

Pennsylvania Liquor Control Board

RAMP Server/Seller Online Training Curriculum Requirements



Requirements

This document explains the requirements necessary to have a curriculum approved by the Pennsylvania Liquor Control Board (PLCB) to satisfy the server/seller training component of the Responsible Alcohol Management Program (RAMP) in an online environment. Below are some guidelines to help you create your curriculum. Please note, once your curriculum is granted approval, you may not alter it in any way without prior approval from the PLCB.

Course Name

This course must be referred to as RAMP server/seller training; not RAMP training, RAMP certification or any other name. You are not permitted to add any additional wording or text to the name of the course. However, you are permitted to advertise your name and/or company name as the provider. For example, the course can be titled "RAMP Server/Seller Training presented by (company name and/or instructor name).

Course Design

You must teach an all-inclusive course consisting of the PLCB required topics and any verbiage provided by the PLCB, combined with verbiage and any additional information you add that has been approved by the PLCB. You may not teach a stand-alone course which addresses some or all of the required topics and then teach the PLCB required content for the same topics separately. Each topic should be addressed one time and must include all content. The entire curriculum must flow together.

Course Length

Each training must consist of a minimum of 1.5 hours instructional time, not to include a review or final exam. When submitting your course to the PLCB for approval, you are required to include the approximate time expected to conduct course.

Participant Manual

Each student who completes this training, must have access to view and print a PLCB-approved participant manual after completing the course.

Final Exam

At the conclusion of the training, you must issue the RAMP standard exam separate from any other exam that may be administered. You may not add any additional questions or combine our standard exam with any other exam you might give. Each student who passes the exam with a score of 80% or greater must be provided with the PLCB standard certificate.

RAMP Server/Seller Examination Questions

The following questions are to be administered as the final examination. Additionally, each question must be covered within your content. You must indicate the exact location where each question is covered in the course in your application. **The correct answer is highlighted.**

True or False

1. According to the Liquor Code, an expired photo ID is considered an acceptable form of identification. **False**
2. Each and every time you card a patron, you should have proof of the ID presented. **True**
3. If you suspect an ID to be fraudulent, you have the right to, and should refuse service. **True**
4. An International driver's license is a legally acceptable form of ID under the Liquor Code. **False**
5. A bartender can provide proper supervision for a minor while tending bar. **False**
6. Alcohol is a central nervous system (CNS) depressant. **True**
7. Generally, healthy people metabolize alcohol at a fairly consistent rate. **True**
8. Visible intoxication is determined by a patron's behavior and appearance. **True**
9. A 24 year old husband is considered proper supervision for his 20 year old wife. **False**
10. When not part of a school-endorsed function, the proper ratio for supervising minors is one supervisor per 20 minors except in cities of the first class (Philadelphia) where it is one supervisor per 5 minors. **True**
11. Caffeine in energy drinks can mask the depressant effects of alcohol. **True**
12. Blood alcohol content is determined by chemical analysis of the blood, breath, or urine. **True**
13. The Pennsylvania Liquor Control Board is the agency responsible for enforcing the Liquor Code. **False**
14. A mixed drink containing two shots of 80-proof liquor should be counted as more than one standard drink. **True**
15. Visible intoxication is the legal standard police and courts use to determine levels of intoxication. **False**
16. Most alcohol consumed is metabolized by the liver. **True**
17. The licensee and/or employee can be sued for any death, injury, or damage caused by a minor or a visibly intoxicated patron who was served alcohol. **True**
18. One of the requirements to qualify for the "Pizza Hut Exception" is the licensee must be able to demonstrate that 50% or more of their total gross sales is from food and non-alcoholic beverages. **True**
19. Records such as incident documentation forms and proof of carding should be kept for 2 years. **True**
20. Only the licensee and not the server can be charged criminally for serving a minor. **False**

Multiple Choice

21. Which of the following is not considered a valid ID to purchase alcohol in Pennsylvania?
- a. Armed Forces ID
 - b. Birth Certificate
 - c. State-issued identification card
 - d. Passport
22. Which of the following is not considered a standard serving of alcohol?
- a. 5 ounces of wine
 - b. 12 ounces of beer
 - c. 2 shots of 80-proof liquor
 - d. 1 ½ ounces of 100-proof liquor
23. Which of the following best helps lower a person's blood alcohol concentration (BAC)?
- a. Cold Shower
 - b. Time
 - c. Coffee
 - d. Fresh air
24. If a guest permits a minor to drink alcohol at a licensed establishment, who is responsible administratively under the Liquor Code?
- a. The owner of the establishment
 - b. The minor
 - c. The guest
 - d. The server only
25. Which of the following best determines BAC?
- a. Size of drink, number of drinks and time of day
 - b. Weight of person, mood and temperature
 - c. Time spent drinking, weight of person and number of drinks
 - d. Tolerance, number of drinks and gender
26. According to the Liquor Code, which of the following is not an acceptable form of proof of carding?
- a. Declaration of Age Card
 - b. Incident documentation form
 - c. Transaction scan device
 - d. Photograph
27. What should not be included on an incident documentation form?
- a. Your opinion
 - b. Detailed statements including date, time
 - c. Any reasonable efforts made to prevent the situation
 - d. Names of witnesses to the event
28. Possible signs of an alcohol/drug interaction could include:
- a. Excessive sweating
 - b. Erratic behavior
 - c. Unusually quick to become intoxicated
 - d. All of the above
29. RAMP recommends the F.E.A.R. method of carding. What does the A stand for?
- a. Alter
 - b. Allow
 - c. Ask
 - d. Acquire
30. Which is not an absorption rate factor?
- a. Gender
 - b. Carbonation
 - c. Concentration of alcohol
 - d. Tolerance

Content Guidelines

Below is a list of topics which must be covered in your curriculum. Some topics must be covered wholly by specific text provided by the PLCB and contained in the Required Content section of this document, while other topics can be covered with text you provide to the PLCB. You must begin the training with the topic "What is RAMP Certification?". The order in which you cover the remainder of the topics is your choice. Content shall minimally cover all questions on the PLCB standard final exam.

