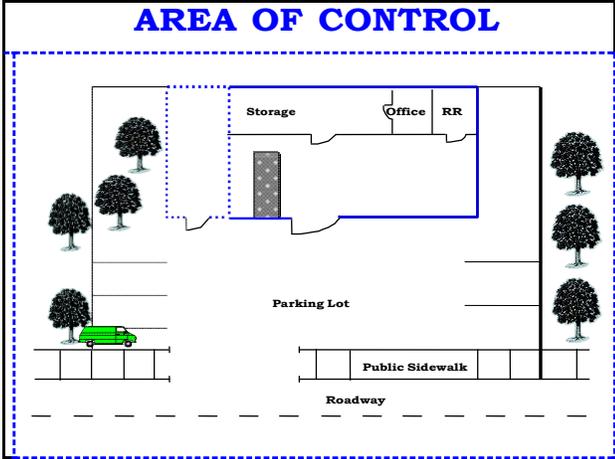


LOCAL ORDINANCES REQUIREMENTS

- Know specific local ordinances that apply to seller and servers of alcohol in your area.
- Know what conditions may be on the license where you work due to a CUP (Conditional Use Permit) requirement or conditions placed on the license by the ABC.
- What are some that apply in your city?



TYPES OF LIABILITY

Incident

<p>--- Criminal</p> <p>Fine (\$)</p> <p>Community Service</p> <p>Jail</p>	<p>--- Administrative</p> <p>Fine (\$)</p> <p>Suspension</p> <p>Revocation</p> <p><i>Three Strikes</i></p>	<p>--- Civil</p> <p>Money Judgment</p>
--	---	---

INSURANCE

- Having insurance does not prevent liability.
- Licensed premises are only insured to a certain level of coverage.
- Beyond that, the licensee is responsible for paying the claim.
- Gross negligence may = punitive damages
- Insurers will not pay punitive damages.

REDUCING RISKS OF LIABILITY

- Discourage intoxication; promote food and non-alcoholic drinks
- Promote safe rides
- No drinking on duty
- Responsible promotions
- Training for staff
- Adequate staffing
- Written policies
- Hire qualified employees
- Support employee's decisions

SALE TO A MINOR

“Every person who sells, furnishes, gives, or causes to be sold, furnished or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.”

PURCHASE / CONSUMPTION BY MINORS

“Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.”

**MINOR IN POSSESSION
OF ALCOHOL**

- Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any place open to the public is guilty of a misdemeanor.....

MINOR IN A PUBLIC PREMISES

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

AGE OF SELLERS / SERVERS

- On-sale Restaurant serving food 18-21 years
 - On-sale Bar, 21 years
 - Off-sale, 18 years
- under 18 years if under continuous supervision of a person 21 years of age or older
- Gasoline Station after 10 pm, seller must be 21 years old

USE-LOSE LAW

A person age 13-20 who is convicted of any alcoholic- or drug-related crime will have his or her driving privileges suspended for one year. If the person does not yet drive, there is a one year delay in getting a license.

BONA FIDE I.D.

- Issued by a governmental agency
- Name
- Date of birth
- Description
- Photograph
- Currently valid (*not expired*)

Examples of acceptable I.D.:

- Driver's license
- U. S. Government I.D. card (federal, state, city or county)
- Foreign Passport with Photograph

MILITARY I.D. AND PASSPORTS

- Effective January 2010, the Bona Fide I.D. section was amended to read that Military Identification and Passports are acceptable without Physical Description on the document

RIGHT TO REFUSE SERVICE

You have the legal right to refuse service to anyone who cannot produce adequate written evidence of age.
(Business and Professions Code 25659)

F-L-A-G SYSTEM FOR CHECKING I.D.

Ask for I.D. if they look under 30, then:

Feel

Look

Ask

Give Back/Police



IDENTIFYING MINORS

- Physical appearance
- Behavior
- College Students
- Drink orders
- Where they sit
- Companions
- I.D. excuses

SALE TO OBVIOUSLY INTOXICATED PERSON

“Every person who sells, furnishes, gives, or causes to be sold, furnished or given away, any alcoholic beverage to any **OBVIOUSLY** intoxicated person is guilty of a misdemeanor.”

FACTORS AFFECTING INTOXICATION

- Gender
- Mood
- Food
- Amount of alcohol consumed
- Speed of consumption
- Tolerance
- Physical Condition
- Medication
- Carbonation

SIGNS OF INTOXICATION

- Inhibitions
- Judgment
- Reactions
- Coordination
- Physical Appearance

DRIVING UNDER THE INFLUENCE (DUI)

It is a crime for any person with a blood alcohol concentration of .08% or higher to operate a motor vehicle on a public roadway. It is ZERO TOLERANCE if the driver is under age 21.

