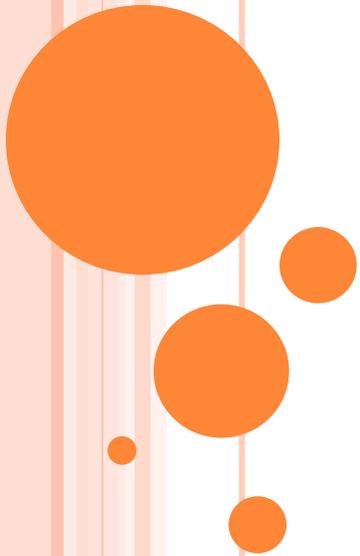


# **SELLING & SERVING LIQUOR RESPONSIBLY**

**An overview of the  
expectations of employees  
who serve alcoholic  
beverages to the public**



# LIQUOR LICENSE REQUIREMENTS

- All liquor licenses must be posted and displayed in a conspicuous place on the licensed premises so that any person may readily see the license
- The Kansas City, Missouri liquor license lists all types of liquor licenses and permits, all areas on the premise where alcoholic beverages can be consumed, and, the types of entertainment that have been approved to be held on the licensed premise
- If the license lists dance hall, live music and juke box, this means that the business cannot be open on Sunday, cannot be open past 1:30 a.m. Monday – Saturday, and cannot have a DJ or any type of live performance on the premise other than live musical performances



# SAMPLE OF A KCMO LIQUOR LICENSE



## CITY OF KANSAS CITY, MISSOURI REGULATED INDUSTRIES DIVISION LIQUOR LICENSE

THIS LICENSE IS NON-TRANSFERABLE AND MUST BE  
DISPLAYED IN A PROMINENT LOCATION

LICENSE NUMBER  
LIC-12-16-10076966

DATE ISSUED  
1/24/2017

LICENSE EXPIRES  
03/31/2018

SQ FT  
4,369

MANAGING OFFICER  
SHANE WILLMANN

### OWNER NAME AND ADDRESS

ABUELO'S INTERNATIONAL MISSOURI,  
4413 82nd

LUBBOCK, TX 79424-

TYPE OF LICENSE

FULL DRINK - KCMO

SUNDAY SALES BY DRINK-KCMO

### ESTABLISHMENT NAME AND ADDRESS

ABUELO'S MEXICAN FOOD EMBASSY  
8541 PRAIRIE VIEW ROAD  
KANSAS CITY MO 64153

### AMUSEMENT DEVICES / ADDITIONAL INFO

LIVE MUSIC, DISC JOCKEY, MAGICIAN, PREREGORD MUSIC, TV SETS  
NONE NONE

This license to operate the above mentioned establishment is issued for the establishment type shown above in accordance with the City of Kansas City, Missouri Code of Ordinances, Chapter 10. This license may be suspended or revoked by the Director of NHSD, Division of Regulated Industries for cause. This license is granted on the condition that the person and/or establishment named on the license will comply with the laws, ordinances and regulations that are now or may hereafter be in force by the United States Government, the State of Missouri and the City of Kansas City, Missouri that pertain to the above mentioned establishment and will be available for on-site inspection during normal business hours.

City of Kansas City, MO; Regulated Industries Division; 635 Woodland, Suite 2101, Kansas City, MO 64106



# EMPLOYEE LIQUOR PERMITS

- It is unlawful for any person to directly participate in the retail sale, delivery or dispensation of alcoholic beverages unless the person holds a valid employee liquor permit
- The term “directly participate in the retail sale, delivery or dispensation of alcoholic beverages,” includes delivering, taking orders for, accepting payment for, mixing, serving or assisting in mixing or serving alcoholic beverages
- It is unlawful for any person to act in the capacity of a bar manager, bartender, waiter, waitress, cashier, sales clerk, doorman or other person responsible for checking identification cards to determine age unless the person holds a valid employee liquor permit
- Who may not need an employee liquor permit? Anyone that works as a hostess, busser or cook; or, anyone that stocks or arranges displays of alcoholic beverages