Each topic listed below must be covered in your curriculum.

- All text provided by the PLCB under each topic must be included verbatim. Required content begins on p.1 of this document. You may add additional content to any topic, unless otherwise indicated. All additional content is subject to approval by the PLCB. Content is understood to be any submitted text, pictures, media and handouts.
- You must create content for each topic where none is provided by the PLCB. All additional content is subject to approval by the PLCB.

What is RAMP Certification? – No additional content may be added.

Liability Concerns

Documentation

Liquor Code

PLCB Regulations

House Policies

Club Bylaws

What is Alcohol?

Absorption Rate Factors

Drug and Alcohol Interactions

Alcohol and Energy Drinks

Drink Equivalency

How Alcohol is Eliminated

Measuring Intoxication

Explanation of BAC

Tolerance

Alcohol and the Brain

Visible Intoxication Defined

Preventing Intoxication

Refusing Service

Minors

Who and When to Card

Legally Acceptable ID

How to Card

Proof of Carding

Minors Frequenting

Required Appendices

- A. PLCB Contact Reference Guide
- B. How to Obtain a Legal Advisory Opinion
- C. Clean Indoor Air Act

Required Content

All text provided by the PLCB under each topic must be included verbatim.

You must begin the training with the topic “What is RAMP Certification?” up through and including Benefits to the Licensee. The order in which you cover the remainder of the topics is your choice.

(TOPIC): WHAT IS RAMP CERTIFICATION?

Legislation enacted on June 18, 2001, established the Responsible Alcohol Management Program, which is a voluntary certification that provides incentives for licensees who participate and complete five components. RAMP is the umbrella term used to describe this collection of training and resources available to licensees and their employees. Completion of the program provides certification to the licensed establishment for two years.

Although RAMP certification is voluntary for many licensees, it can be mandatory under the following circumstances:

- For any licensee who has been found guilty by an Administrative Law Judge of sales to minors or visibly intoxicated persons.
- As part of a conditional licensing agreement (CLA).
- Prior to obtaining a wine expanded permit.

In order to comply, the establishment must complete all parts of the program, which include: Owner/Manager Training, Server/Seller Training, New Employee Orientation, Signage and Affidavit Request for RAMP Certification.

1. Owner/Manager Training

The first component consists of training for those most responsible for daily operations and determining policies for a licensed establishment — the owner and manager. In order to comply with this component, an owner and/or the PLCB-approved manager must complete the Owner/Manager Training. Licensees may choose to complete the Owner/Manager Training online or in a classroom setting. Classroom trainings are offered by the PLCB weekly throughout Pennsylvania.

Note: Act 113 of 2011 requires newly approved managers of certain license types to complete this training within 180 days of approval by the PLCB, unless training was successfully completed within the previous two years.

To complete online or to obtain a list of all scheduled training, visit www.lcb.state.pa.us and review RAMP Owner/ Manager Training option under “Education.”

2. Server/Seller Training

This component is the focus of today’s training. In order to fulfill this requirement, at least 50 percent of the licensee’s alcohol service staff must complete this training. Included in that group is anyone who serves alcohol and/or checks IDs, as well as owners and managers who perform these duties. This percentage must be maintained at all times. Upon completion of the course, trainees are required to complete a course examination and receive an 80 percent or better in order to receive credit for this course. Training is valid for two years.

You chose to complete this training online but licensees may also choose to attend classroom training conducted by a PLCB-approved instructor. A list of all approved trainers/providers is available at www.lcb.state.pa.us. Click on Alcohol Education-RAMP-Approved Server/Seller Trainers. The list changes periodically, so please make sure you have an up-to-date list before scheduling training.

Although Server/Seller Training is one component of RAMP certification, this training by itself is also mandatory for server/seller(s) under the following circumstances:

- For all staff serving alcohol at an off-premises catering event
- For all cashiers selling wine at an establishment with a wine expanded permit
- For all new alcohol service personnel hired on/after 8-8-16 who are not RAMP-trained must be so w/in six months of being hired and be re-trained before their current training expires.
- For all new alcohol service personnel hired on/after 8-8-16 who are already RAMP-trained must maintain that training, i.e. be re-trained before their current training expires.

3. New Employee Orientation

The third component consists of orientation for all members of the alcohol service staff. The PLCB will provide the orientation form and appropriate learning materials. Licensees are required to conduct a new employee orientation within 30 days of employee's hire. It is the sole responsibility of the licensee to ensure that either the owner, manager or a designated instructor conducts the orientation. Licensees shall maintain these records for all employees for the duration of their employment.

4. Signage

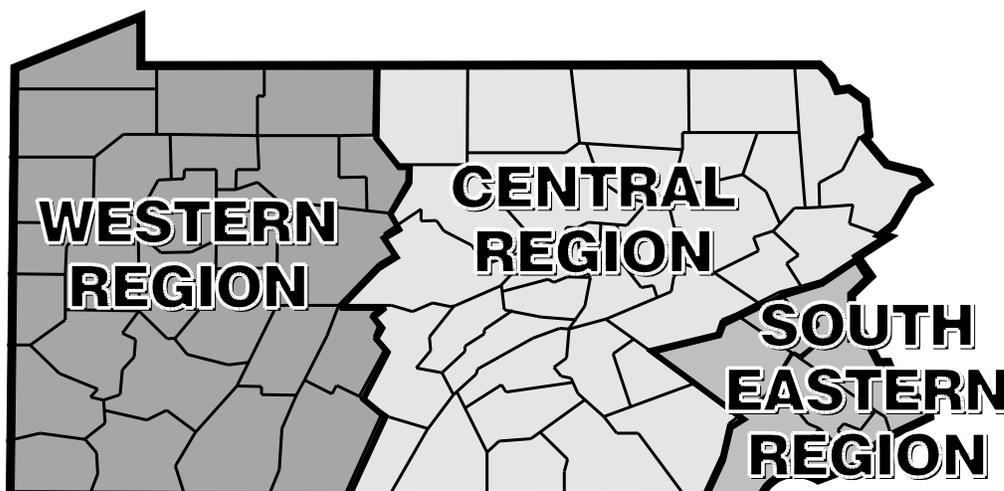
The fourth component consists of displaying posters or signs regarding responsible alcohol service. Appropriate signage is available from the PLCB. However, the licensee may use other signage, providing that it is equivalent size, number, and content of the PLCB's signage. Signage must be prominently displayed so that it can be easily observed by patrons. Licensees shall be responsible for posting and maintaining the signage at all times. Signage must include at a minimum, the following information:

