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# Alcohol Merchant Resource Guide

Presented to alcohol merchants of western Nebraska

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# Change starts with you

PANHANDLE COMMUNITIES UNITED FOR CHANGE

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*We all play a part in building a healthy and safe community: teachers, merchants, parents, friends, community members, health care professionals, law enforcement officers, families - Everyone!*

The Panhandle Prevention Coalition is pleased to present this manual at no cost to you as part of a community-wide effort to eliminate underage drinking in western Nebraska.

In this manual, you will find information about Nebraska liquor laws, training tips and much more. We hope you find it useful.

Thank you for being a responsible alcohol merchant and doing your part to eliminate underage drinking in our community.

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## SOURCES

Special thanks to the following organizations that contributed material for use in this resource tool:

Nebraska State Patrol

Nebraska Liquor Control Commission

Project Remedy

Project Extra Mile

Panhandle Partnership Training Academy

Oakland County, MI Health Division, Office of Substance Abuse

Cheyenne County Attorney's Office

## WHAT DO YOU THINK?

As an alcohol merchant, you've probably tried many of your own techniques to help eliminate underage drinking. Let us know about them so we can share your best practices with others across the Panhandle. Call us at 308.633.2072 or email us at [fmills@region1bhs.net](mailto:fmills@region1bhs.net) or [jlawler@region1bhs.net](mailto:jlawler@region1bhs.net)

## NEBRASKA LIQUOR LAWS PERTAINING TO ALCOHOL MERCHANTS

**Nebraska revised statute section 53-180** Makes providing alcohol to persons under the age 21 a violation chargeable as a Class I misdemeanor, which could result in a \$1,000 fine or up to one year in jail, or both.

**Nebraska revised statute section 53-180.02.** States that no one under the age of 19 may serve or sell alcohol. Persons ages 16 to 18 can possess alcohol in the course of their job (i.e. carry-out groceries or bus tables.)

**Nebraska revised statute section 53-180.04.** Requires a 20" X 14" sign warning minors and adults about the penalty for purchasing alcohol to minors. This sign, which can be obtained from the Nebraska Liquor Control Commission, must be prominently displayed at all liquor establishments.

**Nebraska revised statute section 53-179.** States that no alcohol may be sold, delivered or dispensed between the hours of 1 a.m. and 6 a.m. (unless further restricted by local ordinance). All drinks and drink containers must be removed from customers by 1:15 a.m. (15 minutes after closing hour). No alcohol may be consumed on licensed property between 1:15 a.m. and 6 a.m. by anyone, including the owners and employees of the establishment.

**Nebraska revised statute section 53.168.06.** Sets age perimeters for those serving alcohol. Upon reaching age 16, employees can stock or sack alcohol, bus tables with alcohol and carryout alcohol when accompanied by a person over the age of 21 (can be the purchaser). Upon reaching the ages of 19, an employee can serve or sell alcohol.

**Nebraska revised statute section 53.123.04.** Disallows open containers of alcohol to be carried from licensed premises.

**Restriction of many local ordinances.** All beverage servers and establishment owners shall be trained by a state-certified alcohol server training course.

## SPECIAL DESIGNATED LICENSES - WHAT YOU SHOULD KNOW

Many local establishments are asked to cater alcohol at community or private events. Non-caterer licensees are entitled to apply up to six days per year for a special designated license (SDL) that allows them to serve alcohol at such events. First, the application must be approved by the governing local municipality and then the Nebraska Liquor Control Commission. Below are some tips to help ensure that minors are kept safe from alcohol and your license is not put at risk.

- Designate alcohol-free areas for families and children whenever possible.
- For events with over 150 participants, confine the drinking areas with 6' double fencing 4' apart to prevent individuals from passing alcoholic beverages to patrons outside the licensed area.
- Ensure that no alcohol leaves and is consumed outside the licensed area.
- Restrict the number of drinks per sale to one or two drinks /per person, per sale.
- Provide distinctive containers for alcohol.
- Make sure all servers have received responsible beverage server training.
- Just as you do within your regular licensed premise, carefully check all IDs at the event.

## RESPONSIBLE BEVERAGE SERVER TRAINING

Presented by the Nebraska State Patrol, Region 1 Behavioral Health, Panhandle Partnership for Health and Human Services, Panhandle Partnership Training Academy and area tele-health sites. Responsible Beverage Server Training (RBST) classes are designed to provide individuals entrusted with the responsibility of serving or selling alcohol with strategies to avoid illegally selling to underage youth or intoxicated patrons. Classes are free-of-charge and offered to anyone who serves or sells alcohol or tobacco. The trainings are held across the Panhandle via tele-conference and at the Panhandle Mental Health Center, 4110 Avenue D in Scottsbluff.

