

TABC Definitions:

Employee - Includes all persons paid by a license or permit holder to sell, serve, dispense, or deliver alcoholic beverages or to immediately manage, direct, supervise or control the sale or service of alcoholic beverages.

TABC Rule §44.4(b)

Permittee/Licensee - A person who is the holder of a permit/license provided for in this code, or an agent, servant or employee of that person.

TABC Code §1.04 (11)(16)

Intoxication - Having a **blood alcohol content (BAC)** of 0.08 or more **OR** not having normal use of mental or physical faculties by reason of the introduction of:

- alcohol;
- a controlled substance;
- a drug; or
- a combination of the above.

Penal Code §49.03

Public Intoxication - To appear in public under the influence of alcohol and/or any other substance to the degree that the individual may endanger him/herself and/or may endanger others.

Penal Code §49.02

Public Intoxication is a Class C Misdemeanor.

Retailer Policies for Risk Management

Alcohol Policies

- Limit the number of drinks:
- Bottle service to two people is **not** good policy.
- Monitor for behavior that would indicate problems.
- Pay attention to drink sizes:
- Bigger is not always better and more could be too much.
- Use measured drinks, free pours are never short.
- Remember, price drives consumption.
- Prohibit any kind of drinking games/competitions which include consumption.
- Avoid promotions that don't have your best interest at heart. Promoters are concerned about themselves first and foremost.

Operational Policies

- Know and maintain your occupancy.
- Overcrowding is a root cause of breaches, sales to intoxicated people, and other issues.
- It may also be a fire code violation and is certainly a safety concern.
- Maintain a professional image and conduct.
- No employee should be allowed to consume alcohol or be under the influence of alcohol or drugs while on duty.
- Off duty employees should be good witnesses only and not get involved in situations when not working.
- Critical incidents (fights, medical issues, etc.):
 - * Have plans and practice for these events. Plans should include removal procedures for problem patrons.
 - * Pushing a group of problem customers out the door is not a solution – if the breach began at the licensed premises and concluded in the street, it is still a breach of peace or possibly a Place or Manner Violation.
 - * The entire property is the licensed premises – if it happened in the parking lot, it is still a breach and must be reported. It may or may not have been beyond control of the permittees/licenseses.
- House lights should come up and music should be turned down.
- The conduct of you and your employees can escalate or de-escalate the situation.
- Throwing a drunk out the door creates a Source Investigation for TABC. Not only do DWI issues arise – assaults, sexual assaults, vandalism, disorderly conduct, and pedestrian issues have all contributed to offenses at one time or another.
- Build a reputation for being *intolerant* of these behaviors.
- Closing Time:
 - * Consider slowing the pace of music for the last set so that people have time to “mellow.” It is hard to fight to slow music.
 - * Turning lights on and music down or off at “hard” closing time sends a clear message and allows you to observe the condition of people that you are about to send into public areas.



1-888-THE-TABC

www.tabc.state.tx.us

www.legal2drink.org

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Checking IDs

Visit the **TABC YouTube Channel** at: www.youtube.com/tabccchannel to learn how to identify valid Texas Driver's Licenses from False ID Cards.

Selling or Serving Alcohol? Reduce Your Risks

Signs of Intoxication

- Slurred speech
- Mental confusion
- Impaired balance
- Impaired motor-ability
- Bloodshot eyes
- Dishevelment
- Smell of alcohol
- Signs of past or present incontinence or nausea



The **Texas Alcoholic Beverage Code** requires sellers and servers to refuse alcoholic beverage service to intoxicated persons and minors.

These public safety violations may result in the cancellation or suspension of the establishment's license or permit to sell alcoholic beverages.

You may also be held **civilly** liable for selling or serving alcoholic beverages to an individual if:

- (1) at the time the provision occurred it was apparent to the provider that the individual being sold, served, or provided with an alcoholic beverage was obviously intoxicated to the extent that he presented a clear danger to himself and others; and
- (2) the intoxication of the recipient was the proximate cause of the damages suffered.

Texas Alcoholic Beverage Code §2.02



FREE TRAINING PROVIDED TO TEXAS RETAILERS:

Manager's Awareness Program

This program is taught by TABC staff and serves as a road map to deter violations and promote voluntary compliance with the Texas Alcoholic Beverage Code through education and training. It is designed to give managers the knowledge, skills and abilities to help employees provide responsible alcohol sales and service, and to deter violations.

Seller/Server Training


This program is taught by third party providers that are approved by TABC. It teaches sellers and servers of alcohol how to avoid selling alcoholic beverages to minors, intoxicated persons and to nonmembers of a private club. Once employees become TABC certified through a TABC approved course provider, they will have the background, skills and awareness to serve alcoholic beverages responsibly.



Save a Life
Texas Department of Transportation

Texas Driver's License and Identification Card Features

Texas designed Drivers Licenses (DL) and Identification cards (ID) provide all the information for identification and verification purposes, including the license holder's demographics, photograph and signature on the front of the card.



ADULT DRIVER LICENSE


Overlapping Data

Color Variance Printing


Fine Line Printing

Variable Rainbow Text


Security Design Printing



ADULT IDENTIFICATION CARD



CARD LAMINATE




BACK OF DL/ID CARD

1D Barcode

Magnetic Stripe

Writable Back

2D Barcode



UNDER 21 DRIVER LICENSE

Minor (under 21) DL and ID cards will be presented in a vertical format.

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Selling or Serving Alcohol

Buying alcohol is a privilege, not a right. You, the seller, decide whether a person can purchase alcohol. If you have any doubt that a customer may be under 21, do not sell to them.

A seller of alcohol can be held civilly responsible for selling alcohol improperly. Remember if your establishment requires an ID, and the customer's card does not appear to be valid, **you are not required to complete the sale.**

Penalties of Alcohol Sales and Service

Penalties for *Providing Alcohol to an Intoxicated Person or Selling Alcohol to an Intoxicated Person*:
Providing or selling alcohol to an intoxicated person is a Class C Misdemeanor.

You could receive:

- A fine up to a \$1,000 and/or confinement in jail for up to one year.
- Automatic suspension of driver's license for 180 days upon conviction.

TABC Code §101.63 (a)

Penalties for *Purchasing Alcohol for or Furnishing Alcohol to a Minor*:

Purchasing alcohol for or furnishing alcohol to a minor is a Class A Misdemeanor.

You could receive:

- A fine up to \$4,000 and/or confinement in jail for up to one year.
- Automatic suspension of driver's license for 180 days upon conviction.

TABC Code §106.06

Penalties for *Selling Alcohol to a Minor with Criminal Negligence*:

Selling alcohol to a minor is a Class A Misdemeanor.

You could receive:

- A fine up to \$4,000 and/or confinement in jail for up to one year.

TABC Code §106.03

You are guilty of "criminal negligence" if you fail to meet a standard level of care that an ordinary person under these conditions would meet.

- **Checking IDs**
- **Calculating Age**