# RETAIL SALES-BY-DRINK LICENSE

- There are two types of retail liquor licenses which are classified as retail sales-by-drink and retail sales-by-package licenses. With regard to retail sales by drink licenses:
  - *Retail sales-by-drink.* A retail sales-by-drink license authorizes the licensee to sell alcoholic beverages, as specified by the license type, by the drink for consumption on the licensed premises and to sell alcoholic beverages in the original package on the licensed premises
  - Retail sales-by-drink licenses are further split into two major sub-categories which are a tavern and a restaurant-bar



# RESTAURANT-BAR CLASSIFICATION

- A restaurant-bar is defined as any establishment having a restaurant or similar facility on the premises which derives 50 percent or more of its annual gross sales from the sale of prepared meals and food made and consumed on the premises, or, which has annual gross sales of at least \$200,000.00 from the sale of prepared meals and food made and consumed on the premises.
- Persons under the age of 21 years old (minors) may legally enter and receive services from a restaurant-bar any time it is open for business
- A restaurant-bar licensee may legally employ persons 18 through 20 years of age to work on the premises in the capacity of a waiter or waitress; however, no employee 18 through 20 years of age is allowed to mix, pour or serve alcoholic beverages across the bar
- A restaurant-bar licensee may legally employ persons 16 and 17 years of age to work on the premises if the persons do not directly participate in the retail sale, delivery or dispensation of alcoholic beverages



# TAVERN CLASSIFICATION

- Generally, a tavern is the classification given to any retail sales-by-drink licensed premise that does not meet the definition of a restaurant-bar
- Unless stated in the ordinance otherwise, no retail sales-by-drink licensee or employee of a licensee working in a tavern shall permit a person under 21 years of age (minor) to enter or remain upon the licensed premises unless that minor is accompanied by a parent or lawful guardian provided no person is semi-nude or performs semi-nude dance on the premises
- A tavern licensee may legally employ persons 18 through 20 years of age to work on the premises provided the persons do not directly participate in the retail sale, delivery or dispensation of alcoholic beverages



# RETAIL SALES-BY-PACKAGE LICENSE

- A retail sales-by-package license authorizes the licensee to sell alcoholic beverages, as specified by the license type, in the original package whereby those alcoholic beverages cannot be consumed on the licensed premises
- Persons under the age of 21 (minors) may legally enter a retail sales-by-package licensed premise
- A retail sales-by-package licensee without 50 percent gross sales of other merchandise may employ persons 18 through 20 years of age to stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for and sack for carry-out alcoholic beverages as long as there is an employee of the licensee, not less than 21 years of age, holding a valid employee liquor permit on the licensed premises during all hours of operation
- A retail sales-by-package licensee where at least 50 percent of all gross sales consist of goods, merchandise or commodities other than alcoholic beverages may employ persons 18 through 20 years of age to stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for and sack for carry-out alcoholic beverages
- Delivery of alcoholic beverages away from a retail sales-by-package licensed premise cannot be performed by any person under 21 years of age



# HOURS OF OPERATION FOR RETAIL LIQUOR LICENSED BUSINESSES

- All licensees can be open for business Monday – Saturday from 6:00 a.m. – 1:30am
- A licensee that has a *Sunday license* can be open for business on Sunday from 9:00 a.m. – 12 Midnight
- When January 1, March 17, July 4 or December 31 falls on a Sunday, and on the Sundays prior to Memorial Day, Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl Sunday," any person having a license to sell alcoholic beverages by the drink may be open for business and sell alcoholic beverages by the drink under the provisions of their current license
- A retail sales-by-drink liquor licensee that has a 3:00 a.m. extended hour's permit can be open for business Monday – Saturday from 6:00 a.m. – 3:00 a.m., or, if they have a Sunday license they can be open for business on Sunday from 9:00 a.m. – 3:00 a.m.



