

Module 2

MINORS AND ALCOHOL SALES

Minors and Alcohol Sales

Module 2: Objectives

- Given a scenario, state if a sale of alcohol is legal or illegal with regards to a minor.
- Use observations to detect that a minor is attempting to purchase alcohol.
- Correctly identify if an ID is valid and proper for purposes of establishing age.
- Recall that possession, use, manufacture, or misuse of an ID is an illegal act.
- Given a scenario, select appropriate intervention techniques with regards to a minor attempting to purchase alcohol.

What does minor mean?

The Alcoholic Beverage Code defines a minor as a person under the age of 21.

It is important to know what is illegal with regards to selling or serving alcohol to minors.

Laws about Minors and Alcohol

It is a criminal offense for a minor to purchase, possess, attempt to purchase or consume alcoholic beverages.

There are some general exceptions to these laws, such as:

- A minor may possess alcohol in the scope of employment;
- A minor may possess and consume alcohol when in the visible presence of his legal aged parent, legal guardian or spouse; and
- A minor may possess and purchase alcohol when assisting a police officer in the enforcement of the alcoholic beverage code.

Purchase of Alcohol by a Minor

The minimum legal age to purchase an alcoholic beverage is 21 years of age or older.

- The exception is if the minor is under the supervision of a peace officer during an underage compliance operations, he will not be charged with an offense.

It is illegal for a minor to attempt to purchase an alcoholic beverage

Consumption of Alcohol by a Minor

It is **illegal** for a minor to consume alcoholic beverages.

- The exception is if the minor is in the visible presence of the minor's adult parent, guardian, or spouse. [**Texas Alcoholic Beverage Code Sec. 106.04**]

NOTE: Your employer's policy may prevent anyone under 21 from consuming alcohol. Review your policy to determine what you need to do.

Taste of Alcohol by a Minor

A minor may taste alcoholic beverages if they are a student enrolled in certain college courses of study. The minor may only taste the alcohol and may not swallow the beverage.

- The Alcoholic Beverage Code defines “Taste” as to draw a beverage into the mouth without swallowing or otherwise consuming the beverage.

A minor may taste an alcoholic beverage if the minor is:

- at least 18 years old;
- and is enrolled as a student at a public or private institution of higher education or a career school or college that offers a program in culinary arts, viticulture, enology or wine technology, brewing or beer technology or distilled spirits production or technology.

The beverage must be tasted for education purposes as part of the curriculum for the course, the beverage may not be purchased by the minor; and the service and tasting of the beverage is supervised by a faculty or staff member who is at least 21 years of age.

Minor in Possession of Alcohol

It is **illegal** for a minor to possess alcoholic beverages unless he or she is:

- Legally serving or selling the alcohol as an employee.
- Is in the visible presence of his or her adult parent, guardian, or spouse.
- Under the supervision of a commissioned peace officer enforcing this code (Underage Compliance Operation).

Penalties for Minors

Penalties for a minor if found possessing/consuming/purchasing or attempting to purchase alcoholic beverages,

First and Second Offense (Class C Misdemeanor)

- A fine up to **\$500**
- Required attendance at an Alcoholic Awareness Course
- 8–40 hours of community service
- 30–180 days driver's license suspension

Penalty for Sale to Minor

It is **illegal** to sell, with criminal negligence, alcoholic beverages to a minor. [**Texas Alcoholic Beverage Code Sec. 106.03**]

Class A misdemeanor:

- Up to \$4,000 fine;
- Confinement in jail for up to one year;
- Both the fine and confinement.

In addition, a seller-server can also be found liable for any damages caused by an intoxicated minor if they served, provided, or allowed the minor to be served or provided alcohol.

Sale of Alcohol to a Minor

You will not be charged if the minor shows you an apparently valid ID. The ID must:

- Be issued by a government agency;
- Contain a physical description and photograph that matches the minors appearance;
- Contain a date of birth that shows him or her to be 21 years of age or older.

