

MANUFACTURER TRAINING

For employees of licensed Vermont manufacturers

2016

All must be trained

Requirements for Education

An owner, manager, director or partner must be trained by DLC either on-line or in-person. No licenses or permits will be renewed if training is not up-to-date. A DLC trained person can train others using this packet which is only good at this business.

Q: What happens when employees aren't trained properly?

A: The business will have it's license suspended for at least one day.

Q: What happens when the business doesn't have copies of training certificates readily available for an investigators inspection?

A: The business will have it's license suspended for at least one day.

Training Certificates

Copies of training certificates for all employees must be kept on file and must be available upon request. For off site events, copies of permits and training certificates must accompany the employees at each event.

Everyone who works in the preparation, sale, service or enforcement of liquor laws in a business is required to be trained before the begin working and retrained every two years. Copies of certificates must be kept by the business and available at inspection.

- Education Regulation 3b & d



Laws and Regulations covered.

- Vinous
- Malt
- Spirits
- Civil Liability
- Minors and Acceptable Forms of ID



ALCOHOL CONTENT

Maximum for vinous: 16%

Maximum for malt: 16%

Fortified Wines: 16-23%

Fortified wines marked or labeled as cooking wine, but over 16% alcohol are not considered alcoholic beverages.

Above 16% Sold as Liquor

Under .1% Non-Alcoholic

Manufacturer's or Rectifier's License

With this license you can manufacture or rectify spirits, malt beverages, or vinous beverages and fortified wines in Vermont. Malt beverages and vinous beverages may be manufactured or rectified by a license holder for export and sale to bottlers or wholesale dealers. Spirits and fortified wines may be exported and sold to the Liquor Control Board.

The Liquor Control Board may grant to a licensed manufacturer or rectifier of spirits, fortified wines, vinous beverages, or malt beverages a 1st or 3rd class license.

A licensed manufacturer or rectifier may serve, with or without charge, at an event held on the premises of the licensee or at a location on the contiguous real estate of the licensee, spirits, fortified wines, vinous beverages, and malt beverages, provided the licensee gives the Department written notice of the event, including details required by the department, at least five days before the event. Any beverages not manufactured by the licensee and served at the event shall be purchased on invoice from a licensed manufacturer or wholesale dealer or the Liquor Control Board.

A manufacturer or rectifier may distribute to its management and staff directly involved in the production of the licensee's products: two (2) ounces of beer or wine and up to one quarter (1/4) ounce of spirits or fortified wine; for quality control purposes only.

No alcohol can be purchased on credit.

4th Class or Farmer's Market

Allows manufacturers to sell by the unopened container and distribute by the glass with or without charge, beverages manufactured by the licensee. No more than a combined total of ten (10) 4th-class and farmers' market licenses may be granted to a licensed manufacturer or rectifier.

At only one (1) 4th-class license location, may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, fortified wines, or spirits produced by no more than five additional manufacturers, provided these beverages are purchased on invoice from those manufacturers.

A 4th class licensee may sell its product to no more than five additional manufacturers or rectifiers. A 4th class licensee may distribute by the glass no more than two (2) ounces of malt beverages or vinous beverages with a total of eight (8) ounces to each retail customer and no more than one-quarter (1/4) ounce of spirits or fortified wine with a total of one (1) ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market.

A 4th-class licensee may distribute by the glass up to four (4) mixed drinks containing a combined total of no more than one (1) ounce of spirits or fortified wine to each retail customer for consumption only on the manufacturer's premises. A farmers' market license is valid for all dates of operation for a specific farmers' market location.



Special Events Permit

A manufacturer may sell by the glass or by unopened bottle spirits, fortified wines, malt beverages, or vinous beverages manufactured or rectified by the license holder at an event open to the public that has been approved by the local licensing authority.

For the purposes of tasting only, the permit holder may distribute, with or without charge, beverages manufactured by the permit holder by the glass no more than two ounces per product and eight ounces total of malt beverages or vinous beverages and no more than one ounce in total of spirits or fortified wines to each individual. No more than 104 special events permits may be issued to a licensed manufacturer or rectifier during a year.

A special events permit shall be valid for the duration of each public event or four days, whichever is shorter. Requests for a special events permit, accompanied by the fee shall be submitted to the Department of Liquor Control at least 5 days prior to the date of the event. Each manufacturer or rectifier planning to attend a single special event under this permit may be listed on a single permit. However, each attendance at a special event shall count toward the manufacturer's or rectifier's annual limit of 104 special event permits.



Malt Manufacturer

Malt beverage manufacturers may obtain a second class license permitting them to sell kegs.

Manufacturer's of Malt Beverages may also distribute their products to two of their licensed premises without going through a wholesale dealer provided that those two licensed premises are their own and are on the same contiguous property.