# HOURS OF OPERATION FOR RETAIL LIQUOR LICENSED BUSINESSES CONT'D

- A sales-by-drink licensed premise shall be a closed place with all doors locked as no persons are allowed on the premises on all days and times during which the sale of alcoholic beverages is not permitted except under the following conditions:
    - The licensee, or any employee of the licensee, may enter or remain upon the premises for a reasonable period of time while actually engaged in cleaning, maintenance, or routine closing or opening activities. ***No alcoholic beverages are allowed to be open or consumed during this time.***
    - Upon a written request filed and granted by the director, a licensee or any other person authorized by the licensee may remain upon the premises for purposes of providing security,. The permit must state the name of each person authorized to enter or remain upon the licensed premise. ***No alcoholic beverages are allowed to be open or consumed during this time.***
- 

# RESPONSIBILITIES OF LICENSEES AND EMPLOYEES

- *Conduct.* Licensees are responsible for the conduct of their business at all times and are directly responsible for any act or conduct of any employee on the premises which is in violation of chapter 10 of the Code of Ordinances of the City of Kansas City, Missouri, or the regulations of the director.
- *Duty to report.* In the event that a licensee or employee knows or should have known that an unlawful or violent act has been committed upon or about the licensed premises, they must immediately report the occurrence to the director and the police department. The licensee and his employees must cooperate with any law enforcement authority, agents of the Missouri Division of Liquor Control, and the director, or the director's agents, during the course of any investigation into an occurrence.



# CONDUCT AT ALL LIQUOR LICENSED BUSINESSES

- *Dress code posted on premises.* All licensees that have a dress code in effect which may either allow or disallow any person from entering the licensed premises must:
    - Post and display the dress code in a conspicuous place within three feet of each entrance of the licensed premises during all operational hours so that it may be readily seen by any person visiting the premises. The posted dress code shall be in a print not less than 24-point, bold type and shall list all restrictions that will either allow or disallow any person from entering the licensed premises.
    - Enforce the dress code as it is written and not deviate from the posted dress code by either allowing or disallowing a person from gaining entry into the licensed premises based on criteria other than what is listed on the posted dress code
    - Be in compliance with public accommodations ordinances as outlined in chapter 38 of the Code of Ordinances of the City of Kansas City, Missouri
- 

# CONDUCT AT ALL LIQUOR LICENSED BUSINESSES

- *Condition of premises.* All licensees must at all times keep the licensed premises safe, clean and sanitary and in accordance with the applicable rules, regulations and ordinances of the city
- *Sales to minors or intoxicated persons.* No retail licensee, nor employee of the licensee, shall allow any alcoholic beverages to be sold, given or otherwise supplied to any person who is under 21 years of age, or to a habitual drunkard or to any person who is intoxicated or who is actually or apparently under the influence of an alcoholic beverage
- *Consumption by minors.* No retail licensee, nor employee of the licensee, shall allow any person under 21 years of age to consume alcoholic beverages upon the licensed premises
- *Sale of 32 ounce chilled bottles.* No retail licensee nor employee of the licensee shall sell, for off-premise consumption, any glass bottle, other than a growler, containing more than 32 ounces of malt liquor that is chilled or refrigerated to a temperature that is below room temperature of the licensed premises
- *Serving or delivering in vehicles.* No retail licensee, nor employee of the licensee, shall sell or serve any alcoholic beverage to any person while the person is operating or is a passenger in or on any motor vehicle



# CONDUCT AT ALL LIQUOR LICENSED BUSINESSES

- *Disorderliness, indecency or obscenity.* Upon the licensed premises, no retail licensee, nor employee of the licensee, shall:
  - Fail to immediately prevent or suppress any violent quarrel or disorder, brawl, fight or any other act or conduct prohibited or declared to be unlawful
  - Allow any employee, entertainer or customer to perform a dance of any kind upon a bar, table or any other place used for serving food or beverages



