

TEXAS ALCOHOLIC BEVERAGE COMMISSION



# Seller-Server Training

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## Student Handouts

Final

11/18/2010

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## Definitions

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### Minor

A person under the age of 21. [*Texas Alcoholic Beverage Code Sec. 106.01*]

### Intoxication

Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body, or having an alcohol concentration of 0.08 or more. [*Penal Code Sec. 49.01*]

### Public Intoxication

To appear in a public place while intoxicated to the degree that the person may endanger the person or another. [*Penal Code Sec. 49.02*]

### Criminal Negligence

A person fails to meet a standard level of care that an ordinary person under these conditions would meet, e.g. checking IDs, calculating age, refusing to over-serve patrons, and looking for signs of intoxication. [*Penal Code Sec 6.03*]

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## Responsibilities of a Seller-Server

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The most important responsibility of a Seller-Server is to follow the laws intended to prevent the sale of alcohol to minors, intoxicated persons, and non-members of a private club.

- The person who actually serves, sells, or delivers the alcoholic beverage is legally responsible for the sale.
- Door people, bouncers, floorwalkers, or bartenders can assist with checking IDs and monitoring for intoxication, but the server is legally responsible and will be the one who receives a violation!

Breaking the laws for selling alcohol puts you, your employer, and your customers at risk.

- If you knowingly break the laws governing alcohol sales, you may be found guilty of a crime, and you may be found responsible for any damage caused by people to whom you sold or served alcohol.
- The employer is at risk because they could lose their license to sell alcohol.
- The customer is at risk because they may be violating the law by purchasing alcohol.

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## Reporting Violations to TABC

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All seller-server schools are private businesses separate from the TABC. These schools are regulated by the Texas Alcoholic Beverage Commission and have been approved as meeting the minimum requirements as stated in Chapter 50 of the TABC Administrative Rules and the Texas Alcoholic Beverage Code.

You should receive a certificate immediately following the successful completion of this course and your certificate should be available within 14 days in the TABC database.

Training programs are monitored by the Commission to determine if the schools are presenting the programs as approved and certified by TABC. If you have a complaint about a seller training school, contact TABC Seller Training at (512) 206-3420 or your local TABC office.

If you need to report underage drinking or suspected sales to intoxicated persons, call 1-888-THE-TABC.

## Revocation of Certification

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If you are charged with breaking the laws concerning the sale of alcohol, your seller-server certification can be revoked.

- First offense – you must take this class and exam again to be recertified within the first 30 days after the offense.
- Second offense within 12 months – you may not be recertified for 90 days.
- Third offense in 12 months – you may not be recertified for 12 months.

Your seller-server certificate can also be revoked by TABC if you:

- Provide false information.
- Do not successfully pass the final exam.

If you receive a violation, you can request a hearing within 21 days of the violation.

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## Laws about Minors and Alcohol

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The Alcoholic Beverage Code defines a minor as a person under the age of 21. It is a criminal offense for a minor to purchase, possess, attempt to purchase or consume alcoholic beverages.

There are some general exceptions to these laws, such as:

- A minor may possess alcohol in the scope of employment;
- When in the visible presence of his legal aged parent, legal guardian or spouse; and
- When assisting a police officer in the enforcement of the alcoholic beverage code (Minor Sting Operations).

Note:

- A minor may consume alcohol only if they are in the visible presence of their legal aged parents, legal guardian or spouse.
- A minor can only purchase alcohol if they are assisting a police officer in the enforcement of the alcoholic beverage code.

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## Characteristics of Minors

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If a person has the physical characteristics of a minor, they likely are a minor. However, the opposite is not true! People mature at different rates. Many minors may have physical characteristics of an adult. Don't be fooled!

### Physical Characteristics of Minors

Minors generally have common physical characteristics. The following is a list of some characteristics.

- Immature physical appearances: little or no facial hair on boys  
un-developed appearance of girls
- Skin complexion – smooth, unlined faces

Be aware that not all minors have these physical characteristics and do not rely on them solely to identify a minor.

- Some minor males may have beards and mustaches.
- Some may have bald or shaved heads.
- Some minor males are big, which may make them appear older.
- Some minor females may wear makeup or clothing that makes them appear older.

### Fads and Fashions of Minors

Minors tend to dress in the latest fads and fashion trends. These will change frequently. Some other things to look for are:

- School uniforms
- Class rings
- Too much makeup
- Trendy hair styles

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## Behaviors and Reactions of Minors

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Certain behavior patterns may also be characteristic of minors or people that may purchase alcohol for minors.

- May appear nervous – may not make eye contact with you
- Self conscious about appearance
- Some minors act very confident and sure of themselves when attempting to purchase alcohol.
- Young people gathering in groups and sending one to make a purchase.
- Young people approaching adults that are on their way in to make a purchase.

