



## ILLINOIS CASUALTY COMPANY

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# RESPONSIBLE SELLING AND SERVING OF ALCOHOLIC BEVERAGES

In the front-line position, licensees, (those licensed to sell alcoholic beverages) such as our establishment and our employees play an important role in ensuring responsible selling and serving of alcoholic beverages. Bartenders and wait staff must be much more than pourers and pushers of alcoholic beverages. Their best efforts must also be expended in prohibiting sales to minors, keeping intoxicated persons off the road, preventing fights, and lowering the number of injuries due to intoxication.

Selling and serving responsibly:

- ◆ Protects our customers;
- ◆ Protects our business;
- ◆ Protects the public; and
- ◆ Protects you!

This manual outlines the policies and procedures we have adopted in each of the following areas:

- Preventing underage sales and purchases;
- Selling and serving of alcoholic beverages to patrons; and
- Handling customer disturbances.

**EVERY EMPLOYEE IS EXPECTED TO STRICTLY ADHERE TO THESE POLICIES AND PROCEDURES. FAILURE TO DO SO MAY RESULT IN IMMEDIATE DISMISSAL.**

# PREVENTING UNDERAGE SALES AND PURCHASES

## THE LAW

In Illinois, retail liquor licensees, their employees, individuals under the age of 21 and the general public must comply with the laws which prohibit persons under the age of 21 from purchasing and consuming alcoholic beverages.

### **235 ILCS 5/6-16(a)\***

It is illegal for retail liquor licensees and their employees to sell, give and/or deliver alcoholic beverages to anyone who is under 21 years of age.

### **235 ILCS 5/6-16(a); 235 ILCS 5/6-20\***

It is illegal for persons under the age of 21 to buy, consume, possess and/or accept delivery of alcoholic beverages except in the performance of a religious ceremony or under the direct supervision of their parents, or person standing in loco parentis, in the privacy of a home.

### **235 ILCS 5/6-16(a)\***

It is illegal for any person, after purchasing alcoholic beverages, to give, sell and/or deliver alcoholic beverages to a person under the age of 21.

**REMEMBER: IT IS ILLEGAL TO SELL OR SERVE ALCOHOL TO A PERSON UNDER THE AGE OF 21.**

\*Illinois Liquor Control Act

# DRIVER'S LICENSE/STATE ID CARD

In an effort to prevent the sale, service, or delivery of alcoholic beverages to persons under 21, all employees will follow a standard practice of carefully checking legal documents to verify proof of age.

*If there is any doubt about a person's age, by law, you must check identification before you sell, serve and/or deliver alcoholic beverages.*

## **235 ILCS 5/6-20\***

If a licensee, the licensee's agent or employee believes or has reason to believe that a sale or delivery of any alcoholic beverage is prohibited because of the non-age of the prospective recipient, they shall, before making the sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of official duties.

*Legal proof of age and identity in Illinois is a document issued by a federal, state or municipal government.*

## **235 ILCS 5/6-16(a)\***

Adequate written evidence of age and identity is a document issued by a federal, state, county or municipal government, or subdivision thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the Armed Forces.

**REMEMBER: YOU MUST REFUSE TO SERVE OR SELL ALCOHOL TO INDIVIDUALS WHO CANNOT PRODUCE VALID IDENTIFICATION WHICH SHOWS THEY ARE 21 YEARS OF AGE OR OLDER. THE BURDEN OF PROOF LIES WITH THE PATRON!**

\* Illinois Liquor Control Act

# STANDARD PRACTICES FOR SCREENING AND CHECKING IDENTIFICATION

Legal proof of age and identification (ID) presented by the customer must be carefully screened and checked to verify age, identity, and that the document is valid and authentic.

*Be alert for anyone who attempts to bypass minimum age laws by using a fake or altered ID, someone else's ID, no ID, their own underage ID or documents that are not legal proof of age.*

The law gives you the right to refuse to serve, sell and/or deliver alcoholic beverages to persons who do not provide you with adequate proof of age.

**235 ILCS 5/6-16(a)\***

Any licensee or agent or employee, may refuse to sell or serve alcoholic beverages to any individual who is unable to produce adequate written evidence of identity and of the fact that they are 21 years of age or older.

**REMEMBER: PROHIBITING THE SALE, PURCHASE AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY PERSONS UNDER 21 PROTECTS THE BUSINESS EMPLOYEES FROM POSSIBLE LEGAL ACTIONS AND PROTECTS THE PUBLIC.**

\* Illinois Liquor Control Act

# PRACTICES TO BE USED TO VALIDATE IDs

## AGE:

Check the ID for a birth date.

