Module 3

Intoxicated People and Alcohol Sales

Know the Law

Intoxication Laws

- ➤ Under Texas law, it is illegal for a person to appear in a public place while intoxicated to the degree that the person may endanger the person or another.
- beverages is considered a public place. [Texas Penal Code §49.02] A business that is licensed or permitted to sell or serve alcoholic

you know is intoxicated. [Texas Alcoholic Beverage Code It is illegal to sell an alcoholic beverage to a person that Sec. 101.63 (a)]

It is illegal for an employee to be intoxicated on the premise where they work as a seller-server. [Texas Alcoholic Beverage Code Sec. 104.01]

Know the Law

Penalties

First offense

- > A fine of not less than \$100 nor more than \$500
- Confinement in jail for not more than one year
- > Both a fine and confinement

Second offense

- > A fine of not less than \$500 nor more than \$1000
- > Confinement in jail for not more than one year
- > Both a fine and confinement

Dram Shop Laws

Dram Shop Act

- provider who sells/serves/provides alcohol beverages; including, > Dram Shop Act refers to the law governing the civil liability of a but not limited to licensees or permitees.
- > Civil liability allows a person(s) who is injured or suffers property damage to sue the provider in civil court.
- > Texas Legislature enacted the Dram Shop Act on June 1, 1987 in Chapter 2 of the Texas Alcoholic Beverage Code.

Dram Shop Laws

Dram Shop Act

- The Act establishes that providers including licensees/permitees are who are or become intoxicated and cause injury or property damage liable for actions of their employees, customers, members or guests to themselves or a third party.
- Establishments can be held liable in civil court when an employee (including minors) who presents a clear danger to him/herself or sells/serves/provides alcohol to an obviously intoxicated person others and who subsequently causes injury or damage. A
- The licensee/permitee is subject to revocation of their license/permit for violating the Dram Shop Act. Liability for damages caused would be determined in a civil court.
- Do you want to take responsibility for the actions of an intoxicated A

Know Your Customers



Keys To Customer Observation - For Intoxication

To decide if a sale of alcohol is legal, watch your customers to:

- > See How They Look
- Look at your customer and notice their general appearance.
- See What They Do
- Watch your customer's movements and behaviors.
- See How They React
- Watch how your customer interacts with you and others.
- Watch the tab and see how many See How Much Alcohol Has Been Purchased or
- drinks have been consumed.

Observe your customer's

- > Appearance
- ▶ Behavior
- Reactions and Interactions

For off-premise sales, you may only have a few moments to determine if a customer is intoxicated.

drinks served to the customer and periodically reassess On-premise servers may be able to keep a count of the the customer for signs of intoxication.

Observe your customer's appearance.

- > They may become flushed in the face.
- > They may not be aware of their appearance and have mussed hair or disheveled clothing.
- > What other things might you observe?

Observe your customer's behavior

- Talk to the customer when they first enter your establishment and use this to establish a baseline.
- They may be clumsy and less able to perform ordinary tasks, such as lighting a cigarette or picking up change.
- > They may feel invincible and take more risks than when sober.
- What other behaviors may be exhibited?

Reactions and Interactions

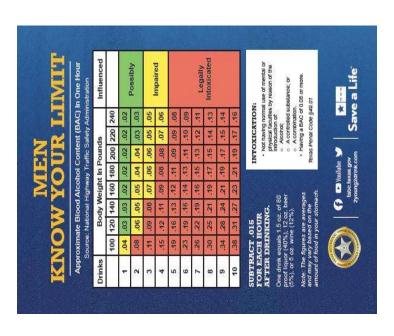
- An intoxicated person may not be able to speak coherently;
- An intoxicated person may be argumentative;
- alcohol; they can say and do things they would not ordinarily do. An intoxicated person can lose their inhibitions while drinking

See how they are reacting to you and others in their party.

Blood Alcohol Concentration (BAC)

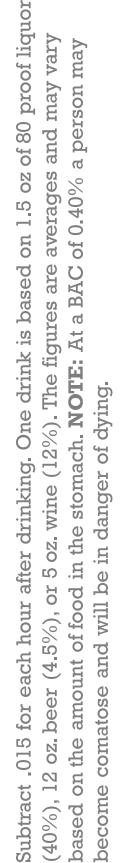
> Blood alcohol concentration (BAC) is a measurement of the amount person has one part chemical alcohol with 1000 parts blood fluids. example, if someone has a BAC of 0.10 percent this means that the of alcohol in the bloodstream expressed as a percentage. For

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Legally

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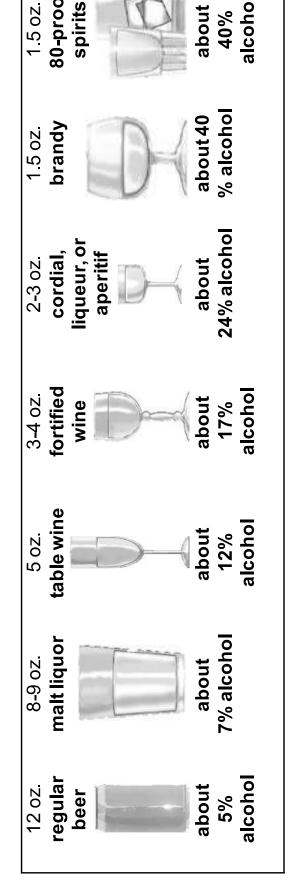


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Observing Your Customers

What is a Standard Drink?

liquor drinks or over sized drinks have more alcohol than a single > Remember not all drinks are equal when counting drinks. Multishot drink or a regular 12-ounce beer.



