

## Educational Requirements for Sponsors of In-Store Consumer Tastings of Distilled Spirits

### **The Vermont Department of Liquor Control Mission Statement**

The Department of Liquor Control purchases, distributes, and sells distilled spirits through its agency stores; enforces Vermont's alcohol and tobacco statutes, with a strong emphasis on limiting youth access; educates licensees; and promotes responsibility. An integral part of our mission is to control the distribution of alcoholic beverages, while providing excellent customer service and effective public safety, for the general good of the state.

### **Schedule of Fines**

Starting January 1, 2009 certain violations will result in a fine for the business. Businesses will be given a ticket which they must send to the Department of Liquor Control within 10 days.

### **Use of this training**

This online education is intended to be used to train a server for pouring and serving during an In-Store Consumer Tasting of Distilled Spirits Event only. Along with reading this information a server should familiarize him/herself with the laws and regulations provided on this website. (<http://liquorcontrol.vermont.gov/>). This training is valid only for serving spirits during an In-Store Consumer Tasting of Distilled Spirits and does not qualify as full training for use in a first class licensed establishment or sell in a second class establishment.

### **Introduction**

The Liquor Control Board makes rules regarding the sale of alcohol. The Board also enforces laws and rules regarding the serving, and use of alcohol. In Vermont, Liquor Board Rules are almost like state laws and are commonly referred to as regulations. A violation of a regulation could result in a fine, suspension, or revocation of the liquor license.

People who serve alcohol need to know what the alcohol and regulations are.

### **Educational Program**

The purpose of educational programs is to provide training to the alcohol server about Vermont's alcohol and regulations. We feel that education is important and the legislature agreed when they passed a law requiring training.

## **Liquor Liability: The Dram Shop Act**

Servers of alcohol may be held civilly responsible for improperly serving alcohol.

The so-called “Dram Shop Law” allows certain people who are injured to get money damages from the person who sold or served the alcohol.

Vermont has said that the server of alcohol can be held civilly responsible if they were to:

1. Serve alcohol to a minor
2. Serve alcohol to a customer who is already under the influence of alcohol
3. Serve alcohol after the legal serving hours of 8:00 a.m. to 2:00 a.m.
4. Serve an unreasonable quantity of alcohol.

### **Intoxication**

General Regulation # 18 says: No alcoholic beverages shall be sold or furnished to a person displaying signs of intoxication from alcohol and/or other drugs/substances. No alcoholic beverages may be consumed on the licensed premises by any person displaying signs of intoxication. No person displaying signs of intoxication shall be allowed to stay on the licensed premises.

Always remember, it may be hard to tell a customer that they can't buy alcohol in your store, but it is still the law. If you do serve to a customer that is intoxicated the establishment could be closed down and you possibly could be sued. This is why it is important that you properly screen customers when they come into the store. You are responsible for your customers, so if you serve to them you have taken on responsibility for them.

### **Minors: The Drinking Age**

The drinking age in the State of Vermont is 21 years old. You have to be 21 to buy, drink or have alcohol.

It is the responsibility of the server to ensure that the customer is over the age of twenty-one before they serve alcohol to that person. If you serve or give alcohol to a minor you can face a criminal penalty under Title 7 Vermont Statutes Annotated Section 658.

If you serve alcohol to a minor you personally may be charged with a criminal offense. The law states:

*No one can serve or give alcohol to a person under 21 and no one can allow a person under 21 to drink alcohol.*

*The penalty for serving to a minor or enabling consumption by a minor is a fine of \$500 to \$2000 and up to 2 years in jail, or both.*

In addition, if a person serves or provides alcohol to a minor or allows a minor to consume alcohol, and that minor, as a result of consuming the alcohol, causes death or serious bodily injury to anyone while operating a motor vehicle, the penalty becomes a felony with a fine of up to \$10,000 or up to 5 years in jail.