- ◆ A sign is posted identifying the cut-off date for 21.

## IDENTITY:

Verify that the ID belongs to the person presenting it.

- ◆ Match picture IDs and descriptions – height, weight, eye color – with the person presenting the ID.
- ◆ Require a second piece of identification and cross-check the information.
- ◆ If the ID is a traffic ticket, birth certificate, duplicate ID or another type of ID that can be easily altered or given to another person, request that the second piece of identification be a picture ID with date of birth.
- ◆ Quiz the person about their date of birth, address, zip code, county, social security number, eye color, astrological sign, etc. If the person hesitates, or gives the wrong answer, do not accept the ID.

## AUTHENTICITY AND VALIDITY:

Examine the legal proof of identification to determine if it has been altered or is a fake.

- ◆ Hold the ID up to the light. Look for crooked lines or changes in the shade or typestyle of lettering.
- ◆ Touch the surface of the ID to find cut-outs or razor cuts.
- ◆ Check the thickness of the plastic coating – extra layers may mean the information on the ID has been altered.
- ◆ Check the expiration date. An expired ID is not a valid ID. Alcoholic beverages should not be served, sold or delivered to anyone presenting an expired driver's license or state ID.
- ◆ Reference the ID Checking Guide for out-of-state driver's licenses. Compare the driver's license presented with the "secret details" outlined.

**REMEMBER: WHEN IN DOUBT, CHECK IT OUT!**

# **ILLINOIS DRIVERS' LICENSES AND STATE- ISSUED IDENTIFICATION CARDS**

On January 1, 1999, the Illinois Secretary of State's office began to issue newly designed driver's licenses and Illinois Identification cards that make it easier to detect underage, fake or altered IDs.

**REMEMBER: ALWAYS CHECK IDENTIFICATION BEFORE  
SELLING OR SERVING ALCOHOL!**

# ILLINOIS DRIVER'S LICENSES AND SECRETARY OF STATE ISSUED IDs HAVE THE FOLLOWING DETAILS FOR PERSONS UNDER 21:

Driver's License	State Identification Cards
Red head bar with UNDER 21 UNTIL (date) in head bar	Red head bar with UNDER 21 UNTIL (date) in head bar.
Birthdate blocked in red.	Birthdate blocked in red.
Border color around state seal is red.	Border color around state seal is red.
A retroflective hologram overlaps photo and covers date of birth.	A retroflective hologram overlaps photo and covers date of birth.
The year of birth appears as the seventh and eighth digits of the driver's license. For example, if the driver's license number is <u>P142-4558-2940</u> , the year of birth is 1982. The letter in the license number (which appears at the beginning of the number) is the same as the first letter of the last name.	The year of birth appears as the seventh and eighth digits of the state ID number. For example, if the state identification number is 0004-60 <u>81</u> -157 <u>Q</u> , the year of birth is 1981. The letter in the identification number (which appears at the end of the number) is the same as the first letter of the last name.
The expiration date for persons under the age of 21 will be three months after the date of the person's 21st birthday and that person turning 21 cannot renew license the day before. For persons over 21, the expiration date is the person's birthday.	The expiration date for persons under the age of 21 will be three months after the date of the person's 21st birthday and that person turning 21 cannot renew license the day before. For persons over 21, the expiration date is the person's birthday.

# SELLING AND SERVING ALCOHOLIC BEVERAGES TO PATRONS

## THE LAW

Again, retail liquor licensees and their employees must comply with the law which prohibits sale of alcoholic beverages to intoxicated persons. And, in Illinois, a licensee who causes the intoxication of a customer may be held responsible for injury or damage caused by that intoxicated person.

### **235 ILCS 5/6-16(a)\***

It is illegal for retail liquor licensees and their employees to sell, give and/or deliver alcoholic beverages to any intoxicated person.

### **235 ILCS 5/6-21(a)\***

Every person who is injured within Illinois, in person or property, by any intoxicated person has a right of action against any licensee who by selling or giving alcoholic liquor causes the intoxication of such person.