A minor might display one or more of these characteristic reactions:

- Acting nervous or insecure
- Being overly friendly or acting “cool”
- Not making eye contact or trying to hide their face
- Checking the area or glancing around
- Showing an ID but trying to put it away quickly

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## Checking Identification

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The safest way to avoid a sale to a minor is to check their identification.

### Texas Driver's License and Identification Cards

Texas Department of Public Safety issues driver's licenses and identification cards that have specific security features. Learn these features to be able to identify a valid ID.

#### Front of Driver's License Issued After April 2009



#### Front of Card Features:

- 8-digit license number printed in blue
- Official's signature overlaps the photo
- Fine lines used in images and in the background of the card
- Variable rainbow text used on the date of birth
- Texas Capital printed on the right side of the card.

#### Front of Driver's License Issued Before April 2009

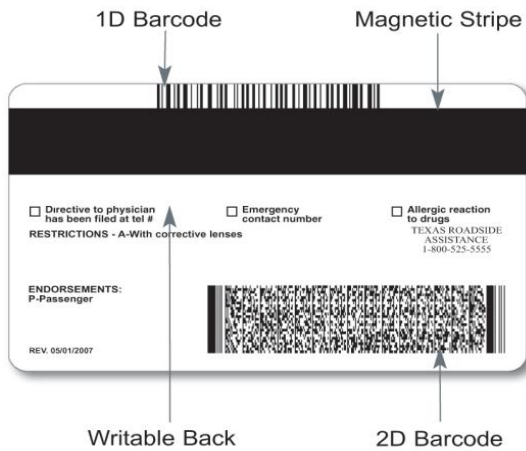


#### Front of Card Features:

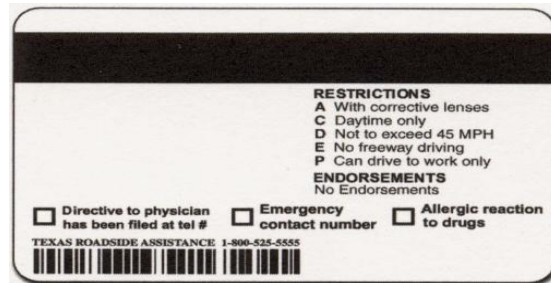
- 8-digit license number printed in black
- Official's signature overlaps the photo
- A two-color bar in the header
- Texas Capital printed in center of the card



**Back of Driver's License  
Issued After April 2009**



**Back of Driver's License  
Issued Before April 2009**



**Back of Card Features:**

- 1D Barcode at the top
- 2D Barcode at the lower right
- Magnetic stripe
- Restrictions and Endorsements
- Texas Roadside Assistance number

**Back of Card Features:**

- Barcode at the lower left
- Magnetic stripe
- Restrictions and Endorsements
- Texas Roadside Assistance number

**Under Ultraviolet Light  
Issued After 2009**



**Ultraviolet Light Features:**

- Texas state seal
- Three stars: blue, silver, and gold

**Under Ultraviolet Light  
Issued Before April 2009**



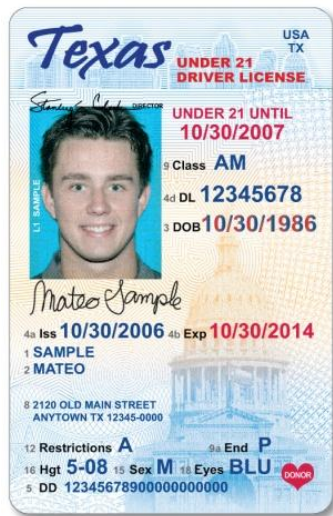
**Ultraviolet Light Features:**

- The word "Texas" glows

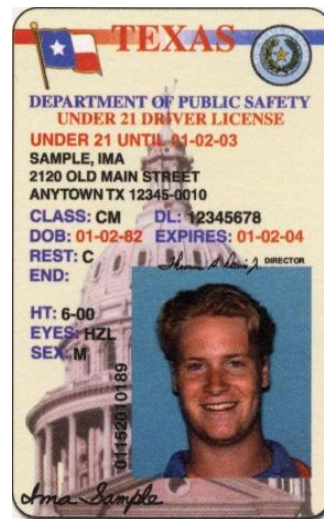
## Minor Driver's License and Identification Cards

Minor (under 21) DL and ID cards have a vertical format and indicate "UNDER 21" on the front of the document. The identification card does not have an "Under 21 Until" date; however, it is clearly marked as an Under 21 Identification Card. On the Driver's License, you can check the "UNDER 21 UNTIL" date and as long as the Driver's License is still valid and it is the current date or later, it is a valid ID to purchase alcohol.