- Acceptable forms of ID and
- Refusal of alcohol service to minors and visibly intoxicated patrons

5. Affidavit Request for RAMP Certification

After completion of all four listed requirements, the fifth and final component requires the licensee to complete an affidavit request for RAMP certification. Visit the PLCB's website www.lcb.state.pa.us to complete the affidavit or contact your regional RAMP office for assistance. The licensed establishment will receive RAMP certification providing all requirements are met.

Use the map below to locate your region. Whenever possible, call your local RAMP office.



Western Pennsylvania
412.723.0109

Central Pennsylvania
717.558.2160

South Eastern Pennsylvania
610.940.1217

* These numbers are subject to change. In that event dial 866.275.8237

Maintaining Compliance

Once the establishment has become RAMP-certified, it's up to the management to maintain compliance.

- If the owner or manager who completed the owner/manager training changes, the new (or another) owner/manager has 60 days to complete training.
- If the number of server/seller trained employees falls below 50 percent, additional employees must be trained within 60 days.
- It is recommended that the new employee orientation be completed on or before the first day of employment for the licensee's alcohol service staff but must be completed within 30 days of his/her hire date.
- Add all new employees to the alcohol service staff roster.
- Maintain posting of signs at all times.

Note: Failure to maintain these guidelines may void the establishment's certification.

Benefits to the Licensee Include:

- Possible reduction in the fines and penalties issued by the Administrative Law Judge to the licensee for serving a minor or a visibly intoxicated patron, as long as the licensee was in compliance at the time of the violation and had no citations for either of those two violations in the previous four years.
- Possible liquor liability insurance discount
- Knowledgeable, well-trained alcohol service staff and management
- Recognition as a responsible licensee in your community
- Less likelihood of dram shop liability

(TOPIC): LIABILITY CONCERNS

Administrative Liability

The Pennsylvania Liquor Code makes it illegal for licensees, or their servants, agents or employees, to serve alcoholic beverages to visibly intoxicated patrons (VIPs) and minors. Violations of that law by licensees may result in fines from \$1,000 to \$5,000 (unless, at the time of the sale, the licensee was RAMP-certified and had not sold to VIPs or minors in the previous 4 years, then the licensee's fine would be from \$50 to \$1,000); suspension or revocation of the liquor license; and mandated RAMP certification.

This is often referred to as "strict liability" because licensees are always responsible for the actions of their employees - even when the licensee is absent.

Criminal Liability

There are two different ways a person could be fined criminally, under the Pennsylvania Liquor Code and under the Pennsylvania Crimes Code.

- If a licensee or employee sells to a visibly intoxicated person or minor, he/she could be fined up to \$5,000 and/or be imprisoned from 3 months to 1 year.
- Any other person who violates any provision of Article IV of the Liquor Code commits a misdemeanor and could be fined from \$100 to \$500.

B.

C. Pennsylvania Crimes Code

- People who sell or furnish alcohol to minors can also be prosecuted criminally under the Pennsylvania Crimes Code. Anyone convicted of willfully and knowingly selling or furnishing alcoholic beverages to a minor faces a minimum fine of \$1,000 for the first offense and \$2,500 for each subsequent offense, as well as a possible jail term of up to one year for each offense.

Civil Liability

“Dram shop” is a legal term in the United States referring to a bar, tavern or the like where alcoholic beverages are sold. Traditionally, it referred to a shop where spirits were sold by the dram, a small unit of liquid.

“Dram shop liability” refers to the body of law governing the liability of taverns, liquor stores and other commercial establishments that serve alcoholic beverages. Generally, dram shop laws establish the liability of establishments arising out of the sale of alcohol to visibly intoxicated persons or minors who subsequently cause death or injury to third-parties (those not having a relationship to the bar) as a result of alcohol-related car crashes and other accidents.

Dram shop liability is commonly called third-party liability because the lawsuit involves three parties:

- *1st party is the licensee and/or server*
- *2nd party is the minor and/or intoxicated patron*
- *3rd party is the victim*

Dram shop cases have resulted in verdicts awarding substantial amounts of money to those parties involved. Violators have been successfully sued for everything they own, including their businesses, houses and other personal property. The Liquor Code provides that no licensee shall be liable to third parties on account of damages inflicted upon them off of the licensed premises by customers of the licensee unless that customer was sold, furnished or given alcohol by the licensee or its servants, agents or employees, when that customer was visibly intoxicated.

KEY FACT:

Generally, a lawsuit for personal injuries can be filed up to two years after the incident.

(TOPIC): DOCUMENTATION

The best protection against liability lawsuits is to not serve alcohol to visibly intoxicated persons or to minors. For additional protection, you should keep a daily record of events. Do not rely solely on your memory to help you. An excellent tool to accomplish this is the Incident Documentation Form. The Incident Documentation Form can provide a defense in the event a lawsuit is filed. (You are to show form here)

4

What kind of incidents should be documented?

