

ABC Online Education

Student Handbook

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* Please note this handbook only covers the bare essentials and is not intended as a substitute for the full course.

Oregon's Basic Liquor Laws

The most common liquor licenses are:

- **Full On-Premises Sales:** May sell beer, wine, cider, and distilled spirits by the drink. Food must be available.
- **Limited On-Premises Sales:** May sell beer, wine, and cider by the drink.
- **Brewery-Public House:** May sell beer, wine, and cider by the drink and for off-premises consumption. May manufacture malt beverages.
- **Winery:** May manufacture and wholesale wine and cider. May sell beer, wine, and cider by the drink and for off-premises consumption.
- **Off-Premises Sales:** May sell beer, wine, and cider for off-premises consumption only.
- The only type of alcohol that may be on a licensed premises is the kind permitted by the license.
- **Businesses with Full On-Premises or Limited On-Premises** licenses may allow a customer to take home an unfinished bottle of wine as long as the customer is not showing signs of visible intoxication and the wine was served in conjunction with a meal.
- **Hours of Alcohol Service** Alcohol may be sold, served, or consumed on a licensed premises from 7:00 am - 2:30 am

Minors

It is illegal to serve, sell, or give alcohol to any person under 21, and it is illegal to allow any person under 21 into areas prohibited to minors.

Oregon law requires you to check the ID of every customer who looks younger than 26 before serving or selling them alcohol and before allowing them into prohibited areas.

This is a critically important part of a server's job. The law says you must check the ID of anyone who looks younger than 26, but your house policy may set a higher age.

Appearance and mannerisms provide clues about the customer's age. Ask yourself:

- **How old does the customer look?**
Look at facial features, facial hair, hair style, makeup, etc.
- **How is the customer dressed?**
Are they wearing clothes or apparel that hides their appearance, such as a hat, sun glasses?
- **How does the customer behave?**
Do they appear ill at ease, unsure, or afraid of eye contact? Do they stay together in a group, giggling, Looking nervous?

Acceptable ID

There are 5 stand-alone types of acceptable identification in Oregon. These are known as stand-alone ID because each alone is sufficient proof of age. Valid means the ID is readable, unaltered, and unexpired. Expired ID is not acceptable as legal proof of identity or age.

1. A valid state DRIVER LICENSE with a photo.
2. A valid DMV ID card with photo, name, date of birth, and physical description from any state.
3. A valid PASSPORT.
4. A valid U.S. MILITARY ID card.

Alternative ID

This is not a type of stand-alone ID.

Alternative ID is a more involved process which requires the customer to produce 2 pieces of ID – an official ID and a back-up ID – and requires you to complete an OLCC Statement of Age card. **Businesses are not required to accept Alternative ID.**

The law says businesses may accept all of these forms of ID, but they are not required to do so. Know your house policy on acceptable ID and suggest that it be posted for customers to see.

Checking ID

You are responsible for checking the ID of your own customers, even if a co-worker or door checker has already checked it. Pick a method for checking ID and use it consistently.

Having a system will make checking ID easier and faster.

- Always have the customer remove the ID from their wallet.
- Check the expiration date first. Expired ID is not valid ID.
- Look carefully at the most commonly altered areas: the expiration date, the birth date, the "Minor Until" date, and the photo.
- Have a flashlight handy and hold it behind the ID to look for cuts, punch outs, or pin holes.
- Check the lamination on the new Oregon IDs: it does not completely cover the front of the card. It stops about 1/16 inch from the edge on all 4 sides. If the lamination reaches all the way to the edge, you are probably looking at altered ID.
- Turn the ID 90 degrees to look for numbers and letters that are out of line.
- Ask for a second piece of ID if you have doubts about the first. People with false ID rarely carry back-up ID.

U-CARD Memory Aid

U – Unaltered: Feel for cuts, bumps, uneven lamination
C – Current: Check expiration date: expired ID is not valid
A – Age: Birth date must show the person as 21 or older
R – Readable: You must be able to read and understand the ID
D – Description: Compare photo with the person: height, weight, facial structure, etc.

T-L-A Memory Aid

T – Touch: Touch for alterations: bumps, cracks, slits
L – Look: Really look, don't just glance, at ID
A – Ask: Ask questions: What's your zip code? How do you spell your middle name? What year did you graduate high school?