**Minor Driver's License  
Issued After April 2009**



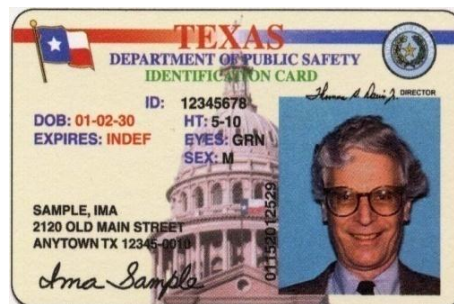
**Minor Driver's License  
Issued Before April 2009**



**Texas Identification Card  
Issued After April 2009**



**Texas Identification Card  
Issued Before April 2009**



IDs for individuals 60 and over will have an indefinite expiration date.

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## How to Watch for Fake IDs

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Watch for the following warning signs to identify fake IDs:

- Fuzzy printing on any numbers or letters or red eyes in the photo
- Bumpy surfaces around the picture, birth date, height, or weight
- The words “this is not a valid ID”, “for amusement purposes only” or “Not a Government Document”
- An ID marked as a “duplicate” might indicate that the original license holder requested a second license for someone else

If you suspect the ID to be forged, you can ask about details like middle initials, address, and zip code. You can also ask for a second or even third form of ID. Questions that are answered with a hesitating response can mean a forgery.

## Valid Identification

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Not just any identification card is valid! A valid ID must:

- Appear to be valid (not expired, no obvious signs of alteration or forgery)
- Be issued by a government agency
- Include a physical description and picture consistent with the customer’s appearance.

A birth date that is 21 years or more prior to today. [*TABC Code Sec. 106.13*]

## Intoxication Laws

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Under Texas law, it is illegal for a person to be intoxicated in a public place to the degree that they might be a danger to themselves or others.

A business that is licensed or permitted to sell or serve alcoholic beverages is considered a public place. [*Texas Penal Code §49.02*]

It is illegal to sell an alcoholic beverage to a person that you know is intoxicated. [*Texas Alcoholic Beverage Code Sec. 101.63 (a)*]

It is illegal for an employee to be intoxicated on the premise where they work as a seller-server. [*Texas Alcoholic Beverage Code Sec. 104.01*]

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## Signs of Intoxication

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The most common signs of intoxication are included here. When you only have a few moments to determine if a customer is intoxicated, it is helpful to look for these signs:

### Off-Premise

## 40 Likely Signs of Intoxication

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|---|---|
| <ul style="list-style-type: none"><li>• Loud speech</li><li>• Bravado, boasting</li><li>• Overly animated or entertaining</li><li>• Boisterous</li><li>• Careless with money</li><li>• Annoying other customers and/or the seller</li><li>• Argumentative</li><li>• Aggressive or belligerent</li><li>• Obnoxious or mean</li><li>• Inappropriate comments about others</li><li>• Crude behavior</li><li>• Inappropriate sexual advances</li><li>• Foul language</li><li>• Irrational statements</li><li>• Depressed or sullen</li><li>• Crying or moody</li><li>• Speaking loudly, then quietly</li><li>• Drowsy</li><li>• Bloodshot, glassy eyes</li><li>• Slurred speech</li></ul> | <ul style="list-style-type: none"><li>• Difficulty remembering</li><li>• Slow response to questions</li><li>• Rambling conversation</li><li>• Loss of train of thought</li><li>• Trouble making change</li><li>• Difficulty handling money</li><li>• Difficulty picking up change</li><li>• Lack of focus and eye contact</li><li>• Clumsy, uncoordinated</li><li>• Difficulty standing</li><li>• Unusual gait (walk)</li><li>• Stumbling</li><li>• Bumping into things</li><li>• Dropping things</li><li>• Swaying, staggering</li><li>• Falling down</li><li>• Mussed hair</li><li>• Disheveled clothing</li><li>• Falling asleep</li><li>• Smells like alcohol</li></ul> |
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On-Premise