# CONDUCT AT ALL LIQUOR LICENSED BUSINESSES

- *Illegal gambling.* No retail licensee, nor employee of the licensee, shall participate or engage in illegal gambling or violate any federal or state laws in connection with gambling, upon the licensed premises, nor shall any licensee or employee allow any other person to engage in any of these acts upon the licensed premises
- *Illegally purchased alcoholic beverages.* No retail licensee, nor employee of the licensee, shall allow on or about the licensed premises any alcoholic beverage which he has purchased or secured in violation of any city ordinance, or local, state or federal law
  - *All alcoholic beverages must be purchased from a licensed wholesaler. A licensed wholesaler DOES NOT include Sam's Club or Costco which are retail liquor licensed businesses.*
  - *It is a violation of city ordinance and state law to purchase alcohol from a retail licensed business to sell it at a different retail liquor licensed business*



# CONDUCT AT ALL LIQUOR LICENSED BUSINESSES

- *Entertainment on premises.* No retail licensee nor employee of the licensee shall allow on or about the licensed premises:
  - Any type of live entertainment unless licensed therefore. The term “live entertainment” includes but is not limited to a dance hall, DJ, two or more live musicians, semi-nude dancing, stage show, floor show or contest
  - Any type of entertainment unless licensed therefore. The term "entertainment" includes but is not be limited to jukeboxes, pool tables, dart boards, video games, pinball machines or any other amusement device operated by the insertion of a coin, disc or other insertion piece



# CONDUCT AT ALL LIQUOR LICENSED BUSINESSES

- *Nuisances.* No retail licensee or employee of the licensee shall cause a nuisance to or change in character of any residential area or the immediate area surrounding the licensed premises. Nuisances may include but will not be limited to noise, traffic and parking associated with the operation of the premises from patrons or other persons frequenting the premises.
- *Lewd and indecent conduct.* No retail licensee, nor employee of the licensee, shall allow lewd and indecent conduct on or within the immediate vicinity of the licensed premises. Lewd and indecent conduct may include but will not be limited to public urination exhibited by persons frequenting the licensed premises or by the licensee or his employees, servants or agents.
- *Sales on licensed premise only.* No retail licensee, nor employee of the licensee, shall sell alcoholic beverages in any place other than that designated on or otherwise authorized by the license



# PREVENTION OF VIOLATIONS

- Steps taken by licensees to prevent issues from occurring on their premise include:
  - Keeping the parking lot well-lit at all times
  - If loitering is a problem, post and enforce a "no loitering" policy on the premises including parking areas and other exterior parts of the premises
  - If disturbing the peace or other public safety issues have occurred on your parking lot or immediately outside your premise, hire security or KCPD to monitor the area
  - If it appears there is tension rising between two or more patrons, train staff to intervene as soon as possible in an attempt to alleviate more serious issues from occurring
  - If a fight breaks out on the premise, separate the fighting parties and have the first person or group immediately leave the establishment and keep the second party or group inside the establishment for a sufficient amount of time to assure the first party or group has left the premises; merely kicking the fighting parties off the premise does not resolve a licensee of all responsibility



# PREVENTION OF VIOLATIONS CONT'D

- In instances where security or police must intervene in a situation to deal with a person or persons which leads to an arrest, press charges if requested by security or police
- Raise the minimum age requirement to enter the licensed premise
- Assure all personnel know how to properly check state issued identification (non-drivers and driver's licenses)
- Equip door personnel with a flashlight, magnifying glass or other necessary items so they can properly check identification
- Equip your door personnel with two counters (one counter to count the number of people entering the premise and another counter to count the number of people exiting the premise) to ensure the number of people is never over the occupancy load
- Instruct all bartenders and wait staff to check and/or re-check identification before they serve alcohol as identifying minors at the door and giving out wrist bands to people over the age of 21 does not ensure that a minor won't attempt to purchase alcoholic beverages
- Establish a rule of 40 to assure employees are not serving alcohol to minors (any person that does not look at least 40 years old must have their identification checked)



