VERMONT

DEPARTMENT OF LIQUOR AND LOTTERY
DIVISION OF LIQUOR CONTROL

1ST CLASS

IN-HOUSE SERVER 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. For any off-site catering events, copies of permits and training certificates must accompany the employees at each event. 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
- Duty to Control
- 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, 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 must be 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. Comprising 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 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 rules and laws that you will need to know to do your job. A complete list of the Title 7 Regulations can be found on the DLC website.

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

NOTES:

REGULATION

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 Winery with a Direct to Retail Shipping permit
- Liquor from a Vermont State Liquor Store

Customers may never bring their own alcohol in.

Only 3rd class licensees may serve liquor.

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

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

Everywhere that people are allowed to drink is listed on the license.

Outside spaces require an Outside Consumption Permit. The areas must be clearly defined and include a double barrier if it is a catered event that contains more than 200 people.

EMPLOYMENT REGULATIONS

All servers of alcohol must be at least 18 years old.

- Anyone selling tobacco must be at least 16 years old.
- Every business that serves alcohol 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

- Must be up to date with the Department of Health, the Tax Department, and the Department of Labor.
- Licenses and permits 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.
- Changes to ownership (directors, owners or partners) you sent to the DLC in writing at least 20 days prior.
- At least 2 years worth of all the business records including but not limited to payroll, receipts and invoices must be kept on site.

NOTES:

HOURS

Your business may serve alcohol from:

8:00 am - 2:00 am

Customers may continue to consume until 2:30 a.m.

Some towns have shortened hours. Check to see if yours is one of them.

LIGHTING

It must be bright enough to read IDs and observe your customers wherever they are located.

LOCKED DOORS

Doors must be unlocked whenever customers are inside.

(Clubs may choose to have their doors locked with a buzzer system or may have their doors unlocked.)

REGULATIONS

Smoking, vaping or marijuana use in public spaces is prohibited.

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 the manager about emergency procedures, who your local law enforcement is, and how and when to contact them.

Gambling is illegal on licensed property. Your business may hold events for nonprofit organizations with permission from the DLC. You may not participate in any form of gambling at your place of business on a day that you work.

Your business must post a DO YOU HAVE A DESIGNATED DRIVER sign. It is required to be posted in a public area.

Alcohol specials must be for the entire business day. The business cannot set a price for beer or wine less than what the business paid for it. A "special price" must be offered to all customers (no ladies only specials) and Happy Hours are prohibited.

Food (prepared and on a menu) must be available while the business is open. A business may contract out their kitchen with permission from the DLC. (Clubs are exempt from this rule.)

A customer may take home a bottle of wine or specialty beer (8%-16% alcohol) that was purchased with a meal, provided it is resealed. Many businesses also mark the bottle. Check with your manager to find out if this practice is followed at your business and what the policy is.

NOTES:

FESTIVALS

Festival attendees are required to pay an attendance fee of at least $5.00.

Drinks are subject to the following drink size and amount limits for each event:

Malt

- Maximum sample size: 12 oz.
- Maximum amount per person: 60 oz.

Vinous

- Maximum sample size: 5 oz.
- Maximum amount per person: 25 oz.

Fortified Wines

- Maximum sample size: 3 oz.
- Maximum amount per person: 15 0z.

Spirits:

- Maximum sample size: 1 oz.
- Maximum amount per person: 5 oz.

Mixed Event:

- Not more than 6 standard drinks per person
- Not more than 3.6 oz. or 84 grams of ethyl alcohol per person

PROMOTIONAL TASTINGS

At the licensee's request, the holder of a manufacturer's, rectifier's, or wholesale dealer's license may conduct tastings for the licensee's management or staff, provided that they are of legal age for the purpose of promoting the beverage. For 1st class licensees, two ounces per person of vinous or malt beverages is permitted. For 3rd class licensees, one-quarter ounce of each beverage with not more than one ounce per individual is permitted. 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.

"TO GO" ALCOHOL

Under Act 70, 1st and 3rd class licensees are authorized to sell "to go" beverages for off-premise consumption subject to the following conditions:

- Must be accompanied by a food order
- Only beverages they are licensed to sell
- Curbside pickup and take-out only
- Containers must have a securely affixed, tamper-evident seal
- Beverage must be labelled to include a "contains alcohol" statement, ingredient list and serving size
- Only permitted between the hours of 10:00 AM and 11:00 PM
- Only allowed through July 1, 2023