# 50 Likely Signs of Intoxication

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|---|--|
| <ul style="list-style-type: none"><li>• Loud speech</li><li>• Bravado, boasting</li><li>• Overly animated or entertaining</li><li>• Boisterous</li><li>• Overly friendly to other guests and employees</li><li>• Drinking alone</li><li>• Drinking too fast</li><li>• Careless with money</li><li>• Urging other people to have another drink</li><li>• Ordering doubles</li><li>• Annoying other guests or servers</li><li>• Complaining about drink prices</li><li>• Complaining about drink strength or preparation</li><li>• Argumentative</li><li>• Aggressive or belligerent</li><li>• Obnoxious or mean</li><li>• Inappropriate comments about others</li><li>• Crude behavior</li><li>• Inappropriate sexual advances</li><li>• Foul Language</li><li>• Irrational statements</li><li>• Depressed or sullen</li><li>• Crying or moody</li><li>• Radical changes in behavior</li><li>• Speaking loudly, then quietly</li></ul> | <ul style="list-style-type: none"><li>• Drowsy</li><li>• Bloodshot, glassy eyes</li><li>• Slurred speech</li><li>• Difficulty remembering</li><li>• Slow response to questions</li><li>• Spilling drinks</li><li>• Rambling conversation, loss of train of thought</li><li>• Trouble making change</li><li>• Difficulty handling money, picking up change</li><li>• Lack of focus and eye contact</li><li>• Difficulty lighting a cigarette</li><li>• Lighting more than one cigarette at a time</li><li>• Letting a cigarette burn without smoking</li><li>• Clumsy, uncoordinated</li><li>• Difficulty standing up</li><li>• Unusual gait (walk)</li><li>• Stumbling</li><li>• Bumping into things</li><li>• Swaying, staggering</li><li>• Unable to sit straight in chair or on bar stool</li><li>• Can't find mouth with glass</li><li>• Falling down</li><li>• Mussed hair</li><li>• Disheveled clothing</li><li>• Falling asleep</li></ul> |
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## Estimating BAC (Drink Counting)

You can use the following charts to estimate a customer's BAC and know when they are possibly influenced, impaired, or intoxicated. These charts are only examples and were developed by the National Highway Traffic Safety Administration.

Subtract .015 for each hour after drinking. One drink is based on 1.5 oz of 80 proof liquor (40%), 12 oz. beer (4.5%), or 5 oz. wine (12%). The figures are averages and may vary based on the amount of food in the stomach. **NOTE:** At a BAC of 0.40% a person may become comatose and will be in danger of dying.

Drinks	Body Weight in Pounds								Influenced
	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	Possibly
2	.06	.06	.05	.05	.04	.04	.03	.03	
3	.11	.09	.08	.07	.06	.06	.05	.05	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	



## MEN

### KNOW YOUR LIMIT

Drinks	Body Weight In Pounds								Influenced
	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	Possibly
2	.08	.06	.05	.05	.04	.04	.03	.03	
3	.11	.09	.08	.07	.06	.06	.05	.05	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	

## WOMEN








### KNOW YOUR LIMIT

Drinks	Body Weight In Pounds								Influenced
	100	120	140	160	180	200	220	240	
1	.05	.04	.03	.03	.03	.02	.02	.02	Possibly
2	.09	.08	.07	.06	.05	.05	.04	.04	
3	.14	.11	.11	.09	.08	.07	.06	.06	Impaired
4	.18	.15	.13	.11	.10	.09	.08	.08	
5	.23	.19	.16	.14	.13	.11	.10	.09	Legally Intoxicated
6	.27	.23	.19	.17	.15	.14	.12	.11	
7	.32	.27	.23	.20	.18	.16	.14	.13	
8	.36	.30	.26	.23	.20	.18	.17	.15	
9	.41	.34	.29	.26	.23	.20	.19	.17	
10	.45	.38	.32	.28	.25	.23	.21	.19	

Subtract 0.015 for each hour after drinking. One drink is based on 1.5 oz of 80 proof liquor (40%), 12 oz. beer (4.5%), or 5 oz. wine (12%). The figures are averages and may vary based on the amount of food in the stomach. **NOTE:** At a BAC of 0.40% a person may become comatose and will be in danger of dying.

### What is a Standard Drink?

Remember not all drinks are equal when counting drinks. Multi-liquor drinks or over sized drinks have more alcohol than a single shot drink or a regular 12-ounce beer.

12 oz. regular beer	8-9 oz. malt liquor	5 oz. table wine	3-4 oz. fortified wine	2-3 oz. cordial, liqueur, or aperitif	1.5 oz. brandy	1.5 oz. 80-proof spirits
						
about 5% alcohol	about 7% alcohol	about 12% alcohol	about 17% alcohol	about 24% alcohol	about 40% alcohol	about 40% alcohol

A "Standard Drink" may not reflect actual serving sizes. For example, a single mixed drink made with hard liquor can contain one-to-three or more standard drinks, depending on the type of spirits and the recipe.

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## Preventing Intoxication

If you see that a customer is drinking quickly, they may become intoxicated quickly as well. In this case, you can:

- Slow down service
- Avoid going to the table as often
- Offer food or non-alcoholic beverages
- Suggest other activities

In an off premise situation, a seller has only a matter of seconds/minutes to determine if a person is intoxicated.

- Observe the person when they walk in the store, are they stumbling or having problems keeping their balance?
- When at the counter, do they smell of alcohol, have glassy or red eyes?
- When paying, do they have problems counting or handling money?

NOTE: Remember, a customer may have had one or more drinks elsewhere, so it is important to establish a customer's current state before serving alcoholic beverages.