples of some common types of hallucinogenic drugs include PCP, LSD, Ecstasy, Psilocybin mushrooms, and dextromethorphan (found in cough medicine).
  - Signs of a patron under the influence of a hallucinogenic include:
    - Rapid behavior fluctuations or mood swings ranging from agitation and combativeness to drowsiness, sedated, or relaxed.
    - Violent or self-destructive behavior.
    - Psychosis (which is a disconnection from reality) and altered perceptions of reality.
    - Confusion, disorientation, or poor memory.
    - Heightened sensations.
    - Trembling and tremors.
    - Mixed nystagmus or repetitive, uncontrolled movements of the eyes.
    - Numbness to touch, pain or injury, making the user vulnerable to potential injuries, some life threatening.
    - Flushing, sweating, and dizziness.
- **Cannabis**
  - Cannabis is also a drug, classified as a Schedule I controlled substance by the federal government because it is considered to have no currently accepted medical use and a high potential for abuse.
  - However, California has passed laws that allow the medical and recreational use of marijuana.
  - Cannabis contains mind-altering compounds, including THC, which stimulate the part of the brain that responds to pleasure and releases a chemical called dopamine, which produces an euphoric, relaxed feeling.
  - Examples of cannabis include marijuana, hashish, hash oil and concentrates and is often referred to as weed, pot, dope, or grass.
  - Cannabis users can smoke it, vape it, drink it, or eat it. It can be addictive and harmful to some users' health.
  - Signs of a patron under the influence of cannabis or cannabis products:
    - Red eyes
    - Poor muscle coordination
    - Delayed reaction times
    - Increased appetite
    - A sudden shift in mood from tense to relaxed
    - Abrupt symptoms of anxiety, panic, or hallucinations
    - A distinct smell, described as skunk-like, on a person's clothing or hair



## UNIT 6: MANAGEMENT POLICIES

### Management Policies that Support the Prevention of Service or Sale of Alcoholic Beverages to Underage or Intoxicated Persons

- **Licensee's Duty to Create Policies**
  - Licensees have a duty to create policies that guide employees in the service of alcoholic beverages for consumption on the licensed premises according to legal standards.
  - Helps prevent violations and the resulting actions that may follow.
  
- **Benefits of Having Policies in Place**
  - Ensure uniformity of responsible business practices.
  - Ensure a comfortable and safe environment for customers and employees by demonstrating that you care about their safety and well-being.
  - Reduce the risk of criminal charges being filed against the licensee, its agents, and its employees, administrative action against the ABC license, and civil lawsuits.
  - Increase profitability which is necessary for business sustainability.
  - Without policies, employees may not know what the expectations are, causing them to develop their own idea of what the rules are or should be and how they should be applied.
  - Policies should be documented in the form of written policies for the service of alcoholic beverages for consumption by the public.
  - Effective written policies, good communication among team members, and a supportive environment for employees to carry out these policies will go far in making the business a success.
  
- **Guidelines for the Effective Development of Policies**
  - When developing company policies, include strategies to:
    - Prevent sales to minors and overly intoxicated persons
    - Comply with state and local laws
    - Instruct and reinforce their implementation by management and employees.
  - Get input and ideas from managers and employees, including bartenders, servers, and security staff; they will be more supportive of the policies when they've helped to create them.
  - Company policies may not conflict with existing laws, but they can be more restrictive provided they are not discriminatory.
  
- **Guidelines for the Effective Use of Policies**
  - Written policies should be clear and specific.
  - As you write them, have others read them over to ensure they are not ambiguous, that they mean what you intended, and that they are easy to understand.
  - Make them relevant and accurate especially if there are frequent incidents of violence or illegal activity requiring peace officer assistance.
  - Should be taught and enforced with each employee.
  - Provide all employees with a copy of the policies.
  - Reinforce them through regular training and meetings.
  - Between trainings, hold regular staff meetings to discuss the rules, recent problem situations, and ways to prevent future problems.
  
- **Critical RBS Policy Elements**
  - When developing policies, it is critical that they incorporate important responsible beverage service elements on how and under what circumstances your establishment will:
    - Stop alcoholic beverage service to a patron.
    - Encourage intoxicated patrons travel home safely.
    - Handle patrons who arrive already intoxicated.