Providing Alcohol to a Minor

It is illegal to provide alcohol to a minor unless you are the minor's:

- Parent
- Legal Guardian
- Spouse (over the age of 21)

Penalties:

- Up to \$4,000 fine;
- Confinement in jail for up to one year;
- Both the fine and possibly jail time; and
- Drivers license revoked for a period of 180 days, upon conviction.

Know Your Customers

Keys to Customer Observation



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

- See How They Look
- See What They Do
- See How They React
- See How Much Alcohol Has Been Purchased or Consumed

Characteristics of Minors

If a person has the physical characteristics of a minor, they likely are a minor.

- Immature physical appearances: little or no facial hair on boys, un-developed appearance of girls
- Skin complexion: smooth, unlined faces (no wrinkles around eyes or mouth);
- Acne or skin problems

Many minors may have physical characteristics of an adult.

- Males may have beards or mustaches;
- Bald or shaved heads;
- Tall or broad shouldered, which makes them appear older;
- Females may wear heavy make-up or clothing that makes them appear older.

Fads and Fashions of Minors

Minors tend to dress in the latest fads and fashion trends. These will change frequently. Some other things to look for are:

- School uniforms
- Class rings
- Too much makeup
- Trendy hair styles
- What do you see at your location?

Behaviors and Reactions of Minors

Certain behavior patterns may also be characteristic of minors or people that may purchase alcohol for minors.

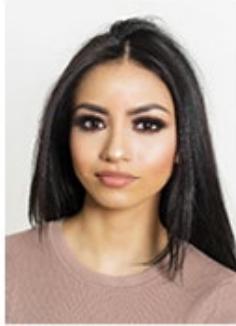
- Young people gathering in groups and sending one to make a purchase.
- Young people approaching adults that are on their way in to make a purchase.

A minor might display one or more of these characteristic reactions:

- Acting nervous or insecure
- Being overly friendly or acting “cool”
- Not making eye contact or trying to hide their face
- Checking the area or glancing around
- Showing an ID but trying to put it away quickly

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Practice Your Observation Skills:
Let's see how well you can
determine if a person is a minor
based on observation. For each of
the pictures, decide which ones
are minors.

Remember: Fads and fashions change and not all
minors are physically immature. In the next
section you will learn that your best defense is to
check identification carefully. It's the only way to
really know.

When to Ask for an ID

You should ask for an ID **before** you begin to serve or sell an alcoholic beverage.

- For off-premise sales, you can place your hands on the alcohol packaging and then ask for an ID, in case you need to **remove** the alcohol from reach.
- For on-premise sales, ask for an ID **before** pouring or serving the alcoholic beverage.

Valid Identification

A valid ID must:

- Appear to be valid (not expired, no obvious signs of alteration or forgery)
- Be issued by a government agency
- Include a physical description and picture consistent with the customer's appearance.
- A birth date that is 21 years or more. **[TABC Code Sec. 106.13]**

Valid Identification

Examples of IDs that can be used are:

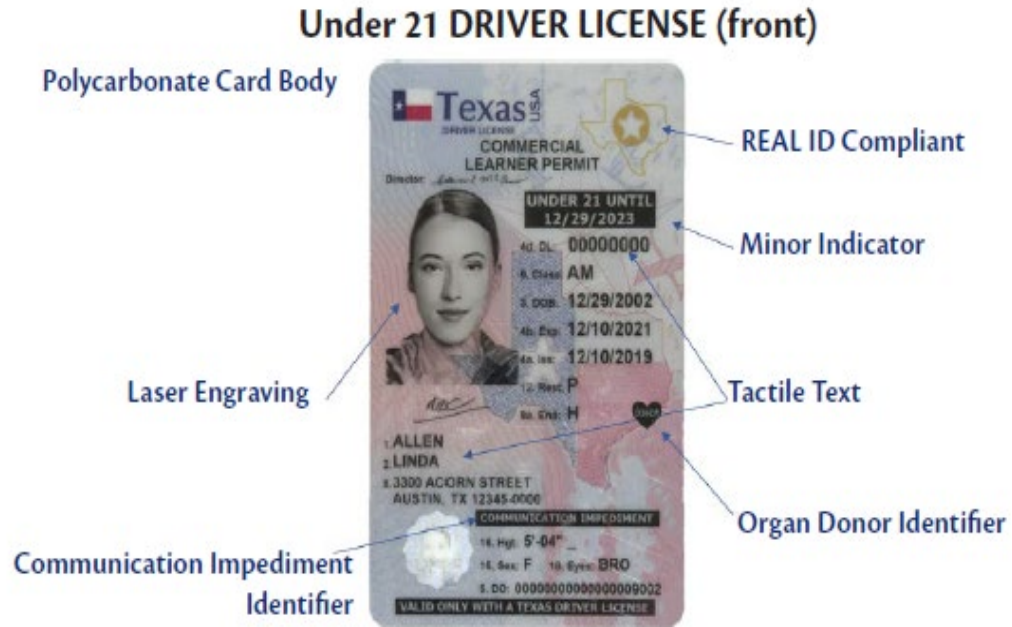
- Texas Drivers License
- Texas Identification Card
- Military ID
- United States Passports
- Out-of-state drivers licenses or IDs