If you have any doubts about the ID, DON'T ACCEPT IT!

You do not have a legal duty to confiscate false ID, and the OLCC does not recommend it. If your house policy says you should confiscate false ID, turn it over to the police, DMV, or OLCC. Record the incident in your incident log.

Minors may be in prohibited areas in these instances:

- A minor customer may be in the company of a spouse at least 21 years old. The minor may not buy, have, or drink alcohol. Most house policies choose to prohibit this. Minor customers may order and eat meals in an area which permits minors during specific posted hours.
- Minor entertainers may perform in prohibited areas. When not performing, they must stay in a break or dressing room, in an area where minor customers are allowed, or in a designated area approved by the OLCC where there is no alcohol.
- Minor contractors or vendors who have a legitimate business purpose may be in a prohibited area long enough to perform their business duties.
- Minor employees who do not have service permits may enter prohibited areas only long enough to restock supplies and do food service related activities (such as set and clear tables).
- MINOR EMPLOYEES **WHO DO HAVE SERVICE PERMITS** may enter a prohibited area (such as a bar or lounge) only if the business also has an area that permits minor customers (such as a dining room) and only during hours that minor customers are permitted in the business. Minor employees may be in a prohibited area to: order and pick up drinks for service in non-prohibited areas; restock supplies; set and clear tables; deliver food, but not take food orders in prohibited areas.

Visible Intoxication

As an alcohol server, you can be held responsible, or “liable,” for damages caused by an intoxicated driver or a minor if you serve alcohol to the intoxicated person or minor.

Liability lawsuits involve three parties:

1st party – The server and/or licensee

2nd party – The intoxicated person or minor

3rd party – The victim

You can protect yourself by not serving visibly intoxicated persons and not serving minors.

The intent of third party liability is to make servers responsible for their actions.

If servers obey the laws, they are NOT liable. Liability applies only when servers violate the law.

Visible intoxication is intoxication you can see. If you can tell on sight that a person has been drinking or using other drugs, the person is visibly intoxicated. In Oregon, visible intoxication is the standard servers must use to determine if someone has had too much to drink.

VIP = Visibly Intoxicated Person It is illegal to serve alcohol to a VIP or to allow a VIP to continue to consume alcohol.

The 50 Likely Signs of Visible Intoxication are guidelines used in Oregon to determine if someone is intoxicated. If a person shows just one or two of these signs, that may not mean the person is intoxicated. See the below the **50 Likely Signs of Visible Intoxication** (OLCC Chart)



50 SIGNS OF VISIBLE INTOXICATION

Serving alcohol to a visibly intoxicated person (VIP) is against the law. If you can tell on sight that a person has been drinking or using other drugs, the person is visibly intoxicated. Servers are not expected to know a customer's blood alcohol content (BAC) as determined by a blood, breath, or urine test, but they are required to recognize visible intoxication.

Here are some common signs of visible intoxication. If a person shows just one or two of these signs, that does not necessarily mean the person is intoxicated. But if a person shows a combination of several signs, or has a sudden change in behavior, that could be a strong indication that the person is intoxicated. Remember that intoxication can result from the use of drugs other than alcohol. ***If you're not sure, don't serve.***

Appearance

1. Bloodshot, glassy eyes
2. Flushed face
3. Droopy eyelids
4. Dazed look
5. Body tremors
6. Blank stare
7. Disheveled clothing

Speech

8. Thick, slurred speech
9. Loud, noisy speech
10. Speaking loudly, then quietly
11. Rambling train of thought
12. Slow response to questions or comments
13. Bravado, boasting
14. Making irrational statements

Attitude

15. Annoying other guests and employees
16. Argumentative
17. Aggressive or belligerent
18. Obnoxious or mean
19. Inappropriate sexual advances
20. Overly friendly to other guests or employees
21. Boisterous

Behavior

22. Swaying, staggering, or stumbling
23. Unable to sit straight

Behavior (cont.)