IMPAIRMENT

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

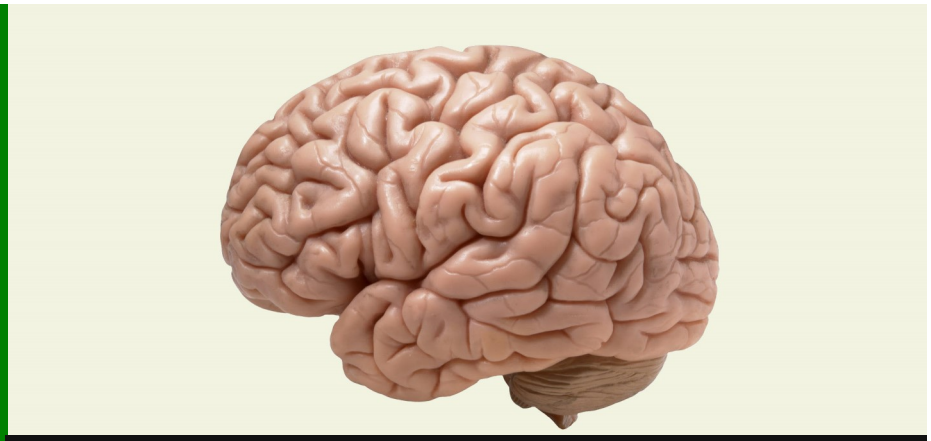
No alcohol may be consumed on the licensed premises by any person displaying such signs of impairment.

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 serve them and they cannot stay if they show signs of impairment.

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

When you can hear and see that the customer appears to be impaired, you must not serve alcohol to them.



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 affected. 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 effects. 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.

When it comes to alcohol, one drink doesn't always mean one glass. Beer, wine and liquor all come in different "strengths". A person drinking one 12 ounce beer that has 5% alcohol will be affected differently than if you give that same person a 12 ounce beer that has 16% alcohol. That is almost triple the amount of alcohol in the same glass. Counting drinks and the alcohol in them is an important part of a server's job.

REFUSAL SKILLS

When a server believes that someone is showing signs of impairment they must take action. Experienced servers 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 impairment. **Interview** them to figure out whether they are exhibiting any signs of impairment and **Refuse** them if you see signs of impairment. 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 impairment.

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

T: Talk and tell early. Letting customers know what the expectations are for how to behave in your business is important. A customer shouldn't just hear "Stop." Help them slow down and pace themselves.

A: Alternatives. Before you need to cut someone off and ask them to leave, can you offer your customer something else to do besides drink? Do you have food, coffee or perhaps an activity like dancing, pool or darts? As part of pacing your customer, help them enjoy their time and not simply consume alcohol.

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 serve 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.

NOTES:

MORE THAN WHAT IS REASONABLE

An employee shall not serve alcohol to a person whom it would be reasonable to expect would be under the influence as a result of the amount of alcohol you served them.

Basically, you need to be aware of how much alcohol you are serving, and how strong that alcohol is, to a person whether or not they are showing signs of impairment.

DUTY TO CONTROL

Servers must be aware of the conduct of their patrons at all times. Regulation basically says:

It is the duty of the licensee to control the conduct of their patrons at all times. You cannot allow any disturbances, brawls, fighting or illegal activity on a licensed premises. You also cannot run your business in such a way that your patrons cause a problem on the sidewalks or streets outside your place of business.

Take a minute and think about a time when you knew a person was going to be trouble before the trouble started. Those are the things you are watching for. If a person acts like they may cause trouble, stop it before it happens. It is easier to handle a problem early than just waiting for it to go away because it rarely does.

The regulation requires that the licensee run their business so that the parking lots, streets, sidewalks and highways adjacent to the business do not become a public nuisance. In other words, don't tell customers to take their fight outside; deal with it instead. It is your responsibility to take care of the problem.

Whether it is when you are refusing a customer or when you are attempting to break up a fight, and the person becomes physical or tries breaking things, it may be wise to call the police. This is something you should talk with your boss about.

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

This means that if a person becomes aggressive in your establishment, you must handle the situation before it gets worse. As you read earlier you may need to call the police for help with the problem. Sometimes you may be able to stop the problem before it gets worse by making a person leave before they become aggressive.

NOTES:

SUPERVISION

No business shall allow any individual displaying signs of intoxication to stay on the licensed property, except under the direct personal supervision by a licensee or a licensee employee in a segregated, non-public area when the patron's immediate departure could be expected to pose a risk of bodily injury to the patron or any other individual.

That means that if you determine that a customer is impaired it is your responsibility to make certain that they have a safe ride home. While you wait with them for their ride, you must keep them supervised and away from the general public.

Talk with the manager about options for safe rides for your customers (taxis or buses) and where to wait with a customer.

MINORS

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

A server of alcohol must be sure that the person is at least 21 years old before you serve them alcohol. If you serve 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 serving to someone under the age of 21. There is also a regulation that states the business will be held responsible for serving someone under the age of 21 as well.

