VERMONT

DEPARTMENT OF LIQUOR AND LOTTERY
DIVISION OF LIQUOR CONTROL

2ND CLASS

IN-HOUSE SELLER TRAINING MANUAL

802 Spirits

2021/07

REQUIREMENTS FOR EDUCATION

Every business must have an owner, manager, director or partner trained by the Department of Liquor and Lottery, Division of Liquor Control (DLC), either online or in-person, and be able to furnish a current unexpired training certificate for that individual validating their successful completion of the required training. No licenses or permits will be issued or renewed if this criteria is not met.

Your DLC Certified Trainer will complete this In-House training with you. All employees involved in the preparation, sales, service or enforcement of alcohol and tobacco laws must be trained before they start working and every two years thereafter. This certification is not transferable to other businesses. If employees aren't trained properly, the business may be fined or have the license suspended.

TRAINING CERTIFICATES

Copies of training certificates for all employees must be kept on file and be available upon request. If they are not available the business may be fined or have the license suspended.

Everyone who works in the preparation, sale, service or enforcement of alcohol and tobacco laws, in a business, is required to be trained before they begin working and must be retrained every two years. Copies of training certificates must be available for inspection.

- Education Regulation

Information covered

- Laws & Regulations
- Alcohol and the body
- Impairment
- Civil Liability
- Acceptable IDs

FOLLOWING THE RULES

Certain violations will result in a fine for the business or a license suspension.

Businesses will be issued a ticket which they must send to the Division of Liquor Control within 10 days.

The DLC'S Office of Education created this booklet to provide the basic rules an employee would need to know to do their job. This material only trains you for this job. It does not transfer to any other business. The Office of Education provides in-person trainings and online training for those who wish to take it. Education is important, and you must be trained before you start and re-trained every two years.

Employees need to make sure there are no violations of Title 7 regulations or laws. If there are problems, they be must corrected quickly. Knowing what you should do in the case of any problem is important. How do you handle issues within your business? This booklet will provide you with the basic rules you need to know, but it is important to talk with your employer for specific company policies that are in addition to this book.

It is the DLC's Office of Compliance and Enforcement that is charged with investigating possible violations of liquor laws and regulations, and carrying out law enforcement activities related to these incidents. Comprised of a team of law enforcement investigators and supporting staff, and working closely with other law enforcement agencies, this division protects the public safety and ensures that laws and regulations are followed.

The Department of Liquor and Lottery Control Board is made up of 5 members appointed by the Governor. They preside over all hearings and work with the legislative body to create Vermont's Regulations. This booklet contains many, but not all of the regulations and laws that you will need to know to do your job. A complete list of the Title 7 regulations are on the DLC website.

Review this booklet with your DLC trained trainer, watch the seller video and be sure to discuss any company policies that your business has that makes it more restrictive than the laws.

NOTES:

WHERE IT COMES FROM

All the alcohol that is at the business must be purchased on invoice by the business from the appropriate place:

- Malt from a wholesale dealer
- Wine from a wholesale dealer or a Direct to Retail Shipper
- Stores contracted as Agency Stores receive liquor directly from the State of Vermont

Tobacco must be purchased on invoice from a licensed tobacco wholesaler.

The business may not sell alcohol for less than it was purchased for and the taxes that need to be collected.

EMPLOYMENT REGULATIONS

- Sellers of alcohol and tobacco must be at least 16 years old.
- The business must have a responsible person on site at all times.
- All employees must be paid by the business and be able to read, write and speak English.
- No employee may be under the influence of alcohol or any other drugs or illegal substances while on duty.

BUSINESS REGULATIONS

- A business must be up to date with the Department of Health, the Tax Department, and the Department of Labor.
- The business's alcohol (and tobacco) licenses must be displayed under a protective coating in clear view of the public. All the alcohol and tobacco must be stored on the licensed premises.
- If a business makes any changes to their business make up (directors, owners or partners) you must notify the DLC in writing at least 20 days prior.
- At least 2 years worth of the all business records including but not limited to payroll, receipts and invoices must be kept on site.

NOTES:

HOURS

Your store may sell alcohol from:

6:00 am - 12:00 am

Tobacco may be sold during all open for business hours.