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- Handle potentially violent situations.
  - Handle illegal activities.
  - Deal with underage patrons.
  - How and when to check a patron's identification.
  - Handle emergency situations.
  - Implement an incident log.
  - Prohibit employees from consuming alcohol while working.
  - Prohibit promotions that encourage intemperate consumption of alcoholic beverages or unlawful discrimination, such as two-for-one specials; ladies' nights; and All-you-can-drink or 'bottomless' alcoholic drink specials.
- **Use of an Incident Log**
    - To record emergency events and encourage employee communication.
    - To document all details about an event, including date, time, what happened, who was involved, and who witnessed the event.
    - Fill out immediately after an incident, not at the end of the shift or the next day.
    - May protect a licensee, employee, and the business if a lawsuit is ever filed.
    - Complete whenever any of the following situations occur:
      - When alcoholic beverage service was stopped for a patron
      - When alternate transportation has been arranged for a patron
      - Any seizure of an identification
      - A patron becoming ill due to over consumption of alcohol
      - Any injury, medical treatment, or hospitalization of a person on the ABC licensed premises
      - Any illegal or violent incidents occurring on the ABC-licensed premises
      - Any calls for law enforcement assistance or other contact with peace officers
- **Interacting with Law Enforcement**
    - Frequent calls for law enforcement assistance at an ABC-licensed premises can be grounds for an administrative action to suspend or revoke the license.
    - Policy changes that may need to be considered to avoid frequent need for law enforcement assistance could include:
      - Hiring more employees
      - Closing earlier
      - Hiring security guards
      - Changing type of music
      - Increasing lighting
- **Preventing Discrimination**
    - Discrimination in a licensed on-sale business is prohibited by law.
    - California Civil Code Section 51(b) provides that all people in the state of California are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind, regardless of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.
    - These are protected characteristics.
    - Section 125.6 of the Business and Professions Code prohibits any business establishment of any kind (which includes an ABC-licensed premises) from discriminating or refusing to perform the licensed activity because of these protected characteristics.
    - California Civil Code Section 51.6 prohibits a business establishment of any kind (which includes an ABC licensed premises) from discriminating, with respect to the price charged for services of similar or like kind, against a person because of the person's gender. This section prohibits discrimination in the promotion of drink specials, such as "ladies' night" promotions offered only to females.



- **Hiring Practices for Alcohol Servers**

- Management policies should address hiring practices:
  - Example: An employee must be 21 years or older to pour and serve an alcoholic beverage.
  - Example: If incidental to food service, an employee who is at least 18 years old may serve and pour an alcoholic beverage.
- An ABC on-premises licensee must independently confirm that every employed or contracted alcohol server is certified under Business and Professions Code §25682(b)(1). This can be done by accessing ABC's online certification system.
- An ABC on-premises licensee's employment and payroll records shall be kept for four years and made available for inspection by ABC agents upon request.

- **Good Hospitality Policies**

- Effective hospitality policies that will help promote responsible beverage service. For example:
  - Offer or serve a glass of water with the service of alcohol.
  - Serve one beverage per patron at a time.
  - Slow beverage service if needed.
  - Do not serve an alcoholic beverage to anyone who does not want one.
  - Offer alternative non-alcoholic beverages.
  - Offer food promotions.
  - Offer promotions for designated drivers.
  - Advise managers and coworkers when ceasing service to a patron.
  - Encourage all patrons to have a safe ride to their next destination.

- **Monitoring Patrons' Alcoholic-Beverage Intake**

- Use measuring devices to ensure standard drink sizes or alcoholic drink equivalents are used for all types of alcoholic beverages (see page 8 for drink sizes).
- The size of an alcoholic drink equivalent is dependent upon the alcoholic beverage's alcohol by volume.
- Mixed beverages may have multiple servings within one drink.
- Using correct pours ensures profitability of the business and helps the alcohol server calculate how much a patron has consumed to comply with other policies against serving obviously intoxicated patrons.