# PREVENTION OF VIOLATIONS CONT'D

- Train and instruct all bartenders and wait staff to be aware of the warning signs of intoxicated persons to prevent alcoholic beverages from being served to them
- If the business a restaurant-bar where minors are allowed inside, walk through the establishment frequently to ensure minors are not consuming alcoholic beverages
- Monitor the music being played as it has been shown that aggressive music has a direct correlation with a more excited and aggressive crowd
- No Trespass List - Establish a list of people who are forever “banned from the establishment” to stop these people from gaining access onto the premises
- If there is regularly a line of people waiting to get into the establishment, have employees, door personnel or hired security monitor the line so a possible fight or other illegal activity does not take place
- Make the “last call” for alcohol 30 minutes prior to closing time, stop all forms of entertainment and turn all house lights on 15 minutes prior to closing time



# OVER-SERVICE AND INTOXICATED PERSONS

- It is important for all employees to be aware of how easy it is to overserve individuals and to keep an eye out for intoxicated persons
- One drink is considered:
  - 12 fl oz beer
  - 5 fl oz glass of wine
  - 1.5 fl oz shot of hard liquor



# HOW MANY DRINKS DOES IT TAKE TO GET LEGALLY DRUNK?

	Men's blood alcohol content by Weight (lbs)								Level of Intoxication
Drinks Per Hour	100	120	140	160	180	200	220	240	Level of Intoxication
1	.04	.03	.03	.02	.02	.02	.02	.02	Driving Skills Impaired
2	.08	.06	.05	.05	.04	.04	.03	.03	
3	.11	.09	.08	.07	.06	.06	.05	.05	
4	.15	.12	.11	.09	.08	.08	.07	.06	Legally Intoxicated
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	
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	Possible Death



# HOW MANY DRINKS DOES IT TAKE TO GET LEGALLY DRUNK?

	Women's blood alcohol content by Weight (lbs)								Level of Intoxication
Drinks Per Hour	100	120	140	160	180	200	220	240	
1	.05	.04	.03	.03	.03	.02	.02	.02	Driving Skills Impaired
2	.09	.08	.07	.06	.05	.05	.04	.04	
3	.14	.11	.10	.09	.08	.07	.06	.06	Legally Intoxicated
4	.18	.15	.13	.11	.10	.09	.08	.08	
5	.23	.19	.16	.14	.13	.11	.10	.09	
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	Possible Death



# *CASE STUDY DEMONSTRATING OVERSERVING IS A PROBLEM*

- The excessive service of alcohol and excessive consumption by patrons often create significant problems for the community, the state, and the nation
- In 2009 the National Institutes of Health (NIH) funded a study focusing on the alcohol serving practices at bars and restaurants
- The NIH study observed alcohol service to a pseudo-intoxicated female patron over the period of one hour
- Typically such patrons should only be served one to two drinks during a one-hour period
- The study showed that women were served ***eight drinks in under fifty minutes over ninety-percent of the time***
- This study underscores the need for the retail sales-by-drink licensees and their employees to reduce alcohol-related issues associated with over service



# *OVER-SERVICE AND INTOXICATED PERSONS*

- A study has shown that servers/clerks who appear under the age of 31 were more likely to sell alcohol to intoxicated buyers
- A study has shown that approximately 50 percent of the people arrested for driving under the influence consumed their last drink at a licensed establishment (National Highway Traffic Safety Administration, 2005)
- Increased enforcement on establishments led to a 36% decrease in DUI arrests from those sites, with a decrease in Blood alcohol content (BAC) from those sites compared to DUI arrests from establishments without additional enforcement (McKnight, A. J., & Streff, F. M., 1994)
- In 2012, alcohol was involved in 31% of traffic crash fatalities which resulted in 10,322 fatalities Source: National Highway Traffic Safety Administration, 2013