The Liquor Control Board will not grant a retail delivery permit in relation to a second-class license issued to a licensed manufacturer or rectifier for the manufacturer's or rectifier's premises.

Vinous Manufacturers

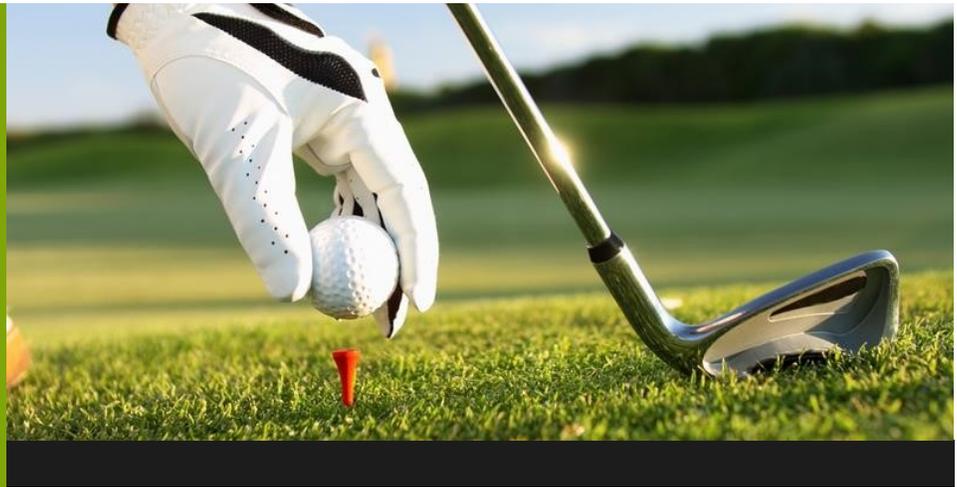
A manufacturer of vinous beverages or fortified wines may receive from another manufacturer licensed in or outside this State bulk shipments of vinous beverages to rectify with the licensee's own product, provided that the vinous beverages or fortified wines produced by a Vermont manufacturer may contain no more than 25 percent imported vinous beverage.

Liquor Manufacturers

Liquor manufacturers can hold tastings at a Vermont Liquor Outlet with approval 15 days in advance of the event. You must have liability insurance to have a tasting. The event can last for 2 hours and 30 can be held per store per year. You must provide DLC with a list up to the four of products that will be sampled.

Only 1 manufacturer tasting in a store at a time. Must be held in a designated area, to customers over the age of 21 with no more than 8 customers at time. Only the listed products may be sampled from their original containers with "sampling only not for resale".

No more than 1/4 ounce of each product shall be served per customer, with no more than 1 ounce maximum to any customer in 2 ounce sampling cups.



No Manufacturer shall:

- Induce or coerce any wholesale dealer or retailer to accept delivery of any alcohol, any form of ad, or any other commodity, which shall not have been ordered by a wholesale dealer

- Induce or coerce any wholesale dealer or retailer to do any illegal act or thing by threatening to cancel or terminate the franchise

- Induce or coerce any wholesale dealer or retailer to purchase product using any thing of value

- Fail or refuse to deliver promptly to a wholesale dealer after the receipt of the order.

Guidance Bulletin

Industry members may:

Purchase meals and beverages for retailer.

Purchase tickets for retailer to attend sporting event, concerts, plays or other entertainment events.

Cover the cost of greens fees, cart rental, and other fees at golfing events,

They must be in the company of retailer at the time of the event, and none of these shall exceed \$250 per person per event.

Must provide electronic, itemized record of every "thing of value" on or before the 15th of July, October, January and April for previous 3 months. The record must contain: Name of retailer; Date given or provided; Description of "thing of value"; Value of "thing of value".

May purchase gift certificates from retailers at fair market value. A record must be maintained by an industry member of: The type of gift certificate; Value; Name of person to whom certificate was given. Gift certificates may not be given to retailer and records must be kept for at least 2 years.

Draft systems must be sold at fair market value for the cost of parts and labor. A report on or before the 15th of July, October, January and April, for previous 3 months must be sent including list of parts sold; cost of labor to build, install and/or repair.

Without prior approval give printed branded promotional signs with or without retailers name on sign, coaster, outdoor table umbrellas, sandwich/menu/chalk boards, wine buckets/wine list covers.

Violations of inducement regulations can result in fines up to \$2500 per violation along with possible suspension or revocation of licenses.

NEW RETAIL ACCOUNTS:

Industry members may visit with new licensee applicants.

Applicant must have applied to town or city.

Industry member may inform about products and prices.

May solicit orders to be filled once license has been issued and received.

PROMOTIONS & TASTINGS

With 2 days written notice to the DLC a manufacturer may complete a promotional tasting with a licensee and their employees.

The name of retailers being visited on a particular day must be provided.