### 2012-2013 Responsible Beverage Server Training Schedule

Weekday	Date	Time
Tuesday	December 11, 2012	9 a.m. to noon
Tuesday	December 11, 2012	1 to 4 p.m.
Thursday	March 7, 2013	12pm-3pm*
Tuesday	June 11, 2013	9am-12pm
Tuesday	June 11, 2013	1pm-4pm
Saturday	September 7, 2013	12pm-3pm*
Tuesday	December 10, 2013	9am-12pm
Tuesday	December 10, 2013	1pm-4pm

\*Feel free to bring sack lunch

Interested individuals can register online at [www.trainingacademy.info](http://www.trainingacademy.info).

## FREQUENTLY ASKED QUESTIONS ABOUT ALCOHOL SALES

NOTE: Serving alcohol to minors involves administrative violations, which are handled by the Nebraska Liquor Control Commission and statute violations, which are handled by the county courts.

**Q: How much is the fine for a sale to minor violation?**

**A:** The fine can be up to \$1,000. The commission or judge assessing the penalty will consider how long the license has been issued, past violation history, age of the underage patron and other mitigating circumstances. Your liquor license can also be suspended or revoked.

**Q: How much are fines for other types of violations?**

**A:** Fines for sale to an intoxicated person are up to \$1,000, other violations run up to \$300. Again, consideration is given to how long the merchant has had the license, past violation history, the nature and severity of the offense and other mitigating circumstances. License suspension or permanent revocation may be considered.

**Q: What constitutes a valid identification when I make a sale of alcoholic liquor?**

**A:** The ultimate responsibility of an alcohol transaction rests with the seller/server. If you are not convinced that the buyer is 21 or over, do not make the sale or serve the customer. The law will protect any merchant who makes a diligent effort to determine a buyer's age. This means that review should include an examination of an official driver's license, Nebraska identification card, a military identification card, passport or alien registration card for every person that buy's alcohol in your establishment.

**Q: What do I do if a minor tries to purchase alcohol?**

**A:** After identification review, if you are still not convinced that the buyer is 21 or over, don't make the sale. Call the police and give the officer the person's ID. The police may prosecute the person for attempting to buy alcohol when under the legal age.

**Q: Must minors be out of my bar/restaurant by 9 p.m.?**

**A:** While there is a law that regulates the time at which the serving of alcohol must cease, there is not a Nebraska state law that regulates what time bars and restaurants serving alcohol must close. Nebraska cities, however, often have a municipal ordinance that regulates closing time. This time varies among cities so make sure that you are familiar with closing time requirements set for the city in which your business is located. Many communities have adopted city ordinances that state minors (some give a specific age, i.e. "under 19") have to be out of the establishment after 9pm.

**Q: What are the age requirements for employees who sell or serve alcohol?**

**A:** Nebraska law states that, "A licensee shall not allow any person who is less than 19 years of age to sell or serve alcoholic liquor."

**Q: Are patrons allowed to bring their own alcoholic beverages onto Licensed premises?**

**A:** Usually, no. Nebraska laws state that alcohol merchants can have in his or her establishment only those alcoholic beverages purchased by the retail licensee from an authorized wholesale distributor.

This effectively eliminates patrons from bringing onto premises their own beer, wine or spirits. There is an exception to this rule which allows hotel guests to bring in their own alcoholic beverages to the bedrooms or suites of a licensed hotel for consumption in these areas.

**Q: Can I give away alcohol?**

**A:** It is not a violation to give away alcohol. However, there are some issues you should be aware of: You may not give away

- 1) alcohol to avoid any provision of the Liquor Control Act.
- 2) alcohol to a person who is visibly intoxicated.
- 3) more than one free drink to a person at a time.
- 4) a free drink as part of a condition of purchasing another.
- 5) a free drink as part of a cover or entry charge to your business.
- 6) alcohol under any circumstance that would also prohibit you from selling alcohol.

**Q: As a licensee, can I allow my friends to remain on the premises after the legal hour if no alcohol is served?**

**A:** Yes - as long as law enforcement has access to the premises and alcohol is not served or sold.



## TIPS FOR TRAINING YOUR EMPLOYEES

While **you** may be committed to preventing the sale of alcohol to minors, your staff may not. That's why it is important to instill that commitment into each and every one of your employees. The best way to do this is through effective and frequent mandatory training. Here are a few tips to help.

- Alert employees that your store will not sell alcohol products to anyone under the age of 21. Establish a company policy that follows State statute.
- Require employees to request valid photo identification for anyone purchasing alcohol no matter who they are or how old they look.
- Remind your employees of the legal consequences of selling alcohol to minors. Teach them about the social, legal and health consequences of underage drinking.
- Require all of your employees to sign an employee agreement that states the signee will not sell alcohol to minors. See an example on page 13.
- To make it easy for employees and intimidating for minors who dare to buy, post a sign noting the year of birth for legal sale of alcohol in prominent locations throughout your store/restaurant. This would include places like doors, cash registers and wherever alcohol products are displayed.
- Inform your employees that failure to adhere to store/restaurant policy regarding the sale of alcohol to minors will result in termination. Periodically review the law and store/restaurant policy regarding alcohol sales with your employees.
- Consider investing in cash register technology that prompts employees to check IDs before a transaction can be entered.