# KEY POINTS FOR ALCOHOL POLICY FROM SURGEON GENERAL'S REPORT: THE PROBLEM OF BINGE DRINKING

- 1. "The United States has a serious substance misuse problem."**
  - 88,000 deaths annually due to alcohol, 47,055 drug overdose deaths in 2014, and \$249 billion annual cost for excessive alcohol use. These are just a few of the statistics that illustrate the seriousness of this problem.
- 2. Advances in scientific knowledge now can show that addiction is a disease of the brain.**
  - The brain becomes altered as addiction develops. This makes the case that addiction is a brain disease and not merely a moral failing.



# KEY POINTS FOR ALCOHOL POLICY FROM SURGEON GENERAL'S REPORT: THE PROBLEM OF BINGE DRINKING

- 3. The "addiction cycle" has three stages, the first of which is binge use. This shines a light on the need to reduce binge drinking because it is much more common than drug use.**
  - While drinking and other drug use among youth has shown very impressive reductions, binge drinking in the population at large is stuck at about 23%. In this report, the authors consider binge drinking as the first step in the path to addiction. While not all binge drinkers become addicts, reduction in binge drinking should also reduce addiction. There are currently 66 million binge drinkers in the U.S.



# KEY POINTS FOR ALCOHOL POLICY FROM SURGEON GENERAL'S REPORT: THE PROBLEM OF BINGE DRINKING

4. **As with most serious and chronic illnesses, early intervention is vital.**
  - Prevention and treatment for most serious diseases at the earliest stage possible is usually more effective and less costly. That is also true for addiction to alcohol and illicit drugs. It is particularly important to prevent and/or treat children and young adults as their brains are more susceptible to addiction. Therefore, we should redouble our efforts to reduce underage drinking, but also focus on young adults who typically drink at high levels. Of those 66 million who binge drink, 1.7 million are aged 12-17 and 214,000 are pregnant women.



# *IDENTIFYING INTOXICATED PERSONS*

- Everyone's interpretation of a person that is intoxicated may somewhat vary, however, there are signs to look for when evaluating whether a person is intoxicated as they may:
  - Appear self-confident, daring
  - Have a shorter attention span
  - Appear flushed in the face
  - Use poor judgment
  - Exhibit trouble with fine movements
  - Become sleepy
  - Have trouble understanding or remembering
  - Have a slower reaction time
  - Become highly emotional



# *IDENTIFYING INTOXICATED PERSONS CONT'D*

- There are also obvious times when it is evident to anyone that a person is intoxicated:
  - Person becomes dizzy and/or staggers
  - Person becomes unconscious
  - Person begins vomiting
  - Person has difficulty picking up change
  - Person spills drink on multiple occasions
  - Person is leaning against a wall or on a rail as they can hardly stand



## *OVERSERVING AN INTOXICATED PERSON MAY AFFECT YOU FOR LIFE*

- Being able to recognize when a person is intoxicated and not selling alcoholic beverages to them is extremely important for the licensee and the server
- In 2008, a person who was drinking inside a KCMO restaurant-bar was served too many drinks which resulted in them passing out. Unfortunately they never left the bar as they died inside the business from alcohol poisoning with a blood alcohol content of .55



# *TIPS FOR REFUSING SERVICE TO VISIBLY INTOXICATED PERSONS*

- Speak to them and encourage a response. Look for (or create) opportunities to assess the person's coordination and motor skills such as when they get up to walk or try to pick up a dropped item
- Have another employee assist you with the situation
- If at all possible, have a member of management and/or security present to support you - Statements should be brief and very clear that you cannot lawfully serve the person
- If you refuse service, advise the person of your concern that they not drive under the influence
- If an employee observes something which indicates a person is visibly intoxicated, they should alert the appropriate server, bartender, and/or manager
- Consider recording refusals and all other critical incidents in an "Alcohol Incident Log"