- ✓ *Attempts to purchase by a minor*

- ✓ *Refusal of service*
- ✓ *Bar fight*
- ✓ *Refusal of entry (patron arrives as a VIP)*

Note: The form should be completed immediately by the employee who was involved in the incident.

When completing the form, be sure to:

- Only include the facts and not your opinion.
- Write detailed statements which include the date, time and any witnesses to the event.
- List any reasonable efforts made to prevent the situation.

What are some reasonable efforts you can make?

- ✓ **Call a taxi**
- ✓ **Refuse service**
- ✓ **Call police**

Daily, consistent entries, even when there are no problems, demonstrate responsible business practices. A daily record provides other valuable business information, such as customer trends, requests or complaints, employee relations and more. This can be a useful tool in improving the business.

Be sure to ask where your establishment's Incident Documentation Forms can be found, under what circumstances they should be completed and where they are to be filed.

KEY FACT:

RAMP recommends you keep incident records for at least two years following an incident because lawsuits can be filed up to two years after an event.

INCIDENT DOCUMENTATION FORM**

Once completed, keep on licensed premises for two years.



Date _____ Time _____ AM PM

LICENSED ESTABLISHMENT NAME: _____ LID#: _____

PATRON NAME: _____

Address: _____

Phone Number: _____ Employer: _____

Patron's age: _____ Verified Approximated (check one)

Physical description of patron: _____

1. Was the patron's ID checked? Yes No By whom? _____

Type of ID presented: _____ ID number: _____

Method of documentation used**:

<input type="checkbox"/> PLCB-931 Declaration of Age Card	<input type="checkbox"/> Photocopy
<input type="checkbox"/> Video	<input type="checkbox"/> ID swipe machine
<input type="checkbox"/> Photo	

2. Time patron arrived: _____ AM PM Time patron departed: _____ AM PM

3. Where was the patron before your establishment? _____

4. Number and types of drinks served: _____

5. In what amount of time were the drinks served? _____

6. Did the patron consume food while at the establishment? Describe: _____

7. Was the patron injured? Yes No Describe: _____

Was professional attention needed? Yes No

Did the patron contribute to the injury? Yes No Describe: _____

8. Were law enforcement authorities called? Yes No

Time of call: _____ AM PM Who made the call? _____

Name(s) of officer(s) responding: _____

9. Did the patron drive from the establishment? Yes No

10. Auto make: _____ Model: _____ Color: _____ License #: _____

11. If the incident occurred outside describe weather conditions: _____

12. Describe the incident including eyewitness accounts. Attach additional pages if needed.

Employee name: _____ Signature: _____

Address: _____ Phone: _____

Witness #1 name: _____ Signature: _____

Address: _____ Phone: _____

Witness #2 name: _____ Signature: _____

Address: _____ Phone: _____

Signature of person completing the form: _____ Date: _____

*This form may be duplicated without the permission of the Pennsylvania Liquor Control Board. **This form is not a legal substitute for the PLCB-931 Declaration of Age Card.

(TOPIC): THE LIQUOR CODE

The Liquor Code is a governing body of law applicable to every licensee in Pennsylvania. Licensees and their employees are responsible to know and follow the Liquor Code. Failure to do so could result in a citation for both the owner and employee.

Who enforces the Liquor Code?

✓ *Pennsylvania State Police, Bureau of Liquor Control Enforcement*

Who creates the laws that are in the Liquor Code?

✓ *Pennsylvania State Legislature*

(TOPIC): PLCB REGULATIONS

The Pennsylvania Liquor Control Board establishes regulations to implement the Liquor Code and explain how it will apply its practices and procedures.

KEY FACT:

All licensees and employees must adhere to everything in the Liquor Code and PLCB regulations.

(TOPIC): HOUSE POLICIES

Written policies will guide you on how to manage tough situations. The goal here is to get everyone on the same page and handle situations in a similar fashion.

RAMP strongly recommends every establishment have a written set of rules beyond the Liquor Code called "house policies." Having written policies can greatly reduce your risk of liability and avoid violations.

House policies are created typically by the owners or managers of licensed establishments. They are the "rules" of the establishment beyond the Liquor Code. House policies can be more stringent than the Liquor Code and cover a wide variety of topics. Some topics to consider are how to handle minors and VIPs, where minors can sit, last call and number of drinks to serve one person.

Take a few seconds to think about what policies you have regarding minors and visibly intoxicated patrons. Are there additional policies you would like to see implemented where you work?

KEY FACT:

House Policies can be changed at any time.

(TOPIC): CLUB BYLAWS

Private club licensees such as the Elks Club or American Legion have written rules called bylaws. PLCB regulations require that private clubs adhere to their constitutions and bylaws. If a club does anything contrary to what is stated in those documents, it can be cited by the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

Note: Club bylaws must be changed by following the proper steps as determined by the clubs constitution and charter.

(TOPIC): WHAT IS ALCOHOL AND HOW IS IT ABSORBED?

Alcohol is a chemical substance and central nervous system (CNS) depressant drug.

What helps to slow down the absorption of alcohol?

- ✓ *Any amount of food in the stomach helps. It's important to eat prior to and during drinking.*

(Topic): ABSORPTION RATE FACTORS

You are required to explain each absorption rate factor.

Body Size

Body Type

Gender

Amount Consumed/Time

Concentration of Alcohol

Food

Carbonation

Other Drugs

KEY FACT:

Absorption may continue up to 90 minutes after alcohol consumption has stopped.

(Topic): DRUG AND ALCOHOL INTERACTIONS

This topic must be covered with content of your choice.

(Topic): ALCOHOL AND ENERGY DRINKS

This topic must be covered with content of your choice.

(TOPIC): DRINK EQUIVALENCY

Drink equivalency is important for you to understand in order to serve alcohol responsibly. As a server, you want to count standard servings of alcohol, not drinks, because a drink can contain more than one standard serving of alcohol.