**REMEMBER: IT IS ILLEGAL TO SERVE OR SELL ALCOHOL TO AN INTOXICATED PERSON.**

\*Illinois Liquor Control Act

# **IF AN INTOXICATED PERSON CAUSES INJURY OR DAMAGE, ESTABLISHMENTS ARE HELD RESPONSIBLE**

- ◆ The first person or place to serve the intoxicated person alcohol may be held as liable as the last person or place to serve or sell that person alcohol.
- ◆ According to the Dram Shop Statute, recoveries may be made for injury to person(s), either loss of society or loss of means of support and/or property damage suffered. The statute specifically delineates maximum recoveries for each. **235 ILCS 5/6-21(a)**\*

**REMEMBER: IT IS IMPORTANT FOR EVERYONE TO TAKE  
A COORDINATED APPROACH TO THE RESPONSIBLE  
SERVING AND SELLING OF ALCOHOL.**

\*Illinois Liquor Control Act

# HOW ALCOHOL AFFECTS THE BODY AND BLOOD ALCOHOL CONCENTRATION (BAC)

No matter what the size and body type of a person, the average body can only break down 1 ounce of alcohol per hour.

*It is important to know that, in general:  
.5 oz. of alcohol =*

*1 – 12oz. mug or bottle of beer*

*1 – 4oz. glass of wine*

*1 – 1.25 oz. of 80 proof liquor*

*1 – 1oz. of 100 proof liquor*

The more alcohol someone drinks beyond 1 oz. in an hour, the more quickly the blood alcohol concentration (BAC) will rise and the more quickly intoxication occurs.

Understanding blood alcohol concentration (BAC) and the effects that alcohol has on a person can help in serving and selling responsibly.

BAC is the amount of alcohol found in a person's bloodstream and is used to determine legal intoxication.

- ◆ In Illinois, the BAC at which someone is legally intoxicated is .08.  
**625 ILCS 5/11-501(a)\*\***

**IDOT stated effects on the body as  
BAC rises**

- .02** The area of the brain that controls a person's inhibitions is affected.
- .05** A person may slur speech, or not make much sense while talking.
- .08** Motor skills and reaction times will be slow. Judgment and coordination are affected. **LEGALLY INTOXICATED!  
CANNOT DRIVE SAFELY!!!**

**REMEMBER: THE BODY CAN ONLY ELIMINATE 1 OUNCE  
OF ALCOHOL PER HOUR.\*\*\***

\*\* Illinois Liquor Control Act

\*\*\* American Medical Association

# QUICK FACTS: ALCOHOL'S EFFECTS ON THE BODY

- ◆ Alcohol enters the bloodstream quickly.
- ◆ Within 5 minutes of drinking 1 ounce of alcohol, the BAC of a person can be accurately measured.
- ◆ The more someone drinks, the higher their BAC will go.
- ◆ Ninety five percent (95%) of alcohol enters the bloodstream from the stomach and small intestine.

How quickly alcohol enters the bloodstream, affecting a person's BAC, is directly related to:

- ◆ Body size and weight
- ◆ What is being drunk
- ◆ The speed at which alcohol is consumed
- ◆ The amount of time that passes
- ◆ What has or has not been eaten
- ◆ Other considerations such as medications taken, age, etc.
- ◆ Mood
- ◆ Exhaustion

## **BE AWARE**

Be aware of how much alcohol is served to customers and look for behavioral changes as they drink.

- ◆ Once alcohol enters the bloodstream, the passage of **time** is the only way to eliminate alcohol from the body.

### **Realizing the myths about alcohol.**

- Coffee will **NOT** sober up a person.
- A shower will **NOT** sober up a person
- Fresh air and a walk will **NOT** sober up a person.

# ALTHOUGH THE EFFECTS OF ALCOHOL ARE INFLUENCED BY MANY FACTORS, THREE ARE KEY:

- ◆ The amount of alcohol a person consumes
- ◆ The number of hours they have been drinking
- ◆ Body weight

EFFECTS OF ALCOHOL ON THE BODY									
<b>Approximate blood alcohol percentage</b>									
Drinks	Body weight in pounds								1 hour
	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	Presumed Sober
2	.08	.06	.06	.05	.04	.04	.03	.03	
3	.11	.09	.08	.07	.06	.06	.05	.05	Under the Influence
4	.15	.12	.11	.09	.08	.08	.07	.06	
5	.19	.16	.13	.12	.11	.09	.09	.08	
6	.23	.19	.16	.14	.13	.11	.10	.09	
7	.26	.22	.19	.16	.15	.13	.12	.11	Intoxicated "Per Se"
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	
Subtract .01% for each 40 minutes of drinking. One drink is 1 oz. of 100-proof liquor, 1.25 oz. of 80 proof liquor, 12 oz. of beer, or 4 oz. of table wine.									

NOTE: The BAC in the table is an estimate only.

It is not accurate enough to be used for legal purposes.