Be sure to refer to your company's policy on what IDs they allow to be used.

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Minor Driver's License and Identification Cards



On the Minor Driver License, the **Under 21 Until** date is located in a filled dark box with white text on the right-hand side. There is also a ghost image that appears on the bottom left-hand side of the card for individuals under 21 years of age, this image has a pattern overlay covering the photo.

The new cards will continue to feature a gold star in the upper right corner to indicate the card is REAL ID compliant. Other significant changes include moving the communication impediment identifier to the front of the card, as well as adding a disabled veteran identifier and branch of service.

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Minor Driver's License and Identification Cards

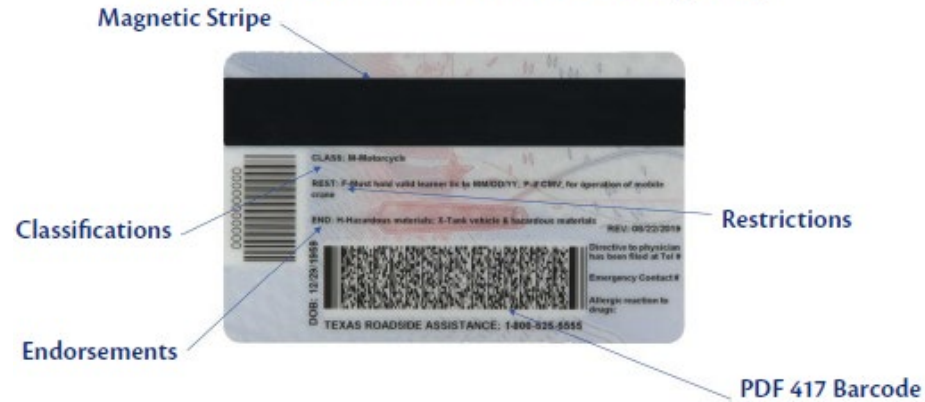
The version issued prior to February 2020 has “**Under 21 Until**” in red printed on the license. The license will be vertical and will be dated to expire on the applicant's 21st birthday or next birthday occurring after the date of issuance.

“Provisional Driver License” in Purple

While the individual is under age 18, the driver license is marked “provisional” in purple lettering and has a vertical layout. The provisional license will expire on the applicant's 18th birthday.



ADULT & Under 21 DRIVER LICENSE (back)



