

Tom Regan Responsible Vendor Training

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2024 Responsible Service of Alcohol class condensed

Responsible Service of Alcohol Class Review

The Law

Colorado is a dual liquor authority state.

The Colorado Department of Revenue Liquor Enforcement Division is the primary liquor authority. Everyone must follow the Colorado Liquor code and liquor rules.

Every City, County, Town, or Village will have their own liquor authority. The local liquor authority may have stricter rules than the state, but not less.

Liability & Responsibility

Criminal Liability. You broke the law! Violating state or local liquor laws could lead to criminal charges. YOU go to court!

Serving a minor (failing to check an I.D.)

Serving a VIP (visibly intoxicated person)

Selling or serving alcohol when it's not permitted

Allowing drug use

Other illegal activities

Administrative liability. State or local authority can suspend or revoke a liquor license or permit for any violation by a licensee or employee. In addition to the following:

Fines

On the D.O.R. radar