



# Trainee Guide

FOR PROFESSIONAL ALCOHOL  
SELLERS AND SERVERS

**State of California**  
Department of Alcoholic Beverage Control  
[www.abc.ca.gov](http://www.abc.ca.gov)

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## COMMUNITY RELATIONS

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### ROLE OF THE LICENSED ESTABLISHMENT

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As an alcohol *server/seller*, you provide your community and your customers with a very important service. By serving responsibly and refusing service when needed, you can prevent the injuries and death linked to impaired driving and underage drinking. As an *owner* of a business, you can set the tone and create the environment for responsible drinking.

There are more than 80,000 licensed outlets in California. About 75,000 are on-sale and off-sale retail outlets. These businesses provide many important services for their communities.

#### ***Nature of Neighborhood Concerns***

People are interested in safe communities. Loitering, noise, drinking, drug sales and use and other crimes can be easily seen in and around some businesses. These activities adversely affect the quality of life in the area. Inside the store, sales to minors, obviously intoxicated persons and the sale of drug paraphernalia and harmful matter video tapes are perceived as adding to overall community distress.

It is critical that you understand how your business may be perceived by the surrounding community. This understanding can lead to bona fide changes in at least some of these high-risk business practices.

#### ***What is Community Action?***

A community group may be an informal gathering of neighborhood residents, a more organized neighborhood association, or a formal coalition that includes representatives from neighborhoods, schools, workplaces, government, religious, recreational, media, civic or other organizations.

Sometimes, business owners decide it is not important to work with the community. When this happens, community members may take action against the merchant to resolve the perceived outlet-related problems.

This action may include:

- Documenting illegal acts in and around licensed outlets
- Working with the media
- Working with other community-based groups
- Filing complaints with local law enforcement
- Filing complaints with ABC
- Picketing and boycotting
- Advocating laws, policies and practices to reduce alcohol availability and consumption
- Filing a civil lawsuit
- Working together with retailers on responsible hospitality issues



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## ***Ideas for Relationship Building***

If you expect to do business in a community and be successful, you must get to know the people and the organizations that live and work in your area. Join community groups and volunteer for community activities. Sponsor softball teams, little league and soccer teams. Attend city council meetings and read your local newspapers. The more you know, and are known by your community, the more likely you are to be a successful part of it.

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## **ROLE OF STATE AND LOCAL LAW ENFORCEMENT**

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The authority to regulate and control the supply of alcohol and drugs rests clearly in the arms of the law enforcement and regulatory agencies. Law enforcement agencies enforce laws regarding their manufacture, import, sale, possession and use. Alcohol-related laws are enforced by State and local law enforcement agencies. The Department of Alcoholic Beverage Control (ABC) licenses businesses to sell alcohol and shares responsibility with local law enforcement agencies to enforce the laws of the state.

### ***Department of Alcoholic Beverage Control***

ABC has two core functions, licensing and enforcement.

**Licensing.** ABC investigates applications for alcoholic beverage licenses of about 65 different types. The investigation focuses on an applicant's moral character, financial interests and the suitability of the proposed premises.

Conditions are special restrictions placed on a license. Conditions may limit the hours of alcohol sales, type of entertainment allowed or other aspects of the business. If a license is conditioned, it will say so on the license. *A copy of any conditions must be kept on your premises and produced at the request of any peace officer.*

**Enforcement.** The other function of ABC is enforcement. Investigators are sworn peace officers empowered to enforce laws relating to alcoholic beverages and are further authorized to enforce any penal provision of law any place in the state.

### ***Local Law Enforcement***

The law requires local law enforcement officers to enforce alcohol laws and other laws at licensed outlets. Also, officers must send to ABC all reports of arrests and calls for service at a licensed outlet. ABC then investigates to see if grounds exist to suspend or revoke a license.

ABC expects you to cooperate with the local law enforcement by calling them when you have a serious problem. However, too many calls for service are grounds for suspension or revocation of the license. Licensees who make constant calls for service, need to look closely at their business operation and make changes. Changes could include hiring more employees, closing sooner, hiring



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security guards, changing the type of music or increasing lighting. ABC's *Model House and Store Policies* brochure gives you ideas for responsible business practices. Upon your request, your local ABC District Office can also provide assistance.

### ***Peace Officer Authority***

Police officers, sheriff's deputies and ABC investigators are sworn law enforcement officers (peace officers) with powers of arrest. Whether in plainclothes or uniform, peace officers have the legal right to visit and inspect any licensed premises at any time during business hours. They do not need a search warrant or probable cause. This includes inspecting the bar and the back bar, store room, office, closed or locked cabinets, safes, kitchen or any other area within the licensed premises. It is legal and reasonable for you to exclude the public from some areas of the premises. However, you cannot and must not deny entry to, resist, delay, obstruct, or assault a peace officer. To do so is cause for arrest and grounds for license revocation.

When conducting an inspection, a peace officer will identify himself or herself with their badge and I.D. card. The officer will ask to see the ABC license and then proceed to conduct an inspection. Don't ask to hold an officer's badge or I.D. card. Department Investigators are readily identifiable by their credentials but you cannot hold it or touch it.

## **ABC PROGRAMS**

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### ***Minor Decoy Program***

The Minor Decoy Program is one way local law enforcement agencies handle complaints of sales to minors. An agency sends an underage person, acting as its agent, into a business to see if the business will sell alcohol. In 1994, the California Supreme Court ruled that decoy programs are constitutional and not entrapment. Decoy programs are legal, and many agencies use them on an ongoing basis.

In a decoy operation, the law enforcement agency uses a person, age 19 or younger. This person is immune from prosecution under the law. The minor decoy will try to buy alcohol at stores, bars, clubs, or other licensed outlets. If the clerk or server serves the decoy, the officer will issue that clerk or server a citation to appear in criminal court. The store owner will receive notification within 72 hours if a violation has occurred at the premises. The licensee may be subject to a suspension or revocation of the ABC license in addition to the seller's criminal proceedings.

ABC's Rule 141 lists decoy program requirements. If the law enforcement agency does not follow Rule 141, a licensee may have a defense, and ABC may not accept the case for filing against the licensee.



## RULE 141

- Decoy must be under 20 years old
- Decoy must appear under 21 years old
- Decoy must carry true I.D. or no I.D.
- If asked, decoy must present I.D. (if the decoy is carrying I.D.)
- Decoy must answer questions regarding age truthfully
- Face to face identification will be conducted between the decoy and seller/server

### ***Decoy Shoulder Tap Program***

In the *Decoy Shoulder Tap Program*, ABC or local law enforcement officers use an underage decoy to catch customers who buy alcohol for minors. The decoy, equipped with a body wire and monitored by a surveillance team, approaches adult patrons outside the stores. The decoy asks the adult to buy alcohol. If the adult furnishes the alcohol, he or she is arrested.