What is a standard serving of alcohol?

- ✓ *12 ounces of beer*
- ✓ *5 ounces of wine*
- ✓ *1.5 ounces of 80-proof liquor or 1 ounce of 100-proof*

Note: These standards are based on 5% alcohol in 12 oz. beer, 12% alcohol in 5 oz. wine.

(Topic): HOW ALCOHOL IS ELIMINATED

This topic must be covered with content of your choice.

(TOPIC): MEASURING INTOXICATION

The common measures of intoxication are blood alcohol content, BAC, and visible intoxication.

- BAC is determined by chemical analysis of the blood, breath or urine. BAC is the legal standard police and courts use to determine levels of intoxication.
- Visible intoxication is the standard servers must use in determining intoxication. That is, something that can be observed.

Explanation of BAC

This topic must be covered with content of your choice.
Content must include explanation of the provided BAC charts.

ALCOHOL IMPAIRMENT CHART										
APPROXIMATE BLOOD ALCOHOL PERCENTAGE										
Drinks	Body Weight in Pounds									
	100	120	140	160	180	200	220	240		
0	.00	.00	.00	.00	.00	.00	.00	.00	.00	ONLY SAFE DRIVING LIMIT
1	.05	.04	.03	.03	.03	.02	.02	.02		Impairment Begins
2	.09	.08	.07	.06	.05	.05	.04	.04		
3	.14	.11	.10	.09	.08	.07	.06	.06		Driving Skills Affected Possible Criminal Penalties
4	.18	.15	.13	.11	.10	.09	.08	.08		
5	.23	.19	.16	.14	.13	.11	.10	.09		Legally Intoxicated Criminal Penalties
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		

Your body can get rid of one drink per hour.
Each 1.5 oz. of 80 proof liquor, 12 oz. of beer or 5 oz. of table wine=1 drink.

ALCOHOL IMPAIRMENT CHART										
APPROXIMATE BLOOD ALCOHOL PERCENTAGE										
Drinks	Body Weight in Pounds									
	140	160	180	200	220	240	260	280		
0	.00	.00	.00	.00	.00	.00	.00	.00	.00	ONLY SAFE DRIVING LIMIT
1	.03	.02	.02	.02	.02	.02	.01	.01		Impairment Begins
2	.05	.05	.04	.04	.03	.03	.02	.02		
3	.08	.07	.06	.06	.05	.05	.04	.04		Driving Skills Affected Possible Criminal Penalties
4	.11	.09	.08	.08	.07	.06	.06	.05		
5	.13	.12	.11	.09	.09	.08	.08	.07		Legally Intoxicated Criminal Penalties
6	.16	.14	.13	.11	.10	.09	.09	.09		
7	.19	.16	.15	.13	.12	.11	.11	.10		
8	.21	.19	.18	.17	.15	.13	.13	.12		
9	.24	.21	.20	.19	.17	.16	.15	.14		
10	.27	.23	.21	.19	.17	.16	.16	.15		

Your body can get rid of one drink per hour.
Each 1.5 oz. of 80 proof liquor, 12 oz. of beer or 5 oz. of table wine=1 drink.

(TOPIC): TOLERANCE

This topic must be covered with content of your choice.

(Topic): ALCOHOL AND THE BRAIN

Alcohol affects the way the brain works by impairing mental and physical functions. Impairment increases as the amount of alcohol in the blood, BAC, rises. Different areas of the brain control different behaviors. As alcohol affects the major areas of the brain, certain changes occur, such as relaxed inhibitions, impaired judgment, slowed reactions and impaired coordination.

- **Relaxed inhibitions** - A person will say or do things they normally would not
- **Impaired Judgment** - A person's ability to make sound decisions diminishes
- **Slowed reactions** - A person's ability to respond and react diminishes
- **Impaired coordination** - A person's motor skills will be affected

(Topic): VISIBLE INTOXICATION DEFINED

You just learned that BAC is the legal standard police and courts use to determine levels of intoxication. As a server, you are not expected to know a customer's BAC as determined by a breathalyzer test, however, you are expected to recognize visible intoxication. "Visible intoxication" is a level of impairment that is evident upon common observation such as a person's behavior or appearance. This is the standard servers should use to decide if a customer is intoxicated. It is illegal for a licensee or any employee, servant or agent of the licensee or any other person, to sell, furnish or give any alcoholic beverages or permit any alcohol to be sold, furnished or given, to any person visibly intoxicated. Once it is determined that a customer is visibly intoxicated, alcohol service must be stopped immediately.

What are some common signs of impairment?

Note: There is no single indicator that will specifically identify visible intoxication.

KEY FACT: It is illegal to serve alcohol to a visibly intoxicated person.

Please note it is also important to monitor patrons who have been flagged to make sure that no one else is providing them with any alcohol while on your licensed premises, as you will be held liable.

(TOPIC): PREVENTING INTOXICATION

This topic must be covered with content of your choice.

(TOPIC): REFUSING SERVICE

As a server, you have the right to refuse alcohol to anyone, as long as you don't violate the Pennsylvania Human Relations Act.

KEY FACT:

The Pennsylvania Human Relations Act prohibits discrimination based on factors like race, gender, and ethnicity. You must make sure to not unlawfully discriminate in choosing who you refuse to serve or bar from the premises.

Rating the Customer

It's important to rate the customer's behavior prior to serving him or her each drink to be sure he or she isn't visibly intoxicated. A common system to use is "GO, YIELD, STOP." Let's review these commands:



GO - Customers who are not exhibiting any signs of impairment and therefore are ok to serve.



YIELD - Customers who are on their way to becoming intoxicated based on their current behavior.



STOP - Customers who are exhibiting signs of impairment and therefore may not be served.