# IMPORTANT FACTS TO REMEMBER:

- ◆ A small person, in general, cannot drink as much alcohol as a larger person.
- ◆ Body fat does not absorb alcohol. Someone with higher amounts of fat versus muscle in their body will become intoxicated more quickly.
- ◆ Because women generally have a higher fat and water content in their bodies than men, they tend to become intoxicated more quickly than men.
- ◆ The faster a person drinks, the faster BAC will rise.
- ◆ BAC can continue to rise after a person has stopped drinking. This is especially true for the person who drinks very quickly.
- ◆ Alcohol can interact with or stop a medication from working.
- ◆ Some medications can add to the effect of alcohol and increase the speed that alcohol enters the bloodstream or BAC. This is especially true for people taking cold medications (antihistamines), tranquilizers (Valium) and many other drugs.
- ◆ Carbonated mixers such as soda, tonic and pop will speed alcohol absorption into the bloodstream.
- ◆ Food can slow down the absorption of alcohol into the bloodstream.
- ◆ A customer's mood can also affect the rate at which alcohol enters the bloodstream. For example, if the person is upset, annoyed, tired or depressed, alcohol will enter the bloodstream faster.

# WHAT CAN BE DONE TO AVOID PROBLEMS?

**To prevent problems from occurring, take action before a situation develops or gets out of control.**

*The purpose of our policies and procedures is to prevent intoxication by selling and serving alcohol responsibly.*

**For off-premises and on-premise locations, it is often the person who has been drinking before arriving at an establishment that presents the most difficult challenge.**

**Remember the following:**

Don't sell alcohol to persons that appear to be intoxicated. Try to stop people who are intoxicated from leaving and getting back on the road.

We have policies and procedures in place to follow which show how to prevent problems from occurring and cover how to handle various situations as they may arise.

**REMEMBER: TRY TO PREVENT THE INTOXICATED  
CUSTOMER FROM DRIVING AND PUTTING THEMSELVES  
OR OTHERS AT RISK.**

# TECHNIQUES FOR RESPONSIBLE SELLING AND SERVING

- ◆ Determine, based on body size and gender, how many drinks the customer can consume over a specific time period without becoming intoxicated.
- ◆ Talk with customers to try to determine how much alcohol has already been consumed before additional sales of alcohol.
- ◆ Watch customers for outward signs of intoxication.
- ◆ If a potential problem is seen, discontinue selling and serving.

## **In on-premise establishments, to prevent problems:**

- ◆ Be aware of the amount of alcohol being sold and served to all customers.
- ◆ Have food available. Food can slow a person's intake of alcohol as well as slow the absorption rate of alcohol into the bloodstream; suggest food to customers.
- ◆ Slow down service to buy time.
- ◆ Offer hot drinks such as coffee or tea.  
(These take longer to drink and give the body more time to break down alcohol. However, coffee or tea will not sober anyone up.)
- ◆ If the establishment serves specialty, non-alcoholic drinks, suggest them to customers.

## **Watch for any sign that indicates a customer might be intoxicated, including:**

- ◆ Swearing, acting rude, crude or belligerently.
- ◆ Fumbling and dropping change; difficulty counting money.
- ◆ Glassy eyes, lack of eye focus.
- ◆ Slurring words, slowed speech or speaking incoherently; rambling conversation.
- ◆ Stumbling or appearing unsteady when entering or walking through the establishment; falling down; slumping over in a chair; falling asleep.

## **If it is determined that a person is intoxicated:**

- ◆ Don't serve or sell more alcohol.
- ◆ Offer food; alternative, non-alcoholic beverages; talk with them. Buy time.
- ◆ Keep emergency phone numbers needed handy for easy and quick reference.
- ◆ If intoxicated, try to prevent customers from driving. Offer to find a ride home, call a cab, have another person drive them home or make other arrangements.
- ◆ Whether the customers stay or leave, document any problem situation and the preventative actions taken.

## **If refusal of service to a customer is necessary:**

- ◆ Explain calmly, firmly and respectfully that, by law, it is illegal to sell or serve them more alcohol.
- ◆ For sellers or servers, tell the customer that it is a job responsibility to serve responsibly – and the owner could lose the liquor license or even the business.
- ◆ Don't back down after a stand has been taken.
- ◆ But never embarrass the customer!

**REMEMBER: ALWAYS COMPLETE AN INCIDENT REPORT IF IT IS DETERMINED THAT A CUSTOMER BECAME INTOXICATED!**

# DESIGNATED DRIVER PROGRAM

We have a Designated Driver Program. This program is a good way to prevent alcohol-related problems.