### ***Other Programs***

Many local law enforcement agencies run programs that target the underage customers who try to buy alcohol. In these programs law enforcement works with licensees to prevent violations.

The *Cops In Shops Program* uses plainclothes officers who pose as employees in licensed stores to catch minors who try to buy alcohol. The stores display posters and stickers with the slogan, *Under 21? Warning: Police Officers May be Posing as Store Employees.*

In the *Operation Trap Door Program*, ABC works closely with allied law enforcement agencies, bar owners and bouncers in identifying minors who are using fake I.D.'s when entering such establishments.

*Target Responsibility for Alcohol Connected Emergencies (TRACE)* is a protocol wherein first responders to alcohol-related emergencies immediately notify ABC when an incident involves a person under 21 and alcoholic beverages. ABC Investigators will conduct a simultaneous investigation to determine where the alcoholic beverages were acquired, purchased, or served. A timely notification to the TRACE Unit greatly improves the chance of a successful investigation. If the TRACE investigation determines that an ABC licensed location sold or furnished alcoholic beverages to a minor, the Department may file criminal charges as well as administrative action to suspend or revoke the license of that business.



## LAWS AND LIABILITY

### INTRODUCTION

As a person who works in a licensed business, there are a number of rights, responsibilities and liabilities that apply to you.

*Rights* are actions that you can choose to take in the responsible running of your business. Many of them are specified in the law (e.g., Business and Professions Code and Government Code). As an example, you have the right to refuse service if someone fails to show you adequate I.D.

*Responsibilities* are actions that you must take under specified circumstances. Again, many of them are spelled out in the law.

*Liability* occurs when you are held responsible for injury and damage that either occurs *to* your patrons or is caused *by* them. Some forms of liability are specified in the law--this is known as statutory liability. Other forms evolve through common law - a set of principles that guide the laying of responsibility in any specific case.

This training is designed to give you skills and knowledge to help you avoid breaking the law and reduce your risk of liability.

Licensees are strictly liable for all activities that occur at the licensed business and for the acts of their agents/employees.

### **Retail Operating Standards (License Types 20, 21, 40, 42, 48, 61)**

The following requirements apply to stores, bars and taverns only:

#### RETAIL OPERATING STANDARDS

- Signs – “no loitering” and “no open containers” if requested by law enforcement
- No drinking inside an off-sale (store), (except at type 86 licensed premises) or outside an on-sale (bar) premises
- Good lighting outside
- Remove litter daily; sweep weekly
- Graffiti removal – 3 days
- Keep 2/3 of windows and doors clear
- Pay phones – no incoming calls if requested by law enforcement
- “Adults only” area for videos
- Keep Standards on premises



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## **Objectionable Conditions (All License Types)**

Upon notice from a district attorney, city attorney, county counsel or ABC, licensees must take reasonable steps to correct objectionable, nuisance conditions on or about the licensed premises and on abutting public sidewalks up to 20 feet from the premises, within a reasonable period of time.

<b>OBJECTIONABLE CONDITIONS</b>	
➤ Disturbing the peace	➤ Drug activity
➤ Loitering	➤ Loud music
➤ Drinking or drunk in public	➤ Prostitution
➤ Urinating	➤ Lewd contact
➤ Harassing passersby	➤ Gambling

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## **TYPES OF LIABILITY**

Liability occurs when you are held responsible for injury and damage that either occurs *to* your patrons or is caused *by* them. This could include injury and damage from things such as slips and falls, fights or drunk driving collisions.

The liability of licensees and their employees falls into three areas of law: criminal, administrative and civil. One situation that could potentially result in all three types of liability is the sale of alcohol to a minor.

<b>TYPES OF LIABILITY</b>
➤ <b>Criminal (Court)</b> Fine, Community Service, Jail
➤ <b>Administrative (ABC)</b> Fine, Suspension, Revocation
➤ <b>Civil (Lawsuit)</b> Money Judgment

### **Criminal Liability (Court/Against the Server)**

- Individual seller/server held responsible for crime observed by law enforcement officer
- Penalty
  - ◆ Fine
  - ◆ Community Service
  - ◆ Jail
- Refer to ABC-608, Quick Summary of Common ABC Laws





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## **Administrative Liability (ABC/Against The Licensee)**

- Fines range from \$750 - \$20,000
- Suspension of license
- Revocation of license
- Licensee may accept penalty recommendation or request a hearing
- Penalties decided on a case-by-case basis
- Type of violation, facts of case and licensee's past record taken into account
- Administrative disciplinary action protects the public welfare and morals

## **Civil Liability (Lawsuit/Against Everyone)**

**Statutory Civil Liability.** Civil liability refers to the potential civil legal liability of licensees and their seller/servers for injuries caused by their intoxicated patrons. Section 25602.1 of the Business and Professions Code defines statutory civil liability in California. Under the statute, liability exists only when the patron was obviously intoxicated *and* under age 21 at the time of the sale or service.

**Common Law Duties of Care.** Under common law, a licensee has a duty to exercise reasonable care for the safety of his or her patrons. When a licensee is negligent in exercising reasonable care, an aggrieved party may file a common law action in court and civil damages may result. Therefore, if the service of alcohol is negligent, common law liability may result under common law duties of care, *regardless of the customer's age.*

*Reckless conduct* may also give rise to a lawsuit under common law. Reckless conduct goes beyond mere negligence. Reckless conduct is when a person has intentionally done an act of an unreasonable character; has disregarded a risk that he knew or should have known of; and it was highly probable that harm would follow. It usually is accompanied by a conscious indifference to the consequences.

If the service of alcohol can be characterized as reckless, the drinker - whether a minor or an adult - can recover for self-inflicted injuries. Or, at a minimum, not bar a wrongful death suit by his or her beneficiaries.

## **REDUCING RISK OF LIABILITY**

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### **RECOMMENDATIONS FOR REDUCING RISK OF LIABILITY**

- **Implement no drinking on duty policy**
- **Have responsible promotions**
- **Provide training for staff**
- **Maintain adequate staffing**
- **Have written-policies**
- **Hire qualified employees**
- **Support employees' decisions**
- **Promote food and non-alcoholic drinks**
- **Promote Safe Rides**



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## **PERTINENT LAWS RELATED TO MINORS**

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### ***Section 25658(a) Business and Professions Code (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.