Rate the Guest:

Using the descriptions of "go," "yield," and "stop," that we have just reviewed, let's take a look at a few scenarios and you decide how you would rate the guest.

- ✓ Kim sits at the bar and orders a shot and a Long Island Iced Tea. After serving her, the bartender hears her say she needs to "forget about her bad day." **YIELD**. Reasoning: A "yield" rate would be the best choice. Kim is not showing any signs of being visibly impaired, so at this point, the bartender could serve her the shot and Long Island Iced Tea. But after the bartender hears her state that she wants to forget about her bad day, the bartender should begin monitoring Kim for behavioral changes.
- ✓ Sarah and Joan are enjoying their "girl's night out". **GO**. Reasoning: This is a "go". Given the information in this scenario, there is nothing that leads us to believe that either one of them are intoxicated.
- ✓ After a long night at work, John came into the bar, ordered a beer and fell asleep. **YIELD**. Reasoning: This scenario would be a "yield". Given the information presented, there is nothing to indicate that John is intoxicated. One could surmise that he worked all night and fell asleep just because he was tired. It is not illegal for someone to sleep at the bar, but you probably do not want to allow this to occur as part of a good business practice. Your establishment may have a house policy regarding guests sleeping at the bar.
- ✓ Lindsey and Jeff have been bar-hopping all night. **GO or YIELD**. Given the information in this scenario, it would be a "go" or "yield". There is nothing that indicates either is intoxicated, but many servers become concerned when they hear the words "bar hopping."
- ✓ Kris, who is normally quiet, is yelling at people across the bar. **YIELD or STOP**. Reasoning: There is nothing that indicates Kris's behavior has anything to do with him consuming alcohol. None of the information presented indicates how long or how much alcohol he has been consuming or if he consumed any alcohol at all. However, because there is a behavioral change in Kris, this is cause

for concern and therefore, you should monitor his behavior closely. Your establishment may have a house policy regarding this type of behavior.

- ✓ A couple is eating dinner, having a drink and talking. GO. Reasoning: This scenario represents a “go”. Although the couple is having a drink, there is nothing mentioned in this scenario that would indicate any reason to label them a “yield” or “stop”.
- ✓ After consuming a few drinks, a few women from a local softball team start to get loud and boisterous and begin to argue. YIELD or STOP. Reasoning: This scenario would be a “yield” or “stop”. Based on the information presented, the girl’s behavior changes after having a few drinks. However, we are unaware of the reason for the argument. They may be arguing about plays/calls that occurred during the game or maybe alcohol **is** playing a factor and they have become unruly. You would have to make the determination based on your observation and other factors. Keep in mind, your establishment may have a house policy regarding this type of behavior.
- ✓ Jack is sitting at the bar and consuming alcohol regularly for a couple of hours. He appears to be "nodding" and lights his cigarette backwards. STOP. Reasoning: This scenario would be a “stop”. With all of the information given, there is a clear change in Jack’s behavior and he is showing multiple signs of visible impairment. It is illegal to continue to serve him!
- ✓ Steve gets overly angry over a play on a televised sporting event. GO or YIELD. Reasoning: This scenario can be a “go” or “yield”. There is nothing that indicates Steve’s reaction has anything to do with him consuming alcohol. He may just be an overly sensitive sports enthusiast. This scenario would require you to monitor his behavior. Your establishment may have a house policy regarding this type of behavior.
- ✓ Jane is singing along with the jukebox in a loud and/or animated way. GO, YIELD, or STOP. Reasoning: This can be a “go”, “yield” or “stop”. With the information presented, we do not know if this performance is common behavior for Jane. You would have to make the determination based on other factors.
- ✓ Kate is sitting at the bar for hours, drinking a few drinks, not eating and appears upset. YIELD. Reasoning: This scenario would be a “yield”. With the information given in this scenario of her consuming alcohol, not eating and appearing upset, this would require some involvement on your part. These factors would be enough to warrant slowing down service and monitoring Kate’s behavior more closely.
- ✓ As Bob leaves his barstool to go to the men’s room he stumbles, slurs his speech and has bloodshot eyes. STOP Reasoning: This scenario would be a “stop”. With all of the information given, Bob is showing multiple signs of being visibly intoxicated. It is illegal to continue to serve him!

(Topic): MINORS

It is illegal for anyone under the age of 21 to attempt to purchase, purchase, possess, consume or knowingly and intentionally transport alcoholic beverages. It is illegal for a licensee or any employee, servant or agent of the licensee or any other person to sell, furnish or give any alcoholic beverages or permit any alcohol to be sold, furnished or given to any minor. When the laws regarding minors are violated, you, the server, may be held liable for the minor's actions.

(TOPIC): WHO AND WHEN TO CARD

We know it is not always easy to identify a minor. A person's physical characteristics, mannerisms, clothing, facial features and cosmetics can be very misleading and give the impression of a much older and mature individual. For these reasons, it is recommended that anyone who appears to be under the age of 30 be considered a potential minor and should be asked to provide proper identification, and the licensee should document it.

(TOPIC): LEGALLY ACCEPTABLE ID

Under the Pennsylvania Liquor Code, the only legally acceptable forms of identification are:

- A valid photo driver's license issued by the Pennsylvania Department of Transportation or any state
- A valid photo identification card issued by the Pennsylvania Department of Transportation or any state
- A Canadian driver's license or other bona fide Canadian identification, such as a Canadian-issued passport that contains a photograph
- A valid United States Armed Forces ID card that contains the holder's photograph
- A valid passport, passport card or travel visa that contains the holder's photograph

Although these are all acceptable forms of identification, you do not have to accept all of them and may refuse service if you are uncertain or uncomfortable with the ID presented to you.

KEY FACT:

All of these IDs must contain a photograph and cannot be expired.