If the same retailers are regularly scheduled, only one notice need be given for multiple dates. Must provide new notices for any changes in schedule.

Industry member carries list of those retailers and an invoice that contains product brands, sizes & amounts. No alcoholic beverages may be left behind.

MALT FACILITY TASTINGS:

A manufacturer of malt beverages who also holds a 1st class license may serve to a customer malt beverages by the glass, not to exceed 8 glasses at one time and not to exceed 4 oz in each glass.

A manufacturer or rectifier of malt beverages who holds a 2nd class license may distribute with or without charge malt beverages by the glass not to exceed 2 ounces per product and 8 ounces in total.

VINOUS TASTINGS

Vinous manufacturers and rectifiers may hold tastings at a 2nd class licensee with a \$25 permit from the DLC listing the 6 wines offered 5 days in advance of the event.

The tasting can last for up to 6 hours. No more than 2 ounces of each wine may be offered with no more than 8 ounces served to any customer.

This will be without charge by trained servers over the age of 18.

No more than 8 customers at a time in the designated area.

No more than 48 permits will get granted per year.

No more than one tasting per day per licensee

A sign stating no one under the age of 21 may participate is required to be posted at tasting.

DIRECT TO RETAIL SHIPPER:

For a \$250 application fee a manufacturer of Vinous Beverages can direct ship to retailers within the State of Vermont.

You can ship no more than 40 gallons per month to a single licensee and no more than 2000 gallons per year.

You must ship using a common carrier or a manufacturer's vehicle (provided invoice is present.)

Direct Shipping to Consumer:

For a \$330 license fee a manufacturer of Malt or Vinous may ship up to 12 cases per year to a consumer in Vermont.

No more than 36 gallons of malt per year and no more than 29 gallons of vinous.

The package must be clearly and conspicuously labeled as alcohol: "Containing Alcohol: Signature of Individual age 21 or older required for delivery". It must be delivered by a common carrier only who requires ID at delivery. Alcohol packages cannot be left at a residence. Only with someone over the age of 21 signed for either electronically or on paperwork.

You are responsible to make sure the party who purchases the alcohol is over the age of 21. There must be an invoice stating name and address of consumer.

Must report to DLC (NOT to Tax Dept) 2 times per year the common carrier used and amounts and to whom you shipped.

MINORS

Vermont law says that people under 21 cannot purchase, possess, or consume alcohol.

A seller or server of alcohol must be sure that the person is at least 21 years old before you sell them alcohol. If you sell alcohol to a person under the age of 21 you can be charged criminally.

Along with the law that says you personally can't sell to a person less than 21 years of age there is also a Liquor General Regulation that says you can't sell to minors.

Another regulation states that you must card anyone who is of questionable age must be carded.

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



SERVING A MINOR

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

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

In addition, if a person sells 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.

The only exception to the above law applies to servers who furnish alcohol to a minor during the course of a compliance check performed by law enforcement. The penalty for a first offense is a \$100 fine; the penalty for subsequent offenses can be as high as \$500. The business also receives penalties when an employee fails a compliance check by serving or selling to this minor.

DRAM SHOP/CIVIL LIABILITY

The so-called “Dram Shop Law” allows certain people who are injured to get money damages from the person who served the alcohol. A person can get money damages if you:

- Serve or sell alcohol to a minor.
- Serve alcohol to a customer who is already under the influence of alcohol.
- Serve or sell alcohol after legal hours.
- Serve alcohol to someone who would be under the influence of alcohol as a result of the amount of alcohol that they were served. You should never serve an unreasonable amount of alcohol to a person.

And that person damages person, place or property then the people effected can sue you, your manager, the owner and their partners. If you are doing your job, and following all the liquor laws, you will not need to worry about being sued.

LOG BOOKS and INCIDENT REPORTS

It is helpful to know and follow the liquor laws so you can avoid these types of problems. It may be a good idea for servers to keep a personal log of any unusual things that may happen. If something unusual happens when you are working you should write down what happened into a notebook for you to keep. The notes should include the name and/or description of the customer and a brief write-up of what happened. Dram shop lawsuits can be filed up to two years from the date of the incident. Because most people can't remember what they did two years ago, it is best to write down the information for you to refresh your memory later. It is important for the server to keep his or her own log, so if you move onto another job later you can take it with you. The establishment is also encouraged to keep a log book.

Acceptable Form of IDs

Valid Photographic Driver's License

Valid Non-Driver's License

Valid Enhanced Driver's License issued by any State or Foreign Jurisdictions.

Valid US Military ID (any form)

Valid Passport

Valid Passport Card

CARDING CUSTOMERS

The ID must be Valid, must be Photographic and you must ask if you think they are of questionable age. Remember, it is the law that you must ask their ID. If they want to purchase alcohol, they must be able to prove that they are of age

Compare the face in front of you to the one on the ID. Weight, hair and makeup can change. Height, eye shape and ear placement do not change.