# PROHIBITED ACTS ON SALES-BY-DRINK PREMISES

- Upon the licensed premises of a sales-by-drink licensee, no licensee, nor any employee of the licensee, shall:
  - Allow any person to remove from the premises any alcoholic beverage provided for consumption on the premises (not allowing a person to take their beer outside with them while they smoke a cigarette if the exterior of the premises is not licensed)
  - Allow any person to drink or consume an alcoholic beverage directly out of any bottle, if the volume size of the bottle exceeds 16 ounces, or if the alcohol content of the beverage exceeds 15 percent, by volume
  - Allow any customer to pour into, mix with or add intoxicating liquor to any liquid or other liquor (a customer cannot mix their own drinks)
  - Consume any alcoholic beverage while directly participating in the sale of alcoholic beverages



# PROHIBITED ACTS ON SALES BY PACKAGE LICENSED PREMISES

- No package sales licensee, nor employee of the licensee, shall permit any person to consume alcoholic beverages upon the licensed premises, provided that the licensee may give out samples of alcoholic beverages on the licensed premises if they have a “tasting license”
- A package sales licensee whose place of business remains open on days or during hours when the sale of alcoholic beverages is prohibited shall, during the times as sale is prohibited, segregate alcoholic beverages in a storage space inaccessible to the public, or, cover or enclose alcoholic beverages by means of a slip cover constructed from substantial material and secured in a manner whereby the public shall not have access



# MINORS / CHECKING ID

## ○ Underage drinking statistics

- Excessive drinking is responsible for more than 4,300 deaths among underage youth each year and, in 2010, cost the U.S. \$24 billion
- The age limit for alcohol is based on research which shows that young people react differently to alcohol. Teens get drunk twice as fast as adults but have more trouble knowing when to stop consuming alcoholic beverages
- Teens naturally consume an excessive amount of alcoholic beverages and binge more often than adults
- Alcohol-related car crashes are a leading cause of death for teenagers and young adults
- Under case law, an adult who serves alcohol to someone under 21 years of age may be civilly liable in negligence if he or a third party is injured and the court or jury finds a proximate cause relationship between the service of alcohol and the injuries



# MISSOURI DRAM SHOP LAWS

- Dram shop or dramshop is a legal term in the United States referring to a bar, tavern or the like where alcoholic beverages are sold. Traditionally, it refers to a shop where spirits are sold by the dram, a small unit of liquid
- Missouri has **no caps** on damages in dram shop liability cases
- In *Sampson v. W.F. Enterprises, Inc.*, 611 S.W.2d 333 (Mo. App. W.D.1980), the Missouri Court of Appeals, Western District, recognized, for the first time, a common law cause of dramshop liability for serving alcohol to a minor who later hurt himself
- The current version of the Missouri Dram Shop Law (Missouri state statute 537.053) states “a cause of action may be brought by or on behalf of any person who has suffered personal injury or death against any person licensed to sell intoxicating liquor by the drink for consumption on the premises when it is proven by clear and convincing evidence that the seller knew or should have known that intoxicating liquor was served to a person under the age of twenty-one years or knowingly served intoxicating liquor to a visibly intoxicated person” whereas “a person is *visibly intoxicated* when inebriated to such an extent that the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction”



# FOLLOW A 'NO PROOF, NO SERVICE' POLICY

- ***Be Cautious*** – it is very hard to tell a young person's age. Ensure you are checking IDs of those that look even older than 21 (Many in the industry ask for ID if a person does not look 40)
- ***Be Consistent*** – have employees check ID even if a customer has already bought an alcoholic beverage from the establishment to ensure there is no doubt they are of legal drinking age
- ***Be Clear*** – use plain sight signage to inform customers that they will be checked for an ID
- ***Be Courteous*** – let the customer know that refusing a sale due to lack of ID is simply following policy and that your establishment would be happy to serve them when they are able to produce a valid ID
- ***Be Conscientious*** – it may be useful to ensure that you record all refusals including date, time, appearance of the customer, and items refused
- ***Be Careful*** – there is evidence that staff may often fail to refuse service if they feel afraid of the consequences. Make sure you feel safe, confident, and supported in refusing service