- **The Economics of Quality Hospitality Service**

- Effective policies make good economic sense.
- Consider practices you can incorporate into the daily business to improve your hospitality service. For example:
  - Have multiple interactions with patrons to evaluate their moods and needs.
  - Listen to patron compliments, complaints, and suggestions for improvement of service.
  - Share feedback with management.
  - Recognize that better service and patron engagement will help the establishment be more popular and more productive.



## UNIT 7: APPENDIX

### Resources

- California Responsible Beverage Service (RBS) Training Guide – You may use this guide to prepare for the state RBS exam, while taking the state RBS exam, and at work.
- Certificate of Completion – A full-size certificate of course completion is available for download in the “Downloads” section of your dashboard or the “Materials” tab within the course.

### Taking the State Exam

- Take the State RBS Exam - Return to the ABC website to take the state exam using the link ABC provides you after completion of this course.
- Test-Taking Strategies - Review these test-taking strategies to help you pass the state exam.
  - Relax.
    - The exam consists of 50 questions; you’ll need to answer 70%, or 35 questions, correctly.
    - You will also be given three (3) attempts to take the exam.
    - Don’t spent too much time on one difficult or ambiguous question.
    - If you don’t recall learning the material in the question, it is better to give it your best guess than to not answer the question at all.
    - There will be many questions you’ll answer correctly; don’t struggle over an occasional one you may miss.
  - Be prepared.
    - Have this guide and any other notes you’ve made available to review as you take the exam; this is an open-book exam.
    - You are allowed to refer to these notes to help you.
  - Read each question and answer thoroughly before you select your answer.
  - Eliminate those answers you know are incorrect.
  - Look for certain words that can affect what the question is asking and the answers you select.
    - Look for verbs in the sentence that can have specific meanings, such as “can” (meaning able to), “will” (meaning inevitable), “may” (meaning a possibility), “should” (meaning a duty or obligation, what is probable), “must” (meaning a necessity or requirement), or “shall” (meaning a command or something expected).
    - Look for adjectives (words that describe a noun) or adverbs (words that describe a verb) like “only” (meaning just one), “generally” or “usually” (meaning in most cases or under normal conditions), “rarely” (meaning seldom or not often), “unlikely” (meaning not likely or improbable), “the best” (meaning most desirable), “the most” (meaning greatest in amount, quantity, or degree) and “the least” (meaning to the smallest extent or degree).
    - Pay attention to words containing negatives, like “not” that tells you what isn’t the case.
    - Look for conjunctions, like “but” (meaning an exception or contrast) or “and” (meaning more than one).
    - Pay attention to added choices, like “All of the above.” or “None of the above.” If two answers are correct, the answer must be an option that gives you the choice of those two (or more), such as “All of the above” or “Both (a) and (b).”
  - When finished, take an extra minute to review your answers to look for careless mistakes.

*Good luck on the exam and in your work!*



**Certified  
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Jerry R. Jolly & Associates

## California Responsible Beverage Service Responsible Beverage Service (RBS) Training Guide

### TRAINING DISCLAIMER:

This guide is intended to provide accurate and authoritative information to assist members of the hospitality industry in gaining an understanding of generally accepted best practices in the responsible service of alcoholic beverages. The goal of this information is to aid members in improving the services they offer, reduce potential liability, and mitigate alcohol-related harm to communities. It is also designed to help members prepare for the California Department of Alcoholic Beverage Control-administered responsible beverage service certification exam.

Every effort has been made to assure that the information presented in this guide is accurate and consistent with generally accepted practices. While we strive to keep the information updated, Jerry R. Jolly and Associates, doing business as Certified Alcohol Training, cannot accept responsibility for errors or omissions, or for the consequences of application of the information provided. No warranty, express or implied, is made regarding the contents of this guide. Regulators may modify rules and interpretations, and industry practices are continually being amended based on changing circumstances. As a result, we encourage members to visit regulator and industry websites for further information.

In addition, the information herein is not an exhaustive statement of legal obligations, which are defined by statute, regulations, and standards. To the extent this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not create additional legal obligations. Jerry R. Jolly and Associates, doing business as Certified Alcohol Training, is not engaged in rendering legal service. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

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