*The following sign is posted:*

## ***DESIGNATED DRIVER PROGRAM***

*IF YOU ARE A DESIGNATED DRIVER, PLEASE  
IDENTIFY YOURSELF TO THE BARTENDER  
AND ACCEPT, AS A TOKEN OF OUR APPRECI-  
ATION FOR YOUR EFFORTS, COMPLIMENTARY  
SOFT DRINKS.*

*Make sure that the driver who is not drinking is identified and made to feel  
welcome. We offer free coffee or soda to the Designated Driver to thank them  
for their efforts.*

**REMEMBER: ALWAYS PROTECT OUR CUSTOMERS AND  
OUR BUSINESS!**

# CUSTOMER DISTURBANCES

Customer disturbances have the potential to become an increasingly larger problem for any establishment. We are not immune! Illinois Casualty Company, an insurer providing insurance protection for liability imposed upon sellers of alcoholic beverages, estimates that more than 50% of the claims filed against licensees arise from customer disturbances (fights). When a fight occurs, there is more than a 90% chance that at least one of the persons involved is intoxicated. Obviously, the best method to handle this potential problem is to prevent the disturbance from occurring. Despite our best efforts, fights may occasionally take place. In this circumstance, follow established procedures.

- Attempt to prevent fights from occurring.
- If a fight breaks out, follow the established procedures!

## **Techniques for preventing fights from occurring:**

- ◆ Be aware! Notice the signs that a disturbance may be starting.
- ◆ Intervene! Usually an argument precedes an altercation; explain in a friendly manner that fighting is not permitted!
- ◆ It may be necessary to ask one of the persons to leave.
- ◆ If you cannot calm them down or reach agreement that one of them will leave, call the police!
- ◆ Never take sides.

## **Procedures if a fight occurs:**

- ◆ Move the other customer to a safe area.
- ◆ Call the police immediately.
- ◆ Never ask customers to help in breaking up the fight.
- ◆ Do not engage in physical contact unless a life-threatening situation evolves.
- ◆ Complete an incident report, indicating events leading up to the altercation, state of intoxication witness names, etc.

## **CONCLUSION**

Responsible selling and serving of alcoholic beverages is a job requirement for each of our employees. Knowledge of how to mix drinks does not sufficiently qualify an individual to “dispense” alcoholic beverages. Your refusal to serve minors, your best efforts to prevent customers from becoming intoxicated, and your efforts to prevent injury or damage to others caused by intoxicated individuals are an integral part of your job responsibilities. Massive public awareness campaigns have drawn attention to the injuries and potential injuries caused by intoxicated individuals. Many of our customers may not fully understand or accept the measures necessary to resolve the issue. However, they need to understand our concern for the well-being of all our customers and those with whom they may come in contact.



# **EMPLOYEE ACKNOWLEDGMENT**

I, \_\_\_\_\_, have read the policies and procedures established by \_\_\_\_\_ for the responsible selling and serving of alcoholic beverages. I will adhere to such policies and procedures; I understand that failure to do so may result in immediate dismissal.

Employee: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# ILBA LIQUOR LIABILITY QUESTIONNAIRE

Name of establishment: \_\_\_\_\_

- (1) Have any of your employees received a certificate of completion from Techniques of Alcohol Management or a comparable certification program?  Yes  No If yes, how many? \_\_\_\_\_ For those who have completed training, indicate their position(s) within organization: (number)  
\_\_\_\_\_ owner(s) \_\_\_\_\_ manager(s) \_\_\_\_\_ waitstaff \*Total number of employees \_\_\_\_\_

\*Include all full-time and part-time employees regardless of whether or not their normal job responsibilities include service of alcoholic beverages.

- (2) Does the establishment have a formal policy for selling and serving of alcoholic beverages to those who appear intoxicated? If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (3) Does the establishment have a formal policy regarding age identification?  Yes  No If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (4) Does the establishment have a formal policy regarding fight prevention and/or fight control if a disturbance occurs?  Yes  No If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (5) Does the establishment employ individuals (or hire independent contractors) as floor managers (bouncers)?  Yes  No If yes, does the establishment have a formal policy regarding his/her authority and the use of force?  Yes  No If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (6) Does the establishment have a formal policy regarding a designated driver?  Yes  No If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (7) Does the establishment have a formal policy regarding calling a cab or providing rides for those individuals who appear intoxicated?  Yes  No If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (8) Does the establishment have a formal policy regarding the collection of information (e.g., date, time, witnesses, etc.) when an incident (i.e., refusal of service, fight, etc.) in the establishment takes place?  Yes  No If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (9) Does the establishment always have coffee and food available for patrons?  Yes  No If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (10) Provide copies of any written procedures.

\_\_\_\_\_  
Signature ILBA member

\_\_\_\_\_  
Printed name ILBA member

\_\_\_\_\_  
Title