### ***Section 25658(b) Business and Professions Code (Purchase/Consumption by Minors)***

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

### ***Section 25665 Business and Professions Code (No Person Under 21 Allowed)***

Any bar or tavern licensee who permits a minor to enter and remain without lawful business is guilty of a misdemeanor. The minor is also guilty of a misdemeanor.

### ***Section 13202.5(a) Vehicle Code (Use-Lose Law)***

For a person age 13-20 who is convicted of a drug or alcohol related crime; the courts shall suspend the person's driver license for one year or delay the issuance for one year after the person becomes legally eligible to drive.



## CHECKING IDENTIFICATION

### I.D. BASICS

Twenty-one is the legal drinking age. If you, the seller or server of alcohol, ask for and see bona fide I.D. before you serve a patron, you can defend yourself against a charge of selling alcohol to a minor.

You are never required to sell or serve alcohol to anyone. A person does not have a legal “right” to buy alcohol, but you have a legal right to refuse service to anyone who cannot produce adequate written evidence of age.

If you have any doubts about an I.D., you have the right to, and should, refuse service. You may refuse service to anyone, but you cannot discriminate as to race, color, sex, religion, ancestry, disability, marital status, or national origin. Persons under age 21 are not protected by age discrimination laws. To refuse service, simply say: ***“I could lose my job if I accepted this I.D.”*** or ***“I’d be happy to serve you something else, but I can’t serve you alcohol.”***

### **BONA FIDE I.D.**

Bona fide (legally acceptable) I.D. is one card that contains these six items:

#### BONA FIDE I.D.

1. Issued by a government agency (Federal, State, county, or city)
2. Name of the person
3. Date of birth
4. Photograph
5. Physical description (height, weight, hair and eye color)
6. Currently valid (not expired)

#### EXAMPLES OF ACCEPTABLE I.D.

- California Drivers License/I.D. Cards
- Out-of-State Drivers License/I.D. Cards
- U.S. Military I.D.’s without a physical description are acceptable as of 1/1/2010
- Both U.S. and foreign Passports with photograph, but without a physical description are acceptable as of 1/1/2010
- A person may not combine two unacceptable I.D.’s to make one acceptable I.D.

#### EXAMPLES OF UNACCEPTABLE I.D.

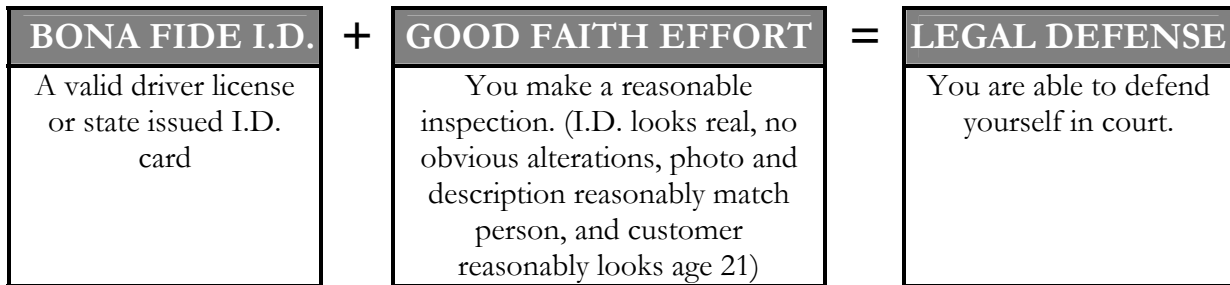
- U.S. government immigrant I.D. card
- Birth certificate
- School or work I.D. card
- Interim or temporary driver license
- Otherwise valid document that is expired, borrowed, stolen, counterfeit, or forged
- Swap-meet type I.D. card
- Social security card
- Check cashing card



A business may have a company policy that is stricter than the law; e.g., “We only accept California driver licenses.”

### **Legal Defense**

You, as a licensee or employee, will have a legal defense if (1) you relied on a bona fide I.D.; and (2) you showed good faith in checking the I.D. To illustrate:



### **THE F-L-A-G SYSTEM FOR CHECKING I.D.**

If a patron looks under 30 years old, say, “I will need to see your I.D., please. Could you remove it from your wallet?” Then, check the I.D. using the F-L-A-G system:

<b>F - L - A - G SYSTEM FOR CHECKING I.D.</b>
<b>ASK FOR I.D. IF THEY LOOK UNDER 30, THEN:</b>
➤ <b><u>F</u>EEL</b>
➤ <b><u>L</u>OOK</b>
➤ <b><u>A</u>SK</b>
➤ <b><u>G</u>IVE BACK</b>

#### **“F” = FEEL**

- **On the new California drivers license and identification cards issued September 2010** - The cardholder’s date of birth is shown across the primary photo with raised numbers
  - Laser Engraved Tactile Signature**  
The cardholder’s signature is laser engraved with raised lettering
  - Laser Engraved Tactile Date of Birth**  
The cardholder’s date of birth is laser engraved with raised numbers
- **Lumps and Bumps** – On all other I.D.’s feel for information cut out or pasted on, especially near the photo and birth date. Minors will alter an I.D. by placing their own

- photo over the picture and laminating the whole card. Do not accept I.D. cards with unofficial laminations. Do not accept obviously altered I.D. cards.
- **Layers** – Real California magnetic stripe I.D.’s are made in three layers. The three layers are bonded with heat so they won’t come apart without destroying the card. Insert your fingernail or sharp object into a corner of the card. If the layers separate, the card is fake and you should not accept it.
  - **Swipe** – Swipe the I.D. through a 2D bar code reader, if you have one. This holds the same information found on the front of the card.

## “L” = LOOK

- **On the new California drivers license and identification cards issued September 2010 - using an ultraviolet UV light “black light”**  
A full-color secondary photo and ultraviolet image of cardholder’s birth date  
**Using a flashlight pressed against the back of the card**  
A laser perforation in the shape of the California Brown Bear can be seen
- **Alterations** – Look for alterations at the birth date area.
- **Photograph** – Minors can alter their hairstyles, eye makeup, and eye color. Therefore, focus on the person’s nose and chin. These features do not change. For people with beards or mustaches, cover the beard or mustache and focus on the nose or ears. If the photo does not closely match the person, do not accept the I.D. Look what side the photograph is on. The photograph for minors appears on the right; adults are on the left. *On the new California drivers license and identification cards issued after Sept 2010, the adult card is horizontal. The minor card is vertical. People will alter the magnetic stripe card by pasting a new photo on top and laminating over it. Look for the thickening in this area.*
- **Height and Weight** – if they do not reasonably match the person, do not accept the I.D.
- **Date of Birth** – Do the math! In many decoy programs the server is cited because he or she asked for I.D., but failed to calculate the person’s age. Legal age devices can be helpful.
- **Apparent Age** – For you to have a successful defense, the patron must look like they could be 21 years old. If not, do not accept the I.D. no matter how good it looks.
- **Expiration Date** – Do not accept expired I.D. cards. Also, false I.D. cards will often have a colon (:) after the word “Expires.” Genuine cards do not have the colon.
- **Typeface** – Counterfeits may be done on a typewriter and contain spelling or other errors. If you see this, do not accept the I.D.
- **Signature** – A signature on a real California DL/ID is smaller than normal size. This is because they are computer generated. The signature on a counterfeit is normal size and signed in blue or black ink. If you see this, do not accept the I.D.