Check with your town clerk for any local restrictions.

FORTIFIED WINE

Stores that are not already contracted as Agencies can obtain a permit to sell Fortified Wines which contains between 16% and 23% alcohol.

The store cannot set a price below that set by the DLC.

Stores with this permit may obtain product not currently listed by full caseload quantities only.

RETAIL DELIVERY PERMIT

Stores with this permit may not deliver more than 288 ounces of malt beverages and/or not more than 3,000 milliliters of vinous beverages to any one physical address in a 24-hour period.

The store must have and maintain all appropriate insurance coverages.

Deliveries may only be made between 9:00 am and 5:00 pm by an employee with a valid VT DLC 2nd class certification who is at least 18 years old.

A log of all deliveries must be maintained and a log shall include at minimum:

- The recipient's name and physical address
- How the ID was verified
- A signature of the recipient
- Description of product including quantity delivered and price
- Actual time of delivery
- Name of employee making the delivery
- Recipient must be at least 21 years old.

CURBSIDE PICKUP

Under Act 70, stores are permitted to provide curbside pickup of unopened containers of alcoholic beverages that they are licensed to sell. Curbside pickup is only allowed between the hours of 10:00 AM and 11:00 PM. This provision is only allowed through July 1, 2023.

KEG SALES

A customer purchasing a keg is required to present a valid ID.

The store must make sure there is a keg tag attached to a keg before it is sold.

The **store** must complete a keg registration form, which can be obtained from the DLC. This form includes a space for the keg tag number, customer's name, address, date of birth, and the ID number exactly as it is written on their ID. The store must keep this form for at least 90 days after the keg is returned.

A store must collect a deposit of at least $25.00 per keg.

Removing a keg tag is illegal. Violators could face fine of up to $1,000.00.

Customers who do not return the keg within 60 days of purchase will be fined $200.

WINE/MALT TASTING PERMITS

A wine/malt tasting permit allows a store to dispense wine or malt beverages to legal age customers under the following guidelines:

- A store can hold their own tastings up to 48 times per year.
- A store must apply for a DLC permit at least 5 days in advance.
- The store can take the wine or malt beverages from their own stock for the tasting and can offer up to 6 different kinds of wines or malt beverages for the duration of the event. It must be in a designated area and not last longer than 6 hours.
- A legal age customer may taste up to 2 ounces of each beverage but they cannot have more than a total of 8 ounces.
- No more than 8 customers may be served at a time. There must be a sign posted that states that no one under the age of 21 is allowed to participate. The server for this event must be at least 18 years old and properly trained.

PROMOTIONAL TASTINGS

At the store's request, the holder of a manufacturer's, rectifier's, or wholesale dealer's license may distribute without charge to the store's management or staff, provided that they are of legal age, two ounces per person of vinous or malt beverages for the purpose of promoting the beverage.

Written notification for such tastings is no longer required and employees are no longer required to be off duty for the remainder of the day to participate.

GROWLERS

Your store may fill Growlers **with written permission** using only a direct sealed draught system.

Growlers may be filled for immediate sale.

NO pre-filling

Clean growlers will be provided by retailer.

Labels will contain the name of the retailer, the product, the alcohol by volume, the name of the manufacturer, and *best if consumed in 72 hours*.

A growler is a bottle, can, keg or other receptacle containing malt or vinous beverage.

A container is not six pack rings, cardboard boxes, or other packaging material holding such containers.

The store must collect a deposit.

SELF-CHECK OUT REGISTERS

If your store offers “self-check out” registers, this does not mean that your customer can actually “self-check out” alcohol.

Registers must be set to identify alcohol products and stop. A cashier must interact with that customer in order to identify if they are of legal age or under the influence.

To be clear, if a minor or an intoxicated customer purchases alcohol at a “self-check out” register at the store, it is a violation. Remember also that the clerk, the manager, and the store can be held liable for that sale.

NOTES:

Product Types

Tobacco Products: Tobacco products are anything with tobacco in it, including, but not limited to cigarettes, cigars, chew and pipe tobacco.

Tobacco Paraphernalia: Items include products used to inhale or ingest tobacco including but not limited to rolling papers, blunt wrappers, pipes, water pipes, hookahs and bongs.