(TOPIC): HOW TO CARD

To effectively identify ID fraud, IDs should be checked under good lighting. Some of the most common alterations are not always obvious. A lit magnifying glass can be extremely beneficial in uncovering discrepancies. When checking IDs, it is important to follow an established routine. Memorize the steps and use them, in order, every time you check an ID. An example of a routine approach called FEAR (Feel, Examine, Ask, and Return) is:

- First, **FEEL** for pin holes, bumpy surfaces, glue lines, rough edges. RAMP recommends that you hold the card until the carding process has been completed.
- Next, **EXAMINE** the photo, DOB, expiration date, consistency of font, hologram, state logo, reverse side, UV feature.
- Then, **ASK** the DOB, person's age, ZIP code, zodiac sign, middle name, second form of ID.
- Last, **RETURN or REFUSE**. At no time should the licensee willingly confiscate a suspected fraudulent ID.

The Server/Licensee then should fill in the:

- 6.) Current date
- 7.) Name of establishment
- 8.) Serial number of the ID card presented by the customer
- 9.) Witness-licensee/server name and address
- 10.) Type of ID shown
- 11.) Signature compared-check YES or NO

If sale is refused, enter a physical description of the customer to include:

- 12.) race, sex, complexion, hair color, approximate weight, height, and distinguishing features
- 13.) code requested-what they purchased to go
- 14.) Reason refused

Photograph – Many licensees take a photograph of the ID. With a digital camera, you can store many pictures on one memory card.

Photocopy - Many licensees take a photocopy of the ID and have the patron sign next to the copy to verify the signature.

Transaction scan device – Use the FEAR method first. Make sure the scanner stores the information. You may want to invest in a scanner that reads both bar codes and magnetic strips. *An establishment with a wine expanded permit must use a transaction scan device when the purchaser appears under age 35.

Other visual or video presentation of the identification card presented – Make sure the camera is positioned in a manner to clearly capture the ID that you are looking at, not just video surveillance.

Note: One of these methods should be used each time you card someone, not just when you are suspicious of the ID.

Section 4-495(e) of the Liquor Code states that no penalty shall be imposed on a licensee or employee for serving alcohol to a minor if the licensee or employee can establish that the minor was required to produce a valid form of identification, and that one of the forms of documentation were used and relied upon in good faith. See the section entitled “Legally Acceptable Forms of Identification” for such forms of identification.

KEY FACT:

All documentation must be kept for at least two years.

(TOPIC): MINORS FREQUENTING

Not only is it illegal to sell or furnish alcohol to minors, it is generally unlawful for any hotel, restaurant or club licensee or any retail dispenser licensee or their servants, agents or employees to permit minors to be present on or frequent the licensed premises for any reason whatsoever. The exceptions to this general rule are:

A. Minors may be permitted on the premises of a hotel, restaurant, club or any retail dispenser if the minor is in the company of: a parent, a court appointed legal guardian or under proper supervision.

1. **A parent** - a parent is a parent.

Ex. A 21-year-old parent can come into an establishment with their 2-year-old child and sit wherever they like and consume alcohol, simply because they are the parent. Keep in mind; if smoking is permitted in your establishment, this would not be permissible.

2. A court-appointed legal guardian - this person takes the place of a parent and has legal documentation to prove that.

Ex. A grandmother gets legal custody of their grandchild because the child's parents are deceased.

Is a spouse considered a legal guardian?

NO, a legal guardian takes the place of the parent.

3. Under "proper supervision" - a person who is 25 years of age or older who is directly responsible for the care and conduct of the minor(s) while on the licensed premises, and who keeps the minor(s) within his/her sight or hearing at all times. If the licensee or employee is acting as proper supervision, then that person may not perform any other employment-related duties.

Ex: I am 26 years old and I am watching my 3-year-old niece. I can enter a licensed establishment, sit wherever I choose and consume alcohol, providing I am in a non-smoking establishment. If smoking were permitted, I could not enter with the 3-year-old.

Ex: I am 30 years old and coach Little League. After the championship game, my assistant coach, who is 35, and I take the team to eat. There are 23 players on the team and 2 coaches over age 25. It would be permissible for us to enter a licensed establishment to eat, as long as we are not in Philadelphia. In Philadelphia, 5 supervisors would be required.

Can a bartender provide proper supervision while tending bar?

No. If the licensee or employee is acting as proper supervision, then that person may not perform any other employment-related duties.

What is the ratio of supervisors to minors?

- A. General rule: 1 supervisor per 20 minors
- B. Philadelphia: 1 supervisor per 5 minors
- C. School-endorsed function: 1 supervisor per 50 minors

KEY FACT:

Minors frequenting does not apply to:

- **Limited Wineries**
- **Distributors**
- **Importing Distributors**
- **Public Venues**
- **Performing Art Facilities**
- **Unlicensed areas of a golf course**
- **Unlicensed areas of bowling alleys**
- **Ski Resorts**
- **Casino License Holders**

Please note, the provisions of the Clean Indoor Air Act must also be observed. If an establishment permits smoking, individuals under the age of 18 years of age are not permitted on the licensed premises or in the enclosed bar area at any time or for any reason. The establishment must post signage at all entrances to the enclosed bar area stating "No one under the age of 18 permitted". If the officers of a Club licensee vote to allow smoking, the provisions do not restrict minors under 18 from being in the club while smoking is occurring, except when the club is open to the public through general advertisement for a club-sponsored event or when the club is leased or used for a private event which is not club-sponsored.

B. Another exception is limited to restaurant, hotel or retail dispenser licensees only (not clubs). It is often referred to as the **Pizza Hut Exception**. This exception allows minors to frequent a licensed premises for the purpose of eating food or drinking non-alcoholic beverages without needing any supervision. All of the following conditions must be met:

1. The licensee must be able to demonstrate that 50 percent or more of its total gross sales is food and non-alcoholic beverages.
 - This demonstration is based on overall sales over extended periods of time.
2. The minors must not be seated at the bar section of the establishment.