## “A” = ASK QUESTIONS

- What is your driver license number? Zip code?
- What month were you born? If they respond with a number instead of the name of the month, they are probably lying.
- Would you sign your name for me, please? A signature comparison can be a quick way to tell if someone is carrying a false I.D.



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## **“G” = GIVE BACK or GET IT**

- If the I.D. passes the feel, look and ask tests, give it back to the patron and make the sale. If it does not, refuse the sale. Then, either give the I.D. back or seize it, depending on your company’s policy. If you seize an I.D. here are some suggestions:
  - ◆ Issue a receipt to the person. Inexpensive books of triplicate receipts are available at office supply stores.
  - ◆ Attach copy of the receipt to the I.D.
  - ◆ Keep the third copy of the receipt for your records, with notes, about the situation (Who, What, When, Where and Why).
  - ◆ Turn the I.D. over to your local police department or sheriff’s office within 24 hours as required by law.

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## **GOOD I.D. POLICIES**

The following are some good I.D. policies:

- Ask for I.D. from anyone who looks under 30 years old. If someone asks you, “Why are you checking my I.D.?” say, “Our policy is to card people who look under 30.”
- Managers will support employees’ decisions to refuse service
- If you must sell pitcher beer, ask for an I.D. from each person who receives a glass
- Check I.D. as if you were cashing a \$250 check because that is how much a mistake could cost you!
- Door personnel and servers will both check I.D.’s
- Post signs
- Call the police for help if needed
- If in doubt about an I.D., don’t accept it.

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## **IDENTIFYING MINORS (AND HOW THEY MAY FOOL YOU)**

Be aware that minors may look and act in ways that may fool you. Some minors may look or act young. Others look or act in ways that *may fool you*.

<b>IDENTIFYING MINORS</b>	
➤ <b>Physical Appearance</b>	➤ <b>Where They Sit</b>
➤ <b>Behavior and Dress</b>	➤ <b>Companions</b>
➤ <b>Drink Orders</b>	➤ <b>I.D. Excuses</b>

# ALCOHOL FACTS

## DRINK EQUIVALENCIES

A standard drink is 12 ounces of beer, 4 ounces of wine or 1-1/4 ounces of 80 proof distilled spirits. *They all contain about the same amount of pure alcohol (about 1/2 ounce).*

BEVERAGE	SIZE	MULTIPLIED BY % OF ALCOHOL	AMOUNT OF PURE ALCOHOL
Beer	12.0 oz.	.045 (4.5%)	= .54 oz.
Wine	4.0 oz.	.12 (12%)	= .48 oz.
Spirits (80 proof)	1.25 oz.	.40 (.40%)	= .50 oz.



**12 oz. Beer**

=



**4 oz. Wine**

=



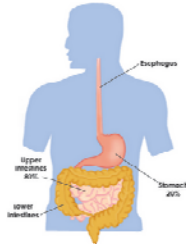
**1 1/4 oz. Spirit**

## ALCOHOL'S PATH THROUGH THE BODY

There is no digestion needed in alcohol absorption. Alcohol is accepted into the bloodstream in its original form. When alcohol is consumed, about 20 percent is absorbed into the bloodstream through the lining of the stomach. The other 80% of the alcohol passes to the small intestine where it is absorbed into the bloodstream.

About five percent of the alcohol consumed leaves the body through the urine, sweat glands and breathing. Most of the alcohol must be broken down (metabolized) by the liver to remove it from the system. *The liver metabolizes alcohol at a very constant rate, about one drink per hour.* If there is excessive alcohol in the blood, the liver cannot speed up. The unmetabolized alcohol just continues to circulate in the bloodstream. This is intoxication-when there is a build up of alcohol in the system.

Allowing the liver enough time to metabolize the alcohol is the only way to remove alcohol from the body. *A cold shower, fresh air, exercise or black coffee will not help sober a person up.* Time is the only thing that will remove alcohol from the system (about 1 hour per standard drink).



Alcohol does not require digestion. Most passes into the stomach. About 20% is absorbed into the bloodstream through the stomach. The other 80% passes into the small intestine, where absorption is faster. The pyloric valve, which separates the stomach from the small intestine, closes when food is present in the stomach (especially protein and fatty foods). Therefore, food slows intoxication.

## BLOOD ALCOHOL CONCENTRATION

The amount of alcohol in the body is measured as blood alcohol concentration (BAC). A BAC of .08% is the equivalent of 1/8 of a drop of alcohol to 1000 drops of blood. The body is very sensitive to alcohol. A person with a BAC of .30% may lapse into a coma, and a BAC of .40% can result in death.

How can you tell what a person's BAC is? ABC does not expect you to know, and you can't unless you have special equipment like a Breathalyzer. Servers must rely on how a customer looks and acts.

EFFECTS OF INCREASED BAC LEVELS ON A TYPICAL PERSON	
BAC	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 sizable 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.
.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 cheek 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.
.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.
.30	Lack of understanding of what is seen or heard; individual is confused or stuporous. 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.





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## ALCOHOL'S EFFECTS ON THE BODY

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Alcohol is a depressant drug. Despite the initial feeling of energy it gives, alcohol affects judgment and inhibitions and slows reaction time.

Alcohol depletes the body's fluids and causes thirst. Its diuretic effects do not help remove alcohol from the body. Because the drinker feels thirsty, he or she may continue to drink more. Servers should be routinely offer water on the side as an alternative to drinking more alcohol to satisfy the thirst.

Alcohol causes the small blood vessels on the surface of the skin to dilate. This result is the loss of body heat. The drinker feels like they are getting warm, but in fact the body is chilling.

Normally, the liver maintains the body's blood sugar levels, but when alcohol is present, the liver puts metabolizing the alcohol before its other functions. Diabetics are not the only persons who need to be aware of this disruption in blood sugar levels. To the average person, effects after alcohol has entered the bloodstream may be hunger, nausea, and hangovers, which are all caused by a drop in the blood sugar level.