Tobacco Substitutes: Include e-cigarettes or other electronic or battery-powered devices that deliver nicotine or other substances into the body through inhaling vapor and that have not been approved by the FDA for tobacco cessation or other medical purposes.

In order to sell any form of tobacco substitutes, the store must have a Tobacco Substitute Endorsement.

TOBACCO

Customers must be at least 21 years old to purchase tobacco products, paraphernalia or tobacco substitutes. You must remember to card anyone who is of questionable age who is attempting to purchase tobacco.

If you sell any of these products to a customer who is not yet 21 years old, you will receive a $100 fine. Subsequent penalties can be as much as $500 in fines. The store will also receive penalties as it is a violation of law.

Not only do you need to be careful to not sell these products to minors, there are other rules about tobacco that must be followed.

A business may only display or store these products behind a sales counter or in areas not accessible to the public or in a locked container. In the case of cartons of cigarettes and multi-packs of chewing tobacco, it may be allowed to be accessed by customers, but must be in plain view of a responsible employee at all times.

No use of tobacco products is allowed inside public places. A “Vape” Shop may allow customers to sample if they do not sell food or beverages.

Cigars and pipe tobacco can be stored in a humidor on the sales counter only if in plain view of a responsible employee so that removal would be readily observed.

Vending machines, bidis and commercial rolling machines are illegal. Cigarettes cannot be sold in packs of less than 20 and must have the Vermont Tax Stamp on it. Flavored cigarettes and rolling papers are also illegal.

Stores selling tobacco products, paraphernalia or substitutes must have posted a Tobacco Sign. That sign can be found on the DLC website.

NOTES:

IMPAIRMENT

In Vermont, alcoholic beverages may not be sold or furnished to a person displaying signs of impairment from alcohol and/or other drugs or substances.

No person displaying signs of impairment shall be allowed to stay on the licensed premises.

If a person seems like they are impaired, whether you know they've been drinking or not, you cannot sell alcohol to them and they cannot stay on the property.

Remember that signs of impairment may include slurred speech, swaying, staggering, glassy eyes, confused look, acting confused, delayed reactions.

ALCOHOL AND THE BRAIN

It is important to understand how alcohol works on the body. Alcohol is a sedative, depressant drug. When a person drinks alcohol it goes to the stomach and small intestines where it goes into a person's bloodstream. After alcohol gets into the blood it goes throughout the rest of the body. A person's brain uses a lot of blood; because of this a lot of the alcohol ends up affecting the brain. Alcohol puts certain parts of the brain to sleep. The more alcohol a person drinks, the more the brain goes to sleep.

The first part of the brain that alcohol affects is the part that controls judgment and reasoning. As more alcohol is consumed, it begins to affect the part that controls muscles. This is when you see STUMBLING, STAGGERING and SLURRING. These are what we refer to as APPARENT SIGNS OF INTOXICATION. If a person consumes more alcohol, their vital functions can be effected. Too much alcohol could lead to death.

A person can add alcohol to their body as fast as they can drink it, but it doesn't leave that way. Most leaves the body through the liver (approximately 90%). A small amount leaves the body through a person's breath and sweat (approximately 10%). A person can build up a tolerance to alcohol. A person who drinks alcohol on a regular basis learns how to manage its affects. It doesn't mean they end up less drunk than someone else, it just means that they know how to hide the signs that they have been drinking.

If you believe that a customer is impaired or under the influence, so not sell to them.

REFUSAL SKILLS

When you believe that someone is showing signs of impairment you must take action. Experienced sellers will tell you that this is one of the hardest parts of the job. While it can be difficult, it does not have to be.

Use the **"SIR"** method to help you determine what to do. **Size** up the person to notice visible signs of intoxication. **Interview** them to figure out whether they are exhibiting signs of alcohol's impairment and **Refuse** them if you see signs of intoxication. This does not mean that you have to directly question them about how much they have had to drink. It means that you have to talk to the person to find out if they show signs of intoxication.

When working with customers, be sure to **TAKE CARE** of them:

T: Talk and tell early. Letting customers know what the expectation is for how to behave in your business is important. Are there posters that help?