You may personally get a penalty but also the liquor licensee may be fined, suspended or revoked by the Vermont Liquor Control Board.

Don't forget that it is your responsibility to make sure you aren't serving to minors.

### **How to Identify a Minor**

As mentioned before, it is important that a server of alcohol make sure they only serve to customers that legally can purchase/consume alcohol. The server must be watching customers to figure out if a customer is old enough. If there is any question in your mind you need to ask for ID. Actually, Regulation #14 says that if someone is of questionable age you must ask for an ID.

As a server, you have to remember that people who are under 21 will try to make themselves look older than they really are. A lot of times women will wear makeup to make them look older. A person under 21 will also try to act older. They may seem overly confident and may argue with you about their age. The person could also try to act invisible or kind of hide so they don't look obvious. Usually by doing this they look more obvious. The important thing is to watch for any action that seems out of the ordinary.

### **Identification Cards - Proof of Age**

It usually comes down to ID cards. The question that servers usually ask is: "What IDs can I accept and which ones are not acceptable?" After all, if you answer that question wrong, your job, a criminal penalty, fine, suspension, or revocation of the liquor license are all on the line.

The only ID cards that are acceptable in Vermont are a valid pictured driver's license or non-driver identification card from Vermont or any other state or Foreign Country. You also may accept a valid Passport, valid United States Military Identification card or Enhanced Driver's License. Other forms of identification cannot be accepted to establish proof of age. A violation of this regulation may result in criminal charges and/or suspension or revocation of the liquor license. For example, you cannot accept college IDs.

Buying alcohol is a privilege, not a right. You, the server, decide whether or not a person can purchase alcohol. Again, if you have any doubt that a customer may be under 21, do not serve to them. If the ID card does not look valid, or you are not comfortable accepting it, **YOU ARE NOT REQUIRED TO COMPLETE THE SALE.**

Some steps that are helpful when asking for IDs are:

Ask the person to take the ID out of their wallet/purse so you can handle it.

Look at the ID for signs that it may have been changed. Do not accept any ID that has peeling lamination or curled edges.

Check the photograph to make sure that the person presenting the ID matches the picture. Keep in mind that some people may change features of their appearance, such as hair color or facial hair, but more permanent features such as bone structure of the chin, cheeks, and ears seldom change.

Check the ID's expiration date to make sure that it is still valid. If the ID is not valid, it cannot be used to purchase alcohol. Often minors will use their older sibling's expired license to attempt to purchase alcohol or tobacco products. Check the date of birth on the ID to make sure the customer is over twenty-one. Many times servers accept IDs of customers who are under twenty-one because they don't take the time to read the ID.

After you have the ID in your possession the following suggestions may be helpful.

- \*Ask the person how old they are, and compare that to the information on their ID.
- \*Ask the person to spell their last name.
- \*Ask the person what their middle initial stands for.
- \*Ask the person what year they graduated from high school.
- \*Have the person sign their name and compare it to the signature on the ID.

Watch for facial expressions and eye movements that may indicate that the person is not being honest. You also can call our ID hotline if you think you are looking at a fake ID.

### **Vermont IDs**

All Current Vermont IDs are color coded. A green color strip means the person is over 21. A purple strip means the person is 18, 19, or 20. An Orange strip means the person is under 18. If you are serving tobacco you simply need to look at the color of the ID. If it is orange you can't serve. Vermont IDs issued after 2003 are vertical if the person is under 21. They contain the date when the person will be turning 18 and 21.

### **Drinking on Duty/Drinking in the store**

It is important to remember that drinking on duty is illegal. General Regulation #17 states: “No licensee or their employees shall consume or display the effects of alcohol or any illegal substance while in the performance of their duties.”

There is also a regulation that prohibits anyone from consuming alcohol on or around the licensed premises. General Regulation #24 says that a person must leave the store/parking lot before drinking the alcohol that they purchased.