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## FACTORS AFFECTING INTOXICATION

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Alcohol affects each person differently. It also affects the same person differently on different occasions. *The following are some of the factors that affect how quickly a person will become intoxicated:*

FACTORS AFFECTING INTOXICATION	
➤ <b>Gender</b>	➤ <b>Tolerance to alcohol</b>
➤ <b>Mood</b>	➤ <b>Physical condition</b>
➤ <b>Food in the stomach</b>	➤ <b>Medication or drugs</b>
➤ <b>Amount of alcohol consumed</b>	➤ <b>Carbonation</b>
➤ <b>Speed of consumption</b>	➤ <b>Altitude</b>

**Gender.** A female becomes intoxicated more quickly than a male of the same size. This is because females have more body fat and are generally smaller than men, which means they have less body fluid in which to dilute the alcohol.

**Mood.** Alcohol exaggerates the mood of a person. An individual who is depressed may become severely depressed while drinking. People who are fatigued or stressed become intoxicated more quickly than people who are rested and relaxed. Physical, mental or emotional exhaustion will increase the impairment caused by alcohol.

**Food in the Stomach.** Food slows down the rate of intoxication because food causes the pyloric valve at the bottom of the stomach to close while digestion takes place. This keeps alcohol from entering the small intestine, where most of it is absorbed. The best foods for slowing intoxication



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are greasy, high-protein and fatty foods because they are difficult to digest and stay in the stomach longer. For example: meat balls, chicken wings, cheese, pizza, dips, fried foods, nachos and beef tacos.

**Amount of Alcohol Consumed.** The more alcohol a person consumes, the more it accumulates in the blood, increasing intoxication. The liver can only get rid of about one drink per hour.

**Speed of Consumption.** A person who drinks rapidly or gulps drinks becomes intoxicated faster than a person who sips or drinks slowly because they ingest a larger amount of alcohol over the same period of time.

**Tolerance to Alcohol.** Tolerance is the body's ability to adapt to toxic substances like alcohol. Tolerance varies from individual to individual. Some people have a naturally high tolerance. Other people may develop high tolerance through habitual drinking. Increased tolerance lessens the effects of alcohol on the nervous system. Researchers believe the nerve cells become less sensitive to alcohol from increased exposure. A person with a high tolerance may appear sober when they are impaired. Tolerance means a person can hide the effects better, but it does not mean the person's BAC is any lower.

**Physical Condition.** A person who is out of shape becomes intoxicated more quickly than a person who is muscular. More muscles mean there are more blood in which to dilute the alcohol.

**Medication or Drugs.** Drugs, legal or illegal, can impair the ability to drive even when not combined with alcohol. Alcohol and drugs do not mix. The side effects of combining alcohol with drugs may range from mere discomfort to life-threatening reactions. Servers should not serve a person who has taken any drug.

**Carbonation.** A person whose drink is carbonated becomes intoxicated more quickly than a person whose drink is not. Carbonation is a gas that pushes alcohol through the digestive system causing quicker absorption. Sugars and juices also speed up the absorption rate.

**Altitude.** Drinks consumed at high altitudes are nearly twice as potent in their effect for the first few days until the person becomes accustomed to the elevation. Servers at ski resorts should be aware of this effect on visitors.



# INTOXICATION

## IDENTIFYING PROBLEM DRINKERS

There are three basic types of drinkers. They are social drinkers, alcohol abusers, and alcoholics.

**Social Drinkers.** The majority of drinkers are social drinkers. For these people, drinking produces no serious long-term health or social problems. Social drinkers do not experience the effects of chronic alcohol abuse, but they are still at risk for alcohol-related crashes following single bouts of drinking.

**Alcohol Abusers.** These are persons who experience a variety of social and medical problems as a result of high-risk drinking. These persons are not dependent on alcohol.

**Alcoholics.** These are persons who experience physical and psychological dependence on alcohol. As a result, their ability to control drinking behavior is impaired. This impaired control is the critical difference between alcohol abuse and alcohol dependence.

## SIGNS OF INTOXICATION

Look for these signs in your customers:

### REACTIONS

- Slurred speech
- Slow and deliberate movement
- Decreased alertness
- Fluctuating pace of speech fast, slow

### INHIBITIONS

- Overly friendly
- Loud
- Changing volume of speech
- Drinking alone
- Annoying others
- Using foul language
- Drinking more or faster than usual

### PHYSICAL APPEARANCE

- Red, watery eyes
- Disheveled clothing
- Sweating
- Droopy eyelids
- Person smells of an alcohol
- Lack of eye focus
- Flushed (Red) face



## COORDINATION

- Fumbling for money
- Spilling drinks
- Cannot find mouth with drink
- Swaying, drowsy
- Bumping into things
- Stumbling/ Falling
- Unable to light a cigarette
- Unable to sit straight on chair/barstool

## JUDGMENT

- Complaining about strength of drink
- Changing consumption rate
- Ordering doubles
- Argumentative
- Careless with money
- Buying rounds for strangers
- Irrational statements
- Belligerent
- Lighting more than one cigarette
- Losing train of thought

## SERVICE TO AN OBVIOUSLY INTOXICATED PERSON

The law says that no person may sell or give alcohol to anyone who is obviously intoxicated. No person may cause or permit this to occur.

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

A person is obviously intoxicated when the average person can plainly see that the person is intoxicated. In other words, the person looks or act drunk. This includes regular customers who “always act that way.” ***It does not matter that the person is not driving.***

For there to be a violation of law, the prosecutor must prove that the server either saw or had the chance to see the signs of intoxication before the service.

No person may sell or give alcohol to anyone who is a habitual drunkard (a person who has lost control over his or her drinking). No person may cause or permit this to occur.

A server may discover a habitual drunkard in one of two ways: (a) A family member tells you the person has a drinking problem and asks you not to serve, or (b) the patron is a regular and unable to handle drinking on a regular basis.

A licensee or server who has been warned and still serves a habitual drunkard faces possible ABC disciplinary action and criminal prosecution. (Sections 25602(a) and 23001 Business and Professions Code; 397 Penal Code)

### **Public Intoxication**

*It is against the law for any person to be in public under the influence of alcohol and/or drugs and unable to care for his or her own safety or the safety of others (Section 647(f) Penal Code).* A person’s BAC level is not a factor



in whether the person can be arrested under this law. Law Enforcement officers look at the outward signs of intoxication in deciding whether to arrest that person.

## DRIVING UNDER THE INFLUENCE

DRIVING UNDER THE INFLUENCE (DUI)	
➤	.08% BAC or higher
➤	Motor vehicle or public roadway
➤	.04% BAC or higher for commercial drivers
➤	.01% BAC or higher if under age 21

Although servers are to be concerned with outward signs of intoxication, the server is not legally responsible for a customer's driving-under-the-influence (DUI) charge. However, if you try to keep the customer under the legal level, he or she will be more likely to get home safer and more likely to keep coming back.