"Your Lifestyle Is Your Business; If You Take It on the Road It Becomes Everyone's Business"



DRINK CHART GUIDE

YOUR WEIGHT	NUMBER OF DRINKS (over a two hour period) 1 1/4 ozs. .80 proof liquor, 12 oz. can of beer or 4 ozs. of wine							
	1	2	3	4	5	6	7	8
90 to 109	1	2	3	4	5	6	7	8
110 to 129	1	2	3	4	5	6	7	8
130 to 149	1	2	3	4	5	6	7	8
150 to 169	1	2	3	4	5	6	7	8
170 to 189	1	2	3	4	5	6	7	8
190 to 209	1	2	3	4	5	6	7	8
210 to 229	1	2	3	4	5	6	7	8
230 & up	1	2	3	4	5	6	7	8

- (.01%-.04%) May be DUI
- (.05%-.07%) Likely DUI
- (.08%-UP) Definitely DUI

EFFECTS OF INCREASED BAC LEVELS ON A TYPICAL PERSON BLOOD ALCOHOL CONCENTRATION EFFECTS

- .02 - Reached after approximately one drink; light or moderate drinkers feel some effect; e.g., warmth and relaxation.
- .04 - Most people feel relaxed, talkative, and happy. Skin may flush.
- .05 - First sizeable changes begin to occur. Lightheadedness, giddiness, lowered inhibitions, and less control of thoughts may be experienced. Both restraint and judgment are lowered; coordination may be slightly altered.

**EFFECTS OF INCREASED BAC LEVELS
ON A TYPICAL PERSON
BLOOD ALCOHOL CONCENTRATION EFFECTS**

- .06 - Judgment somewhat impaired; normal ability to make a rational decision about personal capabilities is affected; e.g., concerning driving ability.
- .08 - Definite impairment of muscle coordination and a slower reaction time; driving ability suspect. Sensory feelings of numbness of the cheeks and lips. Hands, arms and legs may tingle and then feel numb. Effective 1-1-90, it is illegal in California to drive with this or greater BAC.

**EFFECTS OF INCREASED BAC LEVELS
ON A TYPICAL PERSON
BLOOD ALCOHOL CONCENTRATION EFFECTS**

- .10 - Clumsy; speech may become fuzzy. Clear deterioration of reaction time and muscle control.
- .15 - Definite impairment of balance and movement. The equivalent of a half-pint of whiskey is in the bloodstream.
- .20 - Motor and emotional control centers measurably affected; slurred speech, staggering, loss of balance, and double vision can all be present.

**EFFECTS OF INCREASED BAC LEVELS
ON A TYPICAL PERSON
BLOOD ALCOHOL CONCENTRATION EFFECTS**

- .30 - Lack of understanding of what is seen or heard; individual is confused or in a stupor. Consciousness may be lost at this level; i.e., individual "passes out."
- .40 - Usually unconscious; skin clammy.
- .45 - Respiration slows and can stop altogether.
- .50 - Death can result.

OBJECTIONABLE CONDITIONS

- Disturbing the peace
- Loitering
- Drinking in public
- Urinating in public
- Public drunkenness
- Lewd conduct
- Harassment of others
- Drug deals
- Gambling
- Loud noise
- Prostitution



REFUSING SERVICE

- Advise management
- Be courteous, but firm
 - don't embarrass
- Focus on yourself
 - use "I" statements
- Don't bargain or back down
- Arrange for a safe ride
- Document the incident



PUBLIC INTOXICATION

- In a public place
- Under the influence of alcohol and/or drugs
- Unable to exercise care for own safety or the safety of others



THE LAW AND ILLICIT DRUGS

Any licensee who *knowingly* permits illegal sales or negotiations of narcotics or dangerous drugs shall face revocation of his or her ABC license.

SIGNS OF DRUG ACTIVITY

- Drug paraphernalia is present
- People hang around without buying a drink
- People ask for a certain employee often
- Excessive restroom traffic
- People enter and exit the place often
- Hand-to-hand exchanges
- Loitering in the parking lot

DRUG PARAPHERNALIA

Any equipment, product or materials intended for packaging, storing, preparing, ingesting, inhaling or injecting illegal drugs.

A Crime If . . .

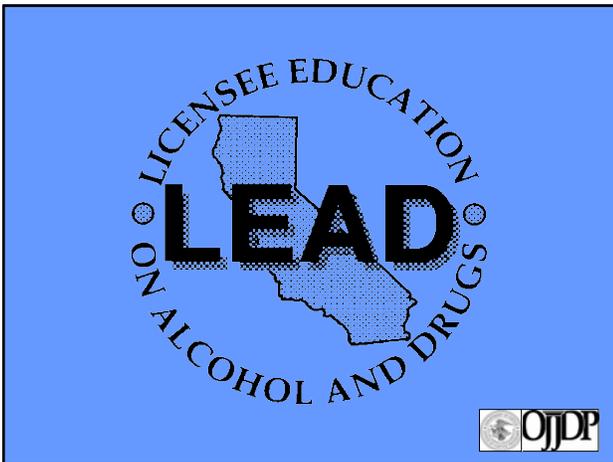
You sell it and you *know or should have known* the customer wants to use it for any purpose involving an illegal drug.

DRUG-IMPAIRED CUSTOMERS

Behavior Loud, talkative, quiet, or confused

Speech Fast, slow, or slurred

Appearance Reddish or pale face, wide-eyed, red eyes, or droopy eyelids



Thank you for your participation.

For further information on the L.E.A.D. Program, please visit www.abc.ca.gov or contact LEADinfo@abc.ca.gov.