Look at the date of birth and expiration date. Don't just glance. LOOK! Read them and do the math! It is illegal to serve a minor and you could go to JAIL! READ the ID!

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.

Call your local authorities and give them all the information on the ID. They can confirm it is valid and that all the information matches. If it is not valid or if any of the information does not match.... Do NOT accept it!

Sometimes you will not need to make the phone call, sometimes simply telling the minor you are going to run their ID is enough to make them run away.

What do you do next? Call the police, your manager... write this incident in the business's log book.

If the minor leaves the ID with you, please fill out the DLC ID Envelope and drop them in the mail.

How to Use an ID Checking Kit

In order to help you identify fake IDs, you can purchase a Vermont Department of Liquor Control ID Checking Kit. In this kit you will find the most recent ID Checking Guide, a UV lighted magnifier and envelopes for mailing abandoned ID's to the DLC. Please remember that ID Checking guides need to be replaced yearly to assure you have the most up to date information available.

Minors using borrowed IDs and high quality fakes purchased over the internet can cause big trouble to a business. If an employee isn't taking the time to look carefully at IDs, a minor could get alcohol. This is a crime. The DLC is dedicated to helping you prevent underage drinking sales which can negatively impact the business. Getting caught selling to minors can ruin a business's reputation, cause fines and penalties and increase risks for public safety.

By using the tools in the ID Checking Kit and by brushing up on your refusal skills, you can help prevent underage drinking sales at your business. Remember, carding customers is not only part of the job, it's the law.

The guide contains images of driver's licenses for all 50 states and the Canadian provinces. It also includes images of Passports and Military IDs. That means you can find images of all of the acceptable forms of Identification in this booklet. You will also find other forms of Identification, not acceptable for alcohol and tobacco in the State of Vermont. Please remember you can only accept a Valid Photographic Driver's License, a Valid Photo Non-Driver's License, a Valid Photo Enhanced Driver's License issued by any State or Foreign Jurisdictions; Valid US Military IDs and Valid Passports and Valid Passport Cards.

When someone hands you an out of State ID, open up your ID guide to that state. The sample IDs in the guide are the same size as the ID in your hand. Compare them. Read the written narrative. If there are any discrepancies, do not accept the ID and refuse the sale.

The narrative may also include any micro printing which you can use lighted magnifier to see. In the back of the guide you will see images of the holograms you can see using your black light. Does it look the same in your hand as in the book?

ID kits can be purchased through the Department. The order form is on the website.

ANNUAL LICENSE RENEWALS

All licenses expire at Midnight on April 30 each year. All of your information for the corporation must be up to date. Changes need to be submitted in writing. Licensees must be in compliance with the Departments of Health, Labor and Taxes as well as with the Secretary of State's office.

Contact Us

Give us a call for more information

Vermont Department of Liquor Control

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(802)828-2339

Visit us on the web at
www.liquorcontrol.vermont.gov

Updated August 2016
Vermont Department of Liquor Control
In-House Education Training Certificate
Manufacturer Training

Date of Training: _____ (expires 2 years from this date)

Employee First Name: _____ **Last Name:** _____

Corporation/Partnership/Individual/LLC: _____

D/B/A (Business Name): _____

Address: _____ **Town/City:** _____

I, _____, **acknowledge that the above employee has read the Manufacturer**

Trainer's Name (Print)

Regulation 3B. training booklet certifying them to sell or serve alcohol and tobacco at this business under the provisions of Education Regulation 3B.

Name of Trainer

Date of Trainer's DLC certification

Employee Name (Print)

Employee Signature

This training certificate is NOT TRANSFERABLE to other businesses.

Education Regulation 3B reads: Each licensee shall ensure that every employee who is involved in the preparation, sale, service or solicitation of alcoholic beverages or the sale of tobacco products, or enforcing of alcohol and/or tobacco laws and regulations must complete a training program offered or approved by the Department of Liquor Control before the employee begins working in that capacity and at least once every two years thereafter. Each licensee shall maintain written documentation, signed by each employee trained of each training program conducted. A licensee may comply with this requirement by conducting its own training program on its premises, using all information and materials furnished by the Department of Liquor Control, or from a program approved by the department. A licensee who fails to comply with the requirements of this subsection shall be subject to a suspension of no less than one day of the license issued under this title. Education Regulation 3D reads: All records, and certificates, indicating that an employee has been trained must be kept on all licensed establishments at all times. Those training records shall be available at all times and must be presented immediately to a Liquor Control Investigator or a Vermont Law Enforcement Officer if it is requested or the licensee shall be subject to a suspension of no less than one day of the license issued under this title.