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quor"			1		= 1 or more	= 4 ½	= 8 ½		= 17	
80-proof spirits or "hard liquor"	(40% alc/vol)		A shot (1.5-oz glass/50-ml	bottle)	A mixed drink or cocktail	200 ml (a "half pint")	375 ml (a "pint" or "half	bottle")	750 ml (a "fifth")	
table wine	(12% alc/vol)	750 ml (a regular	wine bottle) = 5							
malt liquor	(7% alc/vol)	$12 \text{ oz} = 1\frac{1}{2}$	16 oz = 2	$22 \text{ oz} = 2\frac{1}{2}$	40 oz = 4%					
regular beer	(5% alc/vol)	12 oz = 1	16 oz = 1.3	22 oz = 2	$40 \text{ oz} = 3\frac{1}{3}$					

Other Factors Related to Intoxicatio

The following can affect BAC and intoxication; therefore, always consider whether the person appears to be intoxicated.

- > Body weight and type
- ➤ Muscle/fat ratio
- > Type and timing of food
- > Fatigue

Other Factors of Intoxication

Prescription, Over the Counter, or Illegal Drugs

- > If a person is taking prescription, over the counter, or illegal drugs it will not change their BAC.
- However, the person's reaction to the alcohol may increase, and they may become intoxicated more quickly.

Other Factors of Intoxication

Drink Tampering

➤ Be aware that drink tampering does occur.

Rohypnol and Gammahydroxybutyrate (GHB)

- There is no unusual taste or look to a drink contaminated by either of these drugs.
- Rohypnol turns drinks blue.
- GHB turns drink cloudy.

Be aware of any suspicious activities where someone might have placed a drug in an unattended drink.

If you suspect drink tampering, remove the tampered drink with the pretext of bringing a fresh drink, alert management, and offer assistance.

Alcohol Poisoning

Alcohol Poisoning is a dangerous consequence of excessive drinking

- > Signs and symptoms of alcohol poisoning:
- · Mental confusion, stupor, coma, or person cannot be roused
- · Vomiting
- Slow breathing (fewer than eight breaths per minute)
- Irregular breathing (10 seconds or more between breaths)
- Hypothermia (low body temperature), bluish skin color, paleness

Know When and How to Say "No"

Be Quick

- quickly, they may become intoxicated quickly as well. In this case, Preventing Intoxication - If you see that a customer is drinking you can:
- Slow down service
- Avoid going to the table as often
- Offer food or non-alcoholic beverages
- Suggest other activities

elsewhere, so it is important to establish a customer's current state NOTE: Remember, a customer may have had one or more drinks before serving alcoholic beverages.

Know When and How to Say "No"

Be Clear and Firm

- ➤ If a person is intoxicated in your establishment, refuse to serve/sell or continue to serve/sell them alcohol, and state the law and/or your company policy. Make sure that you are firm, fair, and friendly.
- > Keep your temper under control, even if the situation is annoying. Show the customer you won't change your mind.
- > Remove the alcohol out of reach of the customer and offer to call a friend or cab to take them home.
- > Express your concern for their safety and let them know you would like to see them return to your establishment.
- courteous and firm about your refusal to serve them any more alcohol Don't make judgmental statements such as "you're drunk." Be

Know When and How to Say ''No''

Be Consistent

- make the decision to stop service. The intoxicated person does not have normal use of their mental faculties and arguing will escalate > Do not stay and argue and do not bargain or back down once you the situation.
- > Make sure other servers and management know and will back up your decision to stop service.

Illness Masquerading as Intoxicatic

Some illnesses may be mistaken for or have affects that mimic intoxication. Look for Medic Alert* jewelry if you think someone may have a condition that may be mimicking intoxication. A medic alert foundation bracelet or emblem indicates a possible life-threatening medical problem.



Know When and How to Say "No"

Designated Drivers

- establishments offer safe-ride programs. Check with your manager drink alcohol to provide a safe and sober ride for the group. Some > A designated driver is a person in a group who chooses not to for your company's policy.
- > Having a designated driver for a group does not mean the group may legally become intoxicated. Public intoxication is still illegal even if you do not drive.
- > If the customer refuses a cab or to allow a friend to pick them up, you have no choice but to call law enforcement.