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

SERVING A MINOR

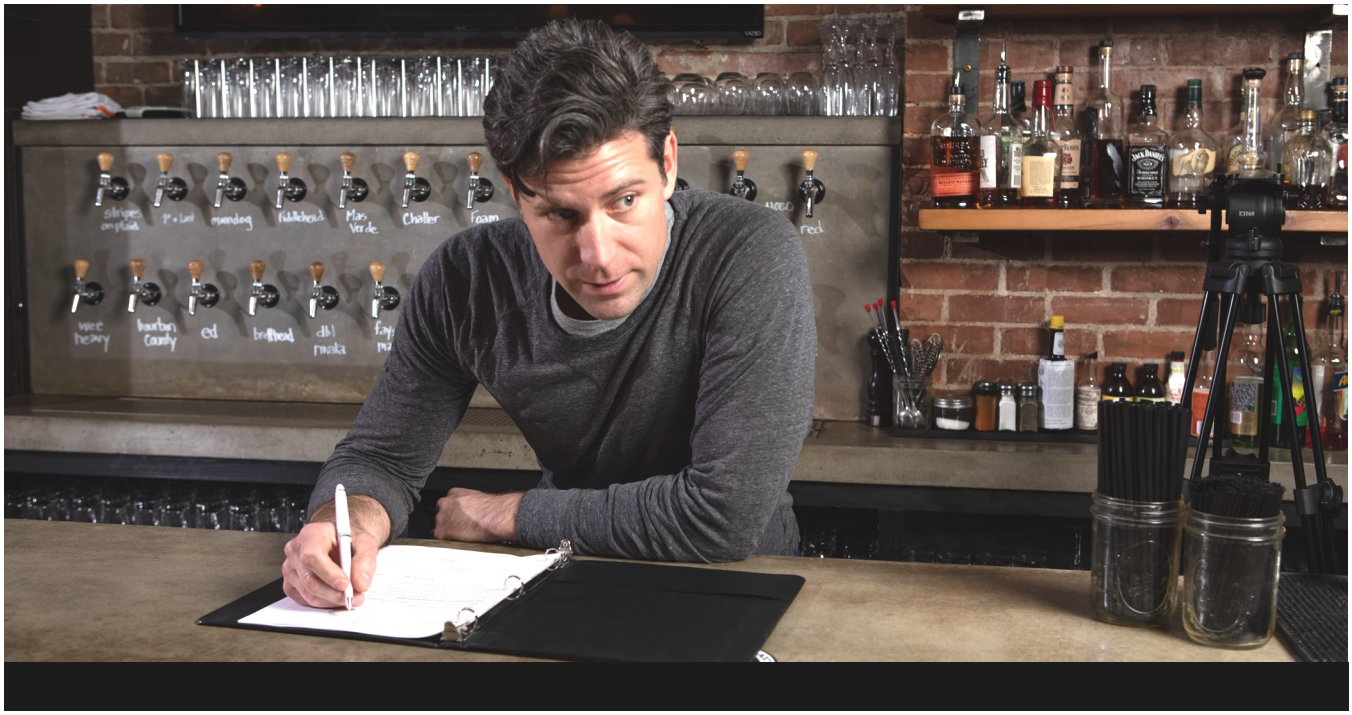
No one can sell or give alcohol to a person under 21 and no one can allow a person under 21 to drink alcohol.

The penalty for serving to a minor or enabling consumption by a minor is a fine of up to $2,000 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.

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 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 served the alcohol. A person can get money damages if you:

- serve or sell alcohol to a someone under the age of 21,
- 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 as a result of the amount of alcohol that they were served,

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.

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 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 on to another job later you can take it with you. The establishment is also encouraged to keep a log book.

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 serve a 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:

TOBACCO

Customers must be at least 21 years old to purchase or possess 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:

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.

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 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?

Taking the time and using the tools to check IDs properly may help you avoid making a costly mistake.

MORE REGULATIONS

Customers may not have more than 2 drinks at one time and those drinks cannot contain more than 32 ounces of malt beverages or 4 ounces of liquor. Wine may be served by the glass, the carafe or the bottle.

Businesses may serve sample flights of alcohol. A sample flight is a flight, ski, or paddle designed to serve samples of alcohol for comparison purposes. Flights may serve up to 32 ounces of malt beverages, up to 12 ounces of vinous beverages, and up to 4 ounces of liquor.

Liquor must be served from the purchased container. Businesses may not mix, marry or reuse bottles.

Draft beer or wine must display signs that are clearly visible as to the brand of beer or wine dispensed.

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 age 16, to 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 liquor licenses expire at midnight, April 30 each year. All of the information for the corporation must be up-to-date. Changes need to be submitted in writing 20 days in advance. Licensees must be in compliance with the Departments of Health, Labor, and Taxes as well as with the Secretary of State.

Contact Us

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