Ex: Two 19-year-olds enter a chain restaurant for dinner. The bar area is clearly separated from the dining area. The patrons may be seated at a table or booth in the bar section as long as they are not seated at the bar.

3. Alcoholic beverages may not be served at the table or booth at which the minor is seated unless the minor is with a parent, court-appointed legal guardian or under “proper supervision” as previously defined.

Ex: Three people enter a restaurant. One orders water, one orders a soda and one orders a beer. You card the one who ordered alcohol and he/she is 24. Can you serve that person? In this situation, you would have to card everyone sitting at the table to see how old the non-alcoholic drinkers are. If they are both over 21, then you can serve the 24-year-old. If they are under 21, you can only serve alcohol at that table if there is a parent, court-appointed legal guardian or proper supervisor sitting at that table.

KEY FACT:

The Pizza Hut Exception does not apply to Club licensees. Minors must always be properly supervised when frequenting a private club.

C. The final exception to the prohibition of minors frequenting is applicable to hotel, restaurant, retail dispenser or club licensees for a “**social gathering**”, even if the gathering is exclusively for minors. In order to permit such conduct, ALL of the following must apply:

1. No alcohol may be served anywhere on the licensed premises.
2. All alcohol must either be removed from the premises or secured under lock and key during the social gathering.
3. Written notice must be provided to the Pennsylvania State Police, Bureau of Liquor Control Enforcement, at least 48 hours in advance of the event.
 - Most licensees do not have what constitutes a social gathering because it means that no alcohol can be served anywhere on the licensed premises during the gathering.

KEY FACT:

If a minor is attending a social gathering as defined, then no other adult supervision is required for the event.

APPENDIX A

Contact Reference Guide

Pennsylvania Liquor Control Board

Website: <http://www.lcb.state.pa.us>

BUREAU OF ALCOHOL EDUCATION Responsible Alcohol Management Program

Toll Free.....1-866-275-8237
Eastern Region610-940-1217.....FAX Number - 610-943-5620
Central Region717-558-2160.....FAX Number - 717-558-2718
Western Region412-723-0109.....FAX Number - 412-723-0113
Email: RA-LBRamp@pa.gov

OFFICE OF CHIEF COUNSEL

Harrisburg 717-783-9454.....FAX Number – 717-787-8820
Email: RA-LBLegal@pa.gov

BUREAU OF LICENSING

Licensing Information Center717-783-8250.....FAX Number - 717-772-2165
Email: RA-LBLicensing@pa.gov

OFFICE OF ADMINISTRATIVE LAW JUDGE

Philadelphia District610-832-1743
Harrisburg District717-540-5038
Pittsburgh District412-920-2007

PENNSYLVANIA STATE POLICE - BUREAU OF LIQUOR CONTROL ENFORCEMENT

Philadelphia 215-726-6200 Allentown 484-519-4500
Wilkes-Barre 570-826-2370 Williamsport 570-433-3959
Harrisburg 717-541-7961 Altoona 814-693-6200
Punxsutawney 814-938-0565 Pittsburgh 412-548-2050
Erie 814-217-0001

DEPARTMENT OF LABOR & INDUSTRY

Harrisburg.....717-214-2991

DEPARTMENT OF REVENUE

Harrisburg.....717-425-7700

DEPARTMENT OF HEALTH

Harrisburg.....877-835-9535

APPENDIX B

How to Obtain a Legal Advisory Opinion

The Board has been authorized by the Legislature to issue advisory opinions interpreting the Liquor Code and Board's Regulations which are binding on the Pennsylvania State Police, Bureau of Liquor Control Enforcement. These opinions are a form of protection for licensees. Those licensees who have questions must submit a written request for an advisory opinion by mail, via fax, or email. All requests should be addressed to:

Pennsylvania Liquor Control Board
Office of Chief Counsel
401 Northwest Office Building
Harrisburg, PA 17124-0001
OR

Fax your request to 717.787.8820

Email your request to: ra-lblegal@state.pa.us

Requests should contain the following information:

- Name, address and phone # of the requesting Licensee
- Type of license and License number
- Legal questions
- Facts and details needed to understand the question such as who, what, where, why and when

The Office of Chief Counsel will attempt to respond to your request as soon as possible. If you are requesting an opinion as to the legality of a scheduled event or promotion, please send you request more than three weeks prior to the event date, and clearly indicate the date of the scheduled event.

Visit: www.lcb.state.pa.us for advisory opinions that have been previously issued to licensees. Click on For Licensees, Legal Issues, and Legal Advisory Search.

APPENDIX C

Clean Indoor Air Act

On June 13, 2008, the Governor signed into law Senate Bill 246 (now known as Act 27 of 2008, entitled the "Clean Indoor Air Act" (the "Act"). The Act went into effect on September 11, 2008.

Generally, the Act prohibits smoking in a "public place," defined as an enclosed area which serves as a workplace, commercial establishment or an area where the public is invited or permitted. There are various exceptions to the general prohibition, including certain exemptions which may apply to various licensees of the Pennsylvania Liquor Control Board ("Board"). One such exemption relates to licensed establishments whose total annual food sales are not more than twenty percent (20%) of the establishment's total annual sales.

Be advised that the Board is not responsible for implementing or administering the Act. Specific questions related to the Act and any specific exemptions to the smoking ban should be directed to the Pennsylvania Department of Health ("DOH").

Please be further advised that there are no statutory requirements that require the Board's retail licensees to provide revenue data to qualify and be issued a Sunday sales permit by the Board. Questions related to what information a Board licensee is required to provide to the DOH for a specific exemption from the Act should be directed to the DOH.

To learn more about the Act go to www.health.state.pa.us or call 877-835-9535. Further, business owners can go to www.pactonline.org for assistance in preparing to comply with the terms of the new law.