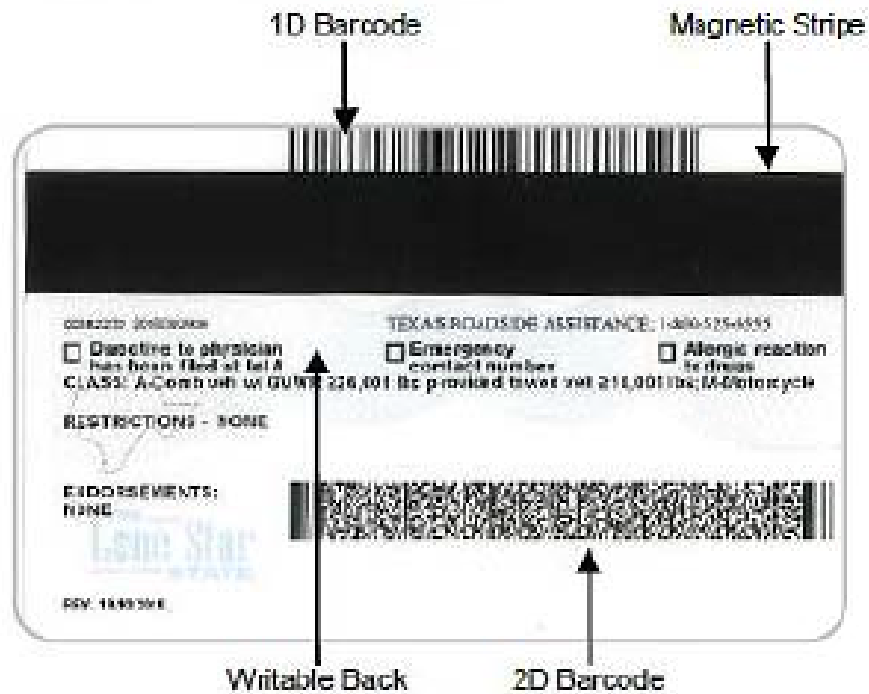
ADULT DRIVER LICENSE (front)



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Texas Driver's License and Identification Cards

BACK OF DL / ID CARD



ADULT DRIVER LICENSE



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Texas Driver's License and Identification Cards

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Minors and Alcohol Sales

Texas Driver's License and Identification Cards



Ultraviolet Light Features

- Texas State Seal
- Three stars:
 - Blue
 - Silver
 - and Gold

**PRIOR LICENSE;
VALID IN 2021**



Louisiana
PERSONAL DRIVER'S LICENSE

LICENSE ID NO: 007000102 CLASS: E EXPIRATION DATE: 12-12-2012

ENDORSEMENTS: NONE RESTRICTIONS: NONE

TEST DRIVER
8001 INDEPENDENCE
BATON ROUGE, LA 70806-6416

**CURRENT LICENSE;
VALID IN 2021***



Louisiana
PERSONAL DRIVER'S LICENSE

LICENSE ID NO: 010000000 CLASS: E EXPIRATION DATE: 10-10-2017

ENDORSEMENTS: M RESTRICTIONS: NONE

TEST TEST TEST
100 MAIN STREET
BATON ROUGE, LA 70806-0000

OFFICE: 944 PARISH: 17 DATE: 10-1

SEX: F HGT: 5-00 WGT: 150 EYES: BRN HAIR: BRN

**CURRENT LICENSE;
VALID IN 2021***



Louisiana
PERSONAL DRIVER'S LICENSE

LICENSE ID NO: 010000412 CLASS: E EXPIRATION DATE: 01-01-2023

ENDORSEMENTS: NONE RESTRICTIONS: NONE

TEST TEST TEST
111 TEST STREET
BATON ROUGE, LA 70896-0000

DOB: 01-01-1968 ISSUE DATE: 09-29-2016

SEX: F HGT: 5'00" WGT: 150 EYES: BRN HAIR: BRN

OFFICE: 944 PARISH: 17 DATE: 10-1

Page 73: UV image & back.

*May have REAL ID star or not for federal ID message or neither.

**PRIOR LICENSE;
VALID IN 2021***

*May show "NOT FOR REAL ID PURPOSES."



Oklahoma
Driver License

Lic No: B083454580

Class: D

DOB: 01/01/1990

Exp: 02/28/2017

Restr: NONE

DOE, JOHN

3600 MARTIN LUTHER KING AVE.
OKLAHOMA CITY, OK 73101-0000

Sex: M Hgt: 5'-10" Wgt: 165 lb Eyes: BRO

**CURRENT LICENSE;
VALID IN 2021***

*May show REAL ID star or "NOT FOR REAL ID PURPOSES."