24. Careless with money
25. Difficulty making change
26. Restless
27. Depressed or sullen
28. Crying or moody
29. Extreme or sudden change in behavior
30. Overly animated or entertaining
31. Crude, inappropriate speech or gestures
32. Drowsiness
33. Lack of focus and eye contact
34. Difficulty standing up
35. Unusual walk
36. Falling off of chair
37. Falling asleep
38. Can't find mouth with glass
39. Falling down
40. Difficulty lighting cigarettes
41. Lighting more than one cigarette
42. Clumsy
43. Difficulty remembering
44. Spilling drinks
45. Disoriented
46. Agitated, anxious
47. Grinding teeth

Other

48. Odor of alcohol, marijuana or chemicals
49. Excessive perspiration
50. Repeated trips to rest room or outside area

Oregon Liquor Control Commission

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www.oregon.gov/olcc

Promoting Responsible Alcohol Sales and Service

Visible Intoxication & Non-alcohol Drugs

You must not serve alcohol to anyone showing signs of visible intoxication, no matter what drug the person used to become intoxicated. It is against the law to allow the use of illegal drugs in a licensed business.

It is illegal for you to knowingly allow a person to continue to drink alcohol after you have observed that the person is visibly intoxicated.

Good Faith Effort Law

The law says you must make a "good faith effort" to remove a drink from a customer who has become visibly intoxicated.

"Good faith effort" means: placing your hand on the drink and trying to remove it or making a verbal request for the drink if you think touching the drink may cause a disturbance.

You are not required to first give a verbal warning to the VIP when removing the alcohol. It is legal to allow an intoxicated person to remain on the premises, but they must not consume alcohol or have an alcoholic drink in front of them.

The BAC Chart & DUIs

DUI = Driving Under the Influence of Intoxicants

A person can be convicted of a DUI if:

- o Their BAC is .08% or higher
- o Their BAC is lower than .08% but they fail a field sobriety test

BAC is determined by chemical analysis of blood, breath, or urine.

BAC is the legal standard police and the courts use to determine levels of intoxication.

Any person driving on Oregon's roads is deemed to have given their consent to take a breath, blood, or urine test when the police have reasonable grounds to believe the driver is intoxicated. The person's license may be suspended if they refuse.

BAC Chart Approximate Blood Alcohol Content Percentages

| Drinks in an Hour | Body Weight in Pounds | | | | | | | | |
|-------------------------|-----------------------|-----|-----|-----|-----|-----|-----|-----|---------------------|
| | 100 | 120 | 140 | 160 | 180 | 200 | 220 | 240 | |
| 1 | .04 | .03 | .03 | .03 | .02 | .02 | .02 | .02 | Caution |
| 2 | .08 | .06 | .05 | .05 | .04 | .04 | .03 | .03 | |
| 3 | .11 | .09 | .08 | .07 | .06 | .06 | .05 | .05 | Driving impaired |
| 4 | .15 | .12 | .11 | .09 | .08 | .08 | .07 | .06 | |
| 5 | .19 | .16 | .13 | .12 | .11 | .09 | .09 | .08 | Legally intoxicated |
| 6 | .23 | .19 | .16 | .14 | .13 | .11 | .10 | .09 | |
| 7 | .26 | .22 | .19 | .16 | .15 | .13 | .12 | .11 | |
| 8 | .30 | .25 | .21 | .19 | .17 | .15 | .14 | .13 | |
| 9 | .34 | .28 | .24 | .21 | .19 | .17 | .15 | .14 | |
| 10 | .38 | .31 | .27 | .23 | .21 | .19 | .17 | .16 | |
| 11 | | .40 | .34 | .30 | .27 | .24 | .22 | .20 | |
| 12 | | | .38 | .33 | .29 | .26 | .24 | .22 | |
| 13 | | | .40 | .36 | .32 | .29 | .26 | .24 | |
| 14 | | | | .38 | .34 | .31 | .28 | .26 | |
| 15 | | | | | .37 | .33 | .30 | .28 | |

1½ oz. distilled spirits = 12 oz. beer = 5 oz. Wine
Or A drink is a drink is a drink.

A drink is defined as 1½ ounces of 80-proof liquor or 12 ounces of 5% beer or 5 ounces of 12% wine. Remember that each person's response to alcohol will vary, based on individual tolerance to alcohol, food intake, fatigue, and other factors. A person's driving can be impaired after only one drink. Visible intoxication is the standard for servers; BAC is the standard for police and the courts. As a server, you're not expected to know a customer's BAC, but you are required to recognize visible intoxication.

This chart is only a guideline to estimate BAC. It is based on the official BAC standard of the National Safety Council. The BAC levels indicated are based on the average response to alcohol. Individual BAC levels will vary.