



ServSafe Alcohol: Fundamentals of Responsible Alcohol Service

STATE OF California Resource Guide

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Alcohol and Your Responsibility

Sales to Minors

Any person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor. Any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

Any person who violates this section shall be punished by a fine of two hundred fifty dollars (\$250), no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court.

A second or subsequent violation of subdivision (b) shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court.

It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

Possession by Minors

Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of two hundred fifty dollars (\$250) or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed or is not attending school. A second or subsequent violation shall be punishable as a misdemeanor and the person shall be fined not more than five hundred dollars

(\$500), or required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service as the court deems just. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent, responsible adult relative, or any other adult designated by the parent or legal guardian, or in pursuance of his or her employment. That person shall have a complete defense if he or she was following, in a timely manner, the reasonable instructions of his or her parent, legal guardian, responsible adult relative, or adult designee relating to disposition of the alcoholic beverage.

Sales to Obviously Intoxicated Persons

Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor.

Disorderly/Disruptive Premises

Every licensee, or agent or employee of a licensee, who keeps, permits to be used, or suffers to be used, in conjunction with a licensed premises, any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience, or safety, is guilty of a misdemeanor.

Retail Operations Standards

Each retail licensee shall comply with all of the following:

- A prominent, permanent sign or signs stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee.
- A prominent, permanent sign or signs stating "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee.

- No alcoholic beverages shall be consumed on the premises of an off-sale retail establishment, and no alcoholic beverages shall be consumed outside the edifice of an on-sale retail establishment.
- The exterior of the premises, including adjacent public sidewalks and all parking lots under the control of the licensee, shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, the required illumination shall be placed so as to minimize interference with the quiet enjoyment of nearby residents of their property.
- Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking lots under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
- Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 72 hours of application. If the graffiti occurs on a Friday or weekend day, or on a holiday, the licensee shall remove the graffiti 72 hours following the beginning of the next weekday.
- No more than 33 percent of the square footage of the windows and clear doors of an off-sale premises shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. However, this latter requirement shall not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises to a person standing outside the premises.
- Upon request of the local law enforcement agency in whose jurisdiction the licensed premises are located or at the discretion of the department, each public telephone located on off-sale premises (or located in an adjacent area under the control of the off-sale licensee) shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone.
- Every licensed retailer who sells or rents video recordings of harmful matter, as defined by Section 313 of the Penal Code, shall create an area within his or her business establishment for the placement of video recordings of harmful matter and for any material that advertises the sale or rental of these video recordings. This area shall be labeled "adults only." The licensed retailer shall make reasonable efforts to arrange the video recordings in this area in such a way that minors may not readily access the video recordings or view the video box covers. The failure to create and label the "adults only"

area is an infraction punishable by a fine of not more than one hundred dollars (\$100). The failure to place a video recording or advertisement, regardless of its content, in this area shall not constitute an infraction.

- A copy of the applicable operating standards shall be available during normal business hours for viewing by the general public.

Age of Servers

- Age to Pour – 21
- Age to Sell – 18
- Age to Serve – 21 for cocktail servers, 18 for other servers

The legal age to serve is 18 to serve alcohol in an eating place, if working in an area primarily designed and used for the sale and service of food, and as an incidental part of a server's overall duties. In package stores employees ages 17 and younger may sell only if directly supervised by someone at least 21. Employees in premises that sell alcohol and gasoline must be 21 for sales between 10:00 p.m. and 2:00 a.m.

Drinking Driver Laws

The State of California has a .08 legal limit for drinking under the influence. The legal BAC limit for minors in the state of California is .01.

Hours of Operation

Sales are permitted between 6:00 a.m. and 2:00 a.m. of the next day, unless restricted by special ABC conditions for on-premise locations and retail stores.

Recognizing and Preventing Intoxication

Proper Food Safety and Handling

Although the focus of this training is responsible alcohol service, it is also very important that staff practice proper food safety and handling. There are some important activities that all staff should practice:

1. Staff should wash their hands properly before they start work and after:
 - a. Using the restroom
 - b. Handling raw meat, poultry and fish (before and after)
 - c. Touching the hair, face, or body
 - d. Sneezing, coughing, or using a tissue
 - e. Smoking, eating, drinking, or chewing gum or tobacco
 - f. Handling chemicals that might affect the safety of food
 - g. Taking out garbage
 - h. Clearing tables or bussing dirty dishes
 - i. Touching clothing or aprons
 - j. Touching anything else that may contaminate hands, such as unsanitized equipment

2. To wash hands properly, staff should follow the following technique:
 - a. Wet hands with running water as hot as you can comfortably stand (at least 100 degrees Fahrenheit)
 - b. Apply soap
 - c. Vigorously scrub hands and arms for ten to fifteen seconds (clean under fingernails and between fingers)
 - d. Rinse thoroughly under running water
 - e. Dry hands and arms with a single-use paper towel or warm-air hand dryer (Use a paper towel to turn off the faucet. When in a restroom, use a paper towel to open the door)

3. If food is being held hot, the temperature must be 135 degrees Fahrenheit or above. If food is being held cold, the temperature must be 41 degrees Fahrenheit or lower.
4. Staff should minimize bare hand contact with food that is cooked or ready to eat. Food should be handled with tongs, deli sheets, or gloves.
5. Glassware and dishes should be handled properly – Cups should be held by their handles, and glassware should be held by the middle, bottom, or stem.
6. Glassware and dishes should not be stacked when serving – The rim or surface of one item can be contaminated by the one above it.
7. Flatware and utensils should be held at the handle
8. Use ice scoops or tongs to get ice – servers should never scoop ice with their bare hands or use a glass since it may chip or break. Ice scoops should always be stored in a sanitary location – not the ice bin.
9. Never use cloths meant for cleaning food spills for any other purpose
10. Menu items returned by one customer cannot be re-served to another customer
11. Never re-serve plate garnishes, such as fruit or pickles, to another customer

Insurance

It is very important that your establishment have a liquor liability policy. This type of policy covers losses resulting from liquor related activities, for example if a guest at the event has too much to drink and causes an accident &/or injury.

Active Listening

Active listening is defined as “an intent to ‘listen for meaning’, in which the listener checks with the speaker to see that a statement has been correctly heard and understood. The goal of active listening is to improve mutual understanding.” Active listening is an effective means of communication because the listener is ensuring the speakers meaning is clear.

Active listening is an important key to quality service because you must understand your customer in order to serve them to the highest level.