A: Alternatives. "I'm sorry, I cannot sell you the alcohol, but would you still like to purchase the other items?" You do not need to make a big deal out of the refusal. You will need to be able to refuse to sell alcohol and sometimes tobacco to a customer, but that doesn't mean you need to refuse to sell them bread and milk.

K: Keep calm. This is your job. Dealing with difficult situations can be part of the job.

E: Elaborate the law. You have the law on your side. Know it. Use it.

C: Clarify the refusal. Let your customer know that you cannot sell to them. You will not change your mind. Be clear with the refusal.

A: Avoid putdowns and poor language. If the customer gets upset, you do not need to be upset with them. Do not swear, yell or threaten the customer. Do your job. Be professional.

R: Record and report any incidents to your employer and review with coworkers to improve how the business handles situations that arise.

E: Empathy. Your customer is a person too. Be kind. Remember that we all have bad days. This isn't your bad day, it is theirs, and they will remember how you handled it with them.

MINORS

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

A seller 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.

The law states that you personally can be held criminally responsible for selling to someone under the age of 21. There is also a General Regulation that states the business will be held responsible for selling to someone under the age of 21 as well.

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

SELLING ALCOHOL TO 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 $2,000 or 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 sellers 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 selling to this minor.

NOTES:

DRAM SHOP/CIVIL LIABILITY

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

- Sell alcohol to a minor,
- Sell alcohol to a customer who is already under the influence of alcohol,
- Sell alcohol after legal hours,

and that person damages person, place or property then the people affected 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.

A person could also sue if a customer was served more than a reasonable amount of alcohol. However, since customers can only consume at tastings; which have limited amounts served, this situation should not apply.

Those affected will have up to two years to file the lawsuit with the courts.

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 you 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 in 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 you to keep your own log, so if you move onto another job later you can take it with you. The business is encouraged to keep a log book. Ask your manager about how to document issues at your store.

ACCEPTABLE FORMS OF ID

- **Valid** Photo Driver's License
- **Valid** Photo Non-Driver's ID
- **Valid** Photo Enhanced Driver's License issued by any state or Foreign Jurisdictions.
- **Valid** US Military ID (any form)
- **Valid** Passport
- **Valid** Passport Card

VERIFYING A CUSTOMER'S AGE

It is the law that you must ask for an ID if you think they are of questionable age. The ID must be a Valid, Photographic Acceptable form of ID. If they want to purchase alcohol or tobacco, 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 make-up 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 sell to minor and you could go to **JAIL! READ** the **ID!**

Watch how the customer acts when you ask for their ID. Are they nervous or unsure? When you ask them questions about the information on the ID are they confident? If their behavior makes you suspicious, refuse them.

If there is a question about 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.

NOTES:

HOW TO USE OUR ID CHECKING TOOLS

In order to help you identify fake IDs, you can purchase tools from the Division of Liquor Control. The DLC sells ID Checking Guides and UV lighted magnifiers. ID Checking guides should 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 these tools 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 some 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 ID, 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 the 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?

MORE REGULATIONS

All employees must cooperate with law enforcement. You cannot interfere in the course of their duties and you must provide your ID if you are asked. Remember to work with them. Talk to your boss about emergency procedures, who your local law enforcement is and how and when to contact them.

Gambling is illegal on a licensed property. Only approved Lottery games may be sold at the store.

It is the responsibility of the store to control the conduct of the customers. There can be no illegal activities on the store's property. You cannot conduct your business in such a way that it is a nuisance to the community.

COMPLIANCE CHECKS

The Division of Liquor Control conducts regular compliance checks to ensure that businesses are IDing customers for alcohol and tobacco. By using minors 17, 18, 19 and 20 years old to attempt to purchase alcohol or tobacco products, they are able to witness businesses verifying ages and refusing sales. Compliance minors will present their actual valid IDs. Refusing sales should be an easy demonstration of a business following the law.

NOTES:

RENEWALS

All licenses expire at Midnight on April 30 each year and need to be renewed.

All of the 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

Vermont Department of
Liquor and Lottery
Division of Liquor Control
13 Green Mountain Drive
Montpelier, VT 05602
(802) 828-2339

Visit us on the web at
liquorcontrol.vermont.gov