### **Cooperation with Law Enforcement**

General Regulations #8 and #8a require that servers of alcohol cooperate with Liquor Control Investigators as well as other Vermont law enforcement officers.

### **Conclusion**

Congratulations, you have completed the training process. This training is valid only for an In-Store Consumer Tasting of Distilled Spirits Event and does not qualify as full training for use in a first class licensed establishment or sell in a second class establishment. If you have any questions please ask the Liquor Store Agent or call the local liquor Investigator.

### **In-Store Consumer Tasting of Distilled Spirits- Compliance Agreement**

Please complete the following form signifying you have read, understand and are willing to comply with all the laws and regulations regarding In-Store Consumer Tastings of Distilled Spirits, as well as other laws contained in Title 7 of the Vermont Statutes.

## **Educational Requirement for Sponsors of Agency Tastings**

This training is valid only for the serving spirits during an Agency Tasting and does not qualify as full training for use in a first class licensed establishment or sell in a second class establishment.

Name of Sponsor: \_\_\_\_\_

Street: \_\_\_\_\_

Town/City: \_\_\_\_\_ State: \_\_\_\_\_

Mailing Address (if different from above): \_\_\_\_\_

By signing this form, I agree to operate in Vermont under the requirements of Title 7 and all other applicable Vermont Laws and Regulations. Details are below.

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

Title: \_\_\_\_\_

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

- Sponsors: A sponsor of a tasting shall be any licensed manufacturer of distilled spirits, its broker, or its agent.
- All persons conducting an in-store tasting event shall be twenty-one (21) years of age or older.
- Sponsors must obtain approval from the Board/Department in order to conduct an in-store tasting event at least fifteen (15) days prior to the date of the proposed event.
- Prior to the in-store tasting event, sponsors must demonstrate evidence of liability insurance at coverage levels acceptable to the Board/Department.
- Prior to the in-store tasting event, sponsors must provide the Board/Department with a list of products to be tasted by consumers.
- No alcoholic beverages shall be served to persons under the age of twenty-one (21) years, or to persons who are visibly intoxicated.
- Only one (1) sponsor shall conduct an in-store tasting event at any one time.
- Sponsor must obtain the approval of the liquor agent prior to scheduling any tasting event.
- Tasting events shall be limited to a designated area of the store.
- No more than 8 customers shall be served at one time.
- The duration of any in-store tasting event is limited to a maximum of two (2) consecutive hours.
- The number of tastings allowed for each store will be limited to 30 per year.

- Products used during the in-store tasting event must be procured by the sponsor in accordance with the Board/Department's requirements.
- Only listed items shall be used for tastings.
- Spirits used during an in-store tasting event must be dispensed from original containers prepared by the manufacturer with labels visible to the consumer.
- All cases and bottles of spirits shall be marked by the sponsor stating "sampling only, not for resale."
- A maximum of four (4) products per in-store tasting event may be made available for tasting by consumers.
- In the case of spirits, no more than one-quarter ( $\frac{1}{4}$ ) ounce shall be served to any one (1) consumer for each product tasted. No consumer shall be furnished more than one (1) ounce of spirits during any in-store tasting event. Product must be distributed to consumers via 2 oz sampling cups.
- That will be left up to the sponsor and agency outlet.
- Yes, the sponsor is responsible for providing all supplies and equipment associated with an in-store tasting event, including, but not limited to, dump buckets, water glasses, tasting containers and tables subject to Board approval.
- At the conclusion of the in-store tasting event, sponsors must remove the alcohol containers used in the tasting from the Agency Liquor Outlet. Unused product, bottles or containers shall not be furnished to employees of the Department or Agency Liquor Outlets.
- Tastings shall be conducted in compliance with all the requirements of V.S.A. Title 7, any applicable liquor control regulations, and any license conditions. Violations of these requirements may result in the Board/Department's denial of future applications to conduct in-store tasting events and/or suspension or revocation of the manufacturer's license.