Your Weight	NUMBER OF DRINKS (over a two-hour period) 1.25 oz. 80-proof liquor, 12 oz. can of beer or 4 oz. of wine							
	1	2	3	4	5	6	7	8
99 to 109 Pounds	1	2	3	4	5	6	7	8
110 to 129 Pounds	1	2	3	4	5	6	7	8
130 to 149 Pounds	1	2	3	4	5	6	7	8
150 to 169 Pounds	1	2	3	4	5	6	7	8
170 to 189 Pounds	1	2	3	4	5	6	7	8
190 to 209 Pounds	1	2	3	4	5	6	7	8
210 to 229 Pounds	1	2	3	4	5	6	7	8
230+ Pounds	1	2	3	4	5	6	7	8

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

Drink Chart Guide  
(Source: California Highway Patrol)



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## ***Driving Under the Influence (DUI) Law***

It is a crime for anyone with a blood alcohol concentration of .08% or higher to operate a motor vehicle on a public roadway. The only evidence needed for a person to be found guilty of DUI is blood or breath test results showing .08% BAC. If both the blood and breath tests are unavailable, the person shall be deemed to have given his or her consent to chemical testing of his or her urine and shall submit to a urine test. A person may be arrested and convicted of DUI on a BAC lower than .08%. Prosecution would depend on the lack of driving skill, poor performance during field sobriety tests and other signs of impairment for a District Attorney to decide.

## ***How Alcohol Affects Driving Ability***

A person's driving ability may be impaired after just one or two drinks. At a BAC of as low as .05%, a person's restraint, judgment, and coordination are altered. A driver impaired from alcohol is less able to judge distances and estimate the velocity of moving objects. The driver will take greater risks than if he or she had not consumed alcohol. In addition, because judgment is affected, the impaired driver has a distorted view of his or her personal capabilities. For example, "I drive better when I'm drunk," "I feel fine," or "I only had a couple."

The impaired driver has a narrowed visual field ("tunnel vision"). The effect is similar to wearing sunglasses at night. An impaired driver scans the driving environment less often, and may fixate on one object like a traffic sign. A driver impaired by alcohol has a reduced ability to do more than one thing at a time (such as braking and steering).

## ***Zero Tolerance for Under 21 Year Olds***

California's zero tolerance law makes it illegal per se (in and of itself) for people under 21 to drive with any measurable alcohol content (BAC) in their blood. This means even a sip of alcohol will result in a 1-3 year suspension of the person's driver's license.

Teens are the most dangerous drivers. Teen drivers are responsible for a highly disproportionate number of collisions, injuries, and deaths. Although teens currently comprise only 10 percent of the population, they are involved in 25 percent of all alcohol-involved fatal collisions. Thirty percent (30%) of all teen deaths are caused by motor vehicle collisions.

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## **MANAGING CUSTOMER DRINKING**

- Encourage food with drinks, if appropriate at your establishment
- Serve a glass of water with straight-up drinks
- Serve one drink at a time and slow down service, if needed
- Don't bring a drink for any customer who doesn't want one
- Implement your policy on drink limits; e.g., one drink per hour per person
- Alcohol can affect a person 30 to 90 minutes after the person stops drinking.
- Advise a manager about the situation when you restrict service
- Offer food or alternative beverages
- Ensure the customer has a safe ride home (call a taxi, friend, or family member, etc.)



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## **Stopping Alcohol 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

Once you decide to terminate service, alert other personnel and get back-up or security. Other things you should share are suspected drinking by minors, customers who are beginning to show signs of intoxication or drinking more or faster than usual, illegal drug use, or the fact that you must leave the floor for some reason.

A final word: When in doubt, do not serve. You have a legal and moral responsibility to prevent customers from becoming intoxicated. Also, it is safer and easier to cut off service before someone becomes intoxicated.

## **The Incident Log**

The incident log is very important in demonstrating your policies of responsible service. The incident log documents all details about an event, including date, time, what happened, who was involved and who witnessed the event.

You should fill out the incident log immediately after an incident. Do not wait until the end of a shift or the next day. A complete and accurate incident log may be your greatest asset should a lawsuit ever be filed. You should write an incident report when:

- You refuse service to an intoxicated customer
- When you arrange transportation for an intoxicated customer
- When a minor presents a false I.D.
- When the ABC/Police visit your establishment
- When a customer becomes ill or is involved in an accident
- Whenever you call the police



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## ILLICIT DRUGS

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### THE LAW AND ILLICIT DRUGS

The use and sale of illicit drugs occurs in many licensed businesses. Most drug laws are felonies (being under the influence, possession, possession for sale, and sales), which are crimes punishable by imprisonment in State prison. Illicit drug activity hurts your business' reputation and increases the risk of injury and death due to fights, assaults and driving under the influence.

#### ***Selling Narcotics on Premises***

The law says ABC shall revoke a license if a retail licensee has knowingly permitted the illegal sale, or negotiations for such sales, of narcotics or dangerous drugs upon his or her licensed premises. (Section 24200.5(a) Business and Professions Code)

A licensee has a general affirmative duty to maintain a lawful establishment. That duty imposes an obligation on the licensee to be diligent in anticipation of reasonable possible unlawful activity, and to instruct employees accordingly. Once a licensee knows of a particular violation of law, that duty becomes specific and focuses on the elimination of the violation. Failure to prevent the problem from recurring, once the licensee knows of it, is to "permit" it by failure to take preventive action.

ABC will generally not hold a licensee liable when the licensee (1) does not reasonably know of the illegal activity (for example, surreptitious transactions between customers not involving the licensee or employee); and (2) has taken all available reasonable steps to prevent drug activity. Certain measures should be taken by all licensees to detect drug activity.

#### ***Asset Forfeiture of License***

The law also says that all assets, including the ABC license, may be seized and sold after 10 days notice if the licensee is directly involved in the illicit drug activity. (Section 25375 Business and Professions Code).

#### ***Controlled Substances Investigations***

The law says:

The Department may not open or add an entry to a file or initiate an investigation of a license or suspend or revoke a license (a) solely because the licensee or an agent acting on behalf of the licensee has reported to a State or local law enforcement agency that suspected controlled substance violations have taken place on the licensed premises, or (b) solely based on activities constituting violations described in such a report, unless the violations reported occurred with the actual knowledge and willful consent of the licensee. (Section 24202(b) Business and Professions Code)

To guard against losing the ABC license, licensees should have a "zero tolerance" policy for drug activity. This means taking active steps to prevent it inside and outside the business.