## TACTICS TO PREVENT UNDERAGE ALCOHOL SALES

Very few businesses intentionally sell alcohol to minors. But it can happen, especially when employees make innocent mistakes or when management and staff become lax about policies and procedures. The more vigilant an employer is about preventing alcohol sales to minors, the less room there is for error. Here are a few tips that can help your business prevent underage alcohol sales.

- Post a sign near the register that indicates the appropriate birth date for selling alcohol.
- Watch for unusual behaviors of the customer. Example: retailers find that when the customer is underage, he or she tends to be over-friendly before they try to buy.
- When in doubt, ask for additional ID with a picture to compare and ask the customer to sign something to compare signatures in the ID register.
- Unless it is a duty of their employment, don't let minors carry alcohol out of the store, even if they are clearly with their parent(s).
- Don't accept expired or damaged licenses.
- If you're required to wear glasses, be sure you're wearing them when looking at an ID.
- Feel the ID for any irregularities that would indicate it has been tampered with and is fake.
- Host mandatory bi-annual trainings with your employees to remind them about policies and procedures as they pertain to underage alcohol sales. Require refresher trainings on how to check IDs.
- Post a note on the register that reads, "Check every ID, every time. Selling to minors is against the law."

## CHECKING IDENTIFICATION THE RIGHT WAY

Together with local law enforcement, the Panhandle Prevention Coalition offers the following suggestions to identify false identification situations.

### **Fake IDs**

- Check the size, thickness and color of the ID for anything unusual.
- Check the placement, size and typeface of the letters and numbers. Nothing on the ID should be blurry.
- Look closely at the state seal of the ID to make sure it is correct and exact.

### **Altered IDs**

- Check for numbers that have been scratched or bleached out and inked over, or cut out and reinserted.
- Look for rough spots around the edges and over the photo where laminate may have been altered.

### **Borrowed IDs**

- Compare the photo with the person presenting the ID.
- Ask the presenter to sign his or her name on a sheet of paper and compare the signature to the one on the ID or in the ID register.
- Ask the presenter to verify personal data on the ID.
- Request alternate pieces of identification.

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# RAMA awards

RESPONSIBLE ALCOHOL MERCHANT AWARDS (RAMA)

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*Example of window decal provided to designated recipients.*

The Responsible Alcohol Merchant Award (RAMA) recognizes alcohol merchants who are actively involved in promoting a positive, healthy community in western Nebraska by restricting youth access to alcohol. The RAMA program allows local communities to recognize alcohol merchants who exhibit best practices in preventing underage alcohol sales through consistent compliance of beverage control regulations, comprehensive management policies and ongoing employee training programs.

Awards are determined by the following criteria known to reduce the sale of alcohol to underage youth:

- Model business and management policies.
- Participation in employee training programs, such as Panhandle Prevention Coalition sponsored Responsible Beverage Server Training.
- Store layout, including signage and window coverings.
- ID checking practices.
- Compliance check pass/fail rate.
- Advocacy for a positive and healthy environment.

RAMA awards will be presented to area business beginning March, 2012. Nominations are currently being accepted by the Panhandle Prevention Coalition.

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## EMPLOYEE AGREEMENT

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I understand that it is illegal to sell alcohol to persons under 21 years of age. I have reviewed the materials regarding the sale of alcohol to minors and the negative effects of teen alcohol use provided to me. I understand the policy of this store/restaurant to carefully check identification; not to sell alcohol to someone underage; and not to sell alcohol to anyone purchasing for a minor. I understand that failure to adhere to this policy could result in disciplinary action, including loss of my job, as well as the imposition of a fine, court costs and attorney fees. I agree to the following rules and company policy about the sale of alcoholic beverages:

- I will not sell alcohol to any person under the age of 21.
- If a person appears to be under 35, I will ask for identification. If there is any doubt about the person's age, or the legitimacy of their identification, I will not make the sale.
- I will not knowingly sell alcohol to any adult for use by individuals under the legal age. If I think someone is attempting to purchase for a minor, I will not make the sale.
- I will not accept a note (or any other implied permission) from any person under the age of 21 years attempting to purchase alcohol.

In turn, the management of this store/restaurant agrees to support my judgment in not making sales in any of the situations noted above.

Employee signature: \_\_\_\_\_

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

Store/restaurant manager's signature: \_\_\_\_\_

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

This agreement will be maintained in our personnel file as part of your permanent employee record.