# CHECKING ID'S / IDENTIFYING FAKE ID'S

- Fake or altered ID's are easier than ever for young people to obtain due to access to the internet and high-tech computers, printers, and copiers
- The most likely form of fake ID will be one that you are not familiar
- What types of ID's can be accepted? Section 311.328 of the Missouri State Statutes state:
  - A valid and unexpired operator's or chauffeur's license issued under the laws of any state or territory of the United States,
  - A valid and unexpired identification card (non-driver's license) issued by any US State
  - A valid and unexpired passport
- Upon presentation of ID, compare the photograph and physical characteristics noted on the ID with the physical characteristics of the person presenting it
- No penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or the courts are satisfied that the licensee or employee **acted in good faith**
- Any person who reproduces, alters, modifies, or misrepresents an ID shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment



# HOW TO ASSURE YOU ARE PROPERLY CHECKING ID AND “ACTING IN GOOD FAITH”

- When you ask to see someone’s ID, always have them take it out of their wallet so you can examine the front and back of the ID
- Check the front and back of the ID to assure it has not been altered:
  - Look for poor photocopy quality (blurred imagery) or digitized lettering
  - Look for wording that indicates it is not an issued by a branch of government, a disclaimer, or statement of authenticity (Does not state anywhere on the ID: “FakeDMV.com” “for novelty purposes only” “Non-government issued”
  - Check the back of the ID to assure it is not blank
  - Check for thickness, unevenly cut corners and bumpy surfaces indicating a picture has been replaced or the card has been hand cut
  - Check the ID as all images should be crisp and clear
    - Are the numbers the same size and color?
    - Are the numbers evenly spaced and level with each other?



# HOW TO ASSURE YOU ARE PROPERLY CHECKING ID AND “ACTING IN GOOD FAITH”

- Check the expiration date on the ID to assure that it is current and therefore valid
- Carefully examine the picture of the person on the ID to assure it is the same person that presented the ID to you. If you are uncertain:
  - Ask the person to state their full name, address, and date of birth on the ID
  - Ask the person to tell you their birth sign (Aquarius, Sagittarius...) to see if it matches their date of birth
  - Ask the person to tell you their height and all restrictions listed on the ID
- Pay special attention to confirm the individual is old enough to purchase and consume alcoholic beverages
  - On a Missouri and Kansas ID, a minors ID will state “under 21 until...” (**example: under 21 until 10-31-2018**)
- Use an “ID Checking Guide” as it shows pictures of current ID’s in all 50 states

Purchase at: <http://www.driverslicenseguide.com/>



# TIPS FOR REDUCING ILLEGAL CONSUMPTION / BEHAVIOR

- Ensure you can see all sections of your establishment clearly; find out if mirrors and/or surveillance equipment has been installed to assist in monitoring corners, hallways, or other areas where illegal consumption or other problem behaviors may occur, or, regularly check those areas to assure illegal activity is not taking place
- If patrons who visit the business are both over and under 21 years of age, ask if there is a plan in place for how minors will be monitored to prevent of-age patrons from “sharing” their alcoholic beverages with underage individuals
- Do not allow beverages in the restrooms as underage consumption or drink-swapping may easily occur undetected there
- If possible, eliminate temporary displays and/or décor within the premise that impede your view of any areas where patrons are consuming alcohol
- Utilize signage at doorways and other visible areas to make it clear that you uphold liquor laws and will cooperate with law enforcement to address crimes and disruptive behavior



IF YOU HAVE ANY  
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