## DRUG RECOGNITION

The number of drugs and drug combinations that are being used and sold in the workplace is staggering. For licensees, managers and employees, a basic knowledge of drugs used and sold is needed to prevent illegal activity.

<b>ECSTASY (Methylenedioxymethamphetamine or MDMA)</b>	
Slang Terms:	“X”, “E”, beans, bombs, E-bombs, “roll”, and “the hug drug”; the practice of taking ecstasy is referred to as “rolling”
Description:	“Club Drug”; synthetic, psychoactive substance with stimulant and mild hallucinogenic properties; users are predominantly adolescents and young adults
Common Packaging:	Pills are packaged in various ways; in small plastic bags or pill bottles
Types Of Use:	Most often used in pill form
Signs And Symptoms Of Use:	Reduced inhibitions, sweating, elevated vitals, happy & friendly, continuous speech, tremors, heightening of all senses, grinding teeth, use of glow sticks, laser light shows, sucking on pacifiers, lollipops, massaging one another

<b>METHAMPHETAMINE</b>	
Slang Terms:	Crank, crystal, tweek, speed, go, go-fast, crystal meth, meth, ice, Annie, shammu, diamonds, zip, glass, water, dinner, chicken, griddle, CR, chowder, clink, cloud
Description:	Usually a white or beige crystalline powder
Common Packaging:	Small paper bindles, small glass vials, zip-lock baggies or cellophane tied in a knot
Types Of Use:	Can be inhaled or injected
Signs And Symptoms Of Use:	Drug speeds up the body’s functions, causing the user to become hyperactive, talkative, emotionally excited, or paranoid

<b>COCAINE</b>	
Slang Terms:	Soda, Peruvian nose flute, rock, cane, snow, crack, brokane, yeah-ho, snaps, cavy-short for caviar or rich man’s drug, nose candy, stuff, snuff, blow, good time, snowflake, powder, dove, hubba, marching powder, ice cream, cocoa, dust, soda, svodka, white horse, what’s the issue, donkey’s dust, bubble gum, strawberry, white lady, CK, devil’s dandruff
Description:	White crystalline or fluffy powder
Common Packaging:	Small paper bindles, small glass vials, zip-lock baggies or cellophane tied in a knot
Types Of Use:	Inhaled or smoked
Signs And Symptoms Of Use:	Speeds up the body’s functions, causing the user to become hyperactive, talkative, or emotionally excited

### MARIJUANA

Slang Terms:	Bomb, Al Green, bud Buddha, pot, mary jane, grass, weed, mota, cake, brownie, joint, reefer, chronic, roach, skunk, dang, nugs, papalolo, broccoli, natural, doobie, celery, produce, blunts, froggie, hep, leaf, gonja, hay, KGB-killer, green bud, kaya, wag, kind
Description:	Can be brown or greenish in appearance; emits a pungent, sweet odor when burned
Common Packaging:	Plastic baggies
Types Of Use:	Usually smoked in hand-rolled cigarettes
Signs And Symptoms Of Use:	Speeds up the heart rate; interferes with the attention and coordination process

### ROHYPNOL (Flunitrazepam)

Slang Terms:	Roofies, roches, ruffies, ropies, R-2, R-1, the forget-me pill
Description:	“Club Drug”; a white tablet sedative ten times more powerful than Valium; when mixed with alcohol, narcotics or other central nervous system depressants, use can be lethal
Common Packaging:	Small plastic baggies
Types Of Use:	Most commonly used by teenagers and young adults as an “alcohol extender” and disinhibitory agent, most often in combination with beer; sometimes used by individuals who wish to commit sexual assault
Signs And Symptoms Of Use:	When dropped in a drink, it can cause the victim to pass out and be unable to remember what happened; a victim may experience the equivalent of an “alcoholic black out” and may be up and functioning at least part of the time (leaving the bar with a stranger, but not really in mental control) with potentially no recall for the 8-12 hours of impact

### HEROIN

Slang Terms:	Yale, whitey, chiva, H, china white, Mexican brown, horse, unk, china, tar, brown stone, smack, shit, stuff, tango, cash, hop, water, gooball, Julie, boy, Harry, goma, gum ball
Description:	Varies in appearance from a white to a dark brown powder; texture varies from a fine, granular to a hard, rock-like substance.
Common Packaging:	Cellophane tied in a knot or in very small balloons
Types Of Use:	Normally injected, but can be inhaled or smoked
Signs And Symptoms Of Use:	Slows down the body’s functions, causing drowsiness; user may scratch frequently or have droopy eyelids



KETAMINE	
Slang Terms:	Cat, K, Super K, Special K, God, Jet, Honey Oil, Blast, Gas, Bump, Cat Valium, Been Rowing
Description:	"Club Drug"; prescription anesthetic with hallucinogenic properties; marketed for human use, but primarily for veterinary use; clear liquid or white crystal powder form
Common Packaging:	Bindles, small plastic zip-lock baggies, aluminum foil, vials, dosed cigarettes, dosed marijuana joints.
Types Of Use:	Inhaled, smoked or taken orally or rectally
Signs And Symptoms Of Use:	Sweating, euphoria, slow/slurred speech, disorientation, violence, blank stare, anxiety elevated body temperature, elevated vitals, delusions, pain relief, loss of muscle coordination, agitation, insomnia, sleepy appearance, confusion, excess strength, anesthesia, intoxication, hallucinations, paranoia, muscle rigidity.

GAMMA HYDROXYBUTYRATE	
Slang Terms:	GHB, G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop, Great Hormones at Bedtime, Water, Everclear, Aminos
Description:	"club drug"; a central nervous system depressant and a hypnotic used with alcohol or other drugs
Common Packaging:	Usually sold as an odorless, colorless liquid in spring water bottles or as a powder and mixed with beverages; sometimes packaged in film canisters or other liquid containers
Types Of Use:	Linked with DUI, sexual assault and overdoses, especially at clubs and "rave" parties
Signs And Symptoms Of Use:	Side effects from ingested doses include high levels of intoxication, nausea, coma (sometimes abrupt and profound), uncontrollable seizures and respiratory depression; symptoms at lower levels of intake and as impact builds area comparable to alcohol ingestion/intoxication; aggression and violence can result in some people; one-time use of a small quantity, especially when mixed with alcohol or other drugs, represents a stunning risk of death; much of the information on the internet about this drug is dangerous and invalid

## DRUG PARAPHERNALIA

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Drug paraphernalia is any product that a person may use for packaging, storing, using, preparing or selling illegal drugs. This includes, but is not limited to scales and balances, diluents and adulterants, capsules, balloons, envelopes, paper bindles, hypodermic syringes and needles, pipes, roach clips, and cigarette papers.