OKLAHOMA
DRIVER LICENSE

4d Lic No: A123456789

3 DOB: 01/12/1967

1 SAMPLE

2 NICK

6 123 STATE ST.
OKLAHOMA CITY, OK 73102-1234

9 Class: D

9a End: NONE

12 Restr: NONE

4a Exp: 03/19/2020

15 Sex: M 17 Wgt: 185 lb

18 Eyes: BRO 16 Hgt: 5'-08"

5 DO: A1234567890112670319180

**PRIOR LICENSE;
VALID IN 2021***

*May show REAL ID star or not for federal ID statement or neither.



Colorado
Driver License

00-000-0042

Class: R

Exp: 03-17-2013

Issued: 03-24-2011

DOB: 03-17-1958

Rest: ADENK

Previous Type: A

**CURRENT LICENSE;
VALID IN 2021****

Page 70: UV image & back.

**May show REAL ID star or not for federal ID statement.



COLORADO
DRIVER LICENSE

DOB: 04/24/1976

DLR: 00-000-0000

EXP: 03/17/2030

SAMPLE DRIVER LICENSE

1881 PIERCE ST
LAKEWOOD, CO 80214

Sex: X Hgt: 5'-04" Eyes: BRO

Class: R M CD

DOB: 04/24/2020

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Out-of-State ID Examples



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Federal ID Examples:

- Passport Card
- Military ID



How to Check an ID

Learn to scan the ID for three critical things:

- Make sure that it is a valid ID.
- Make sure that the description and photo on the ID matches the person presenting it.
- Check to see that the person is 21 years old or older.

Fake Driver's Licenses and IDs

Fake IDs are illegal to use, to possess, or to manufacture.

- It is a Class C misdemeanor to possess with the intent to use, circulate, or pass a forged or counterfeit Texas Driver's License or Identification Card. **[Texas Transportation Code Sec. 521.453]**
- It is a felony to manufacture or produce with the intent to sell, distribute or deliver any counterfeit or forged Texas Driver's License or Identification Card.
- Private citizens are not legally authorized to confiscate an ID.

Fake Driver's Licenses and IDs

- It is a Class A misdemeanor to possess with the intent to sell, distribute, or deliver a forged or counterfeit Texas Driver's License or Identification Card. **[Texas Transportation Code Sec 521.456]**
- It is a Class A misdemeanor to possess a fake or altered ID, to lend or let another person use your driver's license or ID, or to use another person's drivers license or ID.
- It is a Class A misdemeanor to possess more than one valid driver's license or ID.
- It is a Class A misdemeanor to provide false information when applying for a drivers license or ID. **[Texas Transportation Code Sec. 521.451]**

How to Watch for Fake IDs

Watch for the following warning signs of fake IDs:

- Fuzzy printing on any numbers or letters or red eye in the photo
- Bumpy surfaces around the picture, birth date, height, or weight
- The words “this is not a valid ID”, “for amusement purposes only” or “Not a Government Document”
- An ID marked as a “duplicate” might indicate that the original license holder requested a second license for someone else

Know How and When to Say “No”

Keys to Saying No

In order to prevent an illegal sale of alcohol, you need to:

- **Be Quick**

You must be timely in order to be effective

- **Be Clear and Firm**

Be polite to your customer, but be clear and firm in your refusal to sell alcohol

- **Be Consistent**

Say “No” in the same way every time

Know How and When to Say “No”

Be Quick

- The best time to say “No” is before any alcoholic beverage is sold or served.
- Quickly place the alcohol out of reach and, if possible, out of sight.

Be Clear and Firm

- Refuse the sale politely but firmly.
- Politely state the reason that you can’t make the sale.
- State the laws about selling to a minor, the attempt to buy alcohol by a minor, and about a minor in possession of alcoholic beverages.
- Let the minor know that you both could get in legal trouble if you made the sale.

Know How and When to Say “No”

Be Consistent

- Don't go back on your refusal for any reason.
- If the customer begins to argue, simply restate the reason that you can't legally make the sale.
- It is the employee's obligation to notify law enforcement authorities when intervention attempts fail. Ask your manager about policies and procedures for reporting incidents.