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## **Sale of Drug Paraphernalia**

It is a misdemeanor crime for a licensee or a licensee's employee to sell any drug paraphernalia when they know or reasonably should know that the customer is going to use the product for any purpose involving an illegal drug. A licensee is presumed to have knowledge if: ABC or any other state or local law enforcement agency notifies the licensee in writing (see Form ABC-546-A), (Sections 11014.5, 11364.5, 11364.7(a) and 24200.6 Health & Safety Code)

### **Notice to Licensees Concerning Drug Paraphernalia Under Section 24200.6 Business & Professions Code**

***Selling drug paraphernalia is a crime and could result in your arrest and the loss of your ABC license.*** A new law, Section 24200.6 of the Business and Professions Code, took effect January 1, 2003. It says that you – or your agent - know that an item is drug paraphernalia if ABC or any other state or local law enforcement agency notifies you in writing that something is commonly sold or marketed as drug paraphernalia. To protect yourself and your ABC license, you should immediately remove any items of drug paraphernalia from your store.

***The following items, either alone or in combination, are commonly sold or marketed as drug paraphernalia.*** Due to the ever-changing nature of illegal drug activity and the types of drug paraphernalia being used, there may be other items not listed below:

- Scales and balances for weighing drugs
- Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose for cutting illegal drugs
- Blenders, bowls, containers, spoons, and mixing devices used for compounding illegal drugs
- Capsules, balloons, envelopes, and other containers for packaging small quantities of illegal drugs. Includes miniature plastic baggies designed to hold jewelry or beads, but also used to hold illegal drugs
- Containers and other objects for storing or concealing illegal drugs
- Hypodermic syringes, needles and other items for injecting illegal drugs into the human body. These are intended for diabetics, but are drug paraphernalia when made available to other customers
- Pipes made out of metal, wood, acrylic, glass, stone, plastic, or ceramic. They may be with or without screens. Includes glass tubes commonly marketed as a bud vase or air freshener. Also, includes colorful marking pens which, when taken apart, contain a pipe that can be used for smoking crack cocaine
- Pipe screens
- Water pipes – also called “bongs”
- Roach clips ( small metal clips used to hold burning material such as a marijuana cigarette)
- Miniature cocaine spoons and cocaine vial
- A wiry sponge or scouring pad, made for cleaning, but when cut into pieces, is used as a filter for smoking crack cocaine
- Drug “kits” Some stores sell a number of items packaged together, such as a miniature flower vial (see photo next page), together with chopped-up pieces of wiry sponge and a butane lighter.



**Example of Drug Paraphernalia: “Rose Tube,” “Love Rose” or “Stem”**

This glass tube (pictured at the left) is used as a crack cocaine pipe. It contains a novelty-type item such as a miniature rose. Suppliers may tell you the tube is a gift item. However, drug users remove the rose or other contents, insert a piece of wiry sponge or scouring pad as a filter, and use it to smoke crack cocaine. The tubes are commonly displayed in a box (pictured at the right).

***This form shall be deemed official notice to you under Section 24200.6 of the Business & Professions Code.***

This law does not preempt local ordinances that prohibit drug paraphernalia sales.

ABC Investigators and local law enforcement officers are actively investigating the sale of drug paraphernalia (Section 11364.7 of the Health and Safety Code).

Questions about this notice should be directed to your local ABC District Office.

## **SIGNS OF ILLICIT DRUG ACTIVITY**

The following are some signs that illegal drug activity may be occurring in your licensed establishment:

- Presence of drug paraphernalia (syringes, pipes, empty baggies, residues, etc.)
- Customers asking for a particular person. For example, a person comes in, asks for Joe, and leaves if Joe is not there. The person wants to know when Joe will be in or what days and times Joe is usually there. The person tells you to tell Joe that “I was looking for him.” Many people come in looking for Joe
- Customer’s actions appear unusual. For example, they come in, look around, and leave (they may be looking for their source). They come in, go directly to a certain person (employee or customer), talk for a short time and leave, usually without buying a drink
- Excessive restroom traffic
- Customers who enter and exit the establishment often
- Customers who take handfuls of matchbooks
- Hand-to-hand exchanges between customers (money or drugs)
- Loitering in parking lot or in front of the premises (waiting to connect with buyer or seller)



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## PREVENTING ILLICIT DRUG ACTIVITY

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- Be alert for “suspect” customers.
- Contact management or security when you come across drug activity. Don’t touch or threaten the customer. Ask them to leave. State your policy, “We don’t allow that in here.”
- Check restrooms periodically.
- Look for drug paraphernalia.
- Watch secluded or shielded areas more carefully (pool table areas, video areas, conversation pits, tables in the corner or around the dance floor).
- Keep matches behind the bar counter to make them less accessible (people use matchbooks to conceal drugs).
- Listen to what is being said around you. You may overhear a sale being made.
- Slow down and watch what is going on.
- Develop a rapport with your local law enforcement agency. ABC expects you to cooperate with them.
- Have a good communication among all employees.
- Develop a reputation of absolute intolerance. Refuse admittance to any customer who even asks about drugs.
- Post signs prohibiting drug activity. Post at all entrances, in restrooms, near the cash register and in the parking lot (see ABC-617, Signage Ideas for Licensees).
- Hire more employees and screen them well. Check their references before hiring. Hire everyone on a probationary basis.
- Increasing lighting in the establishment (Rule 139) and/or parking lot.
- Keep windows clear so you can see what is going on outside.
- Hire security guards and/or use security cameras.



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## OTHER LAWS

### RETAIL HOURS

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Licensees may not sell, give or deliver alcohol (by the drink or by the package) between 2:00 a.m. and 6:00 a.m. Licensees may not permit any alcoholic beverage to be consumed on the licensee's premises between 2:00 a.m. and 6:00 a.m.

Hours may be further restricted if there are conditions placed on the retailer's license.

**Please note:** On the day that time change occurs from Pacific Standard Time to Pacific Daylight Time or back again, "2 o'clock a.m." means two hours after midnight of the day preceding the day such change occurs.

Deliveries of alcoholic beverages to a retailer's licensed premises made by a manufacturer, winegrower, distilled spirits manufacturer's agent, rectifier, or wholesaler may be delivered between the hours of 3 a.m. and 8 p.m. any other day of the week other than on Sunday. No deliveries are permitted on Sundays.

**\*\*\*There are many other laws which this training guide does not address. If you have questions please call your local district office. Phone numbers and additional information are listed on our website at [www.abc.ca.gov](http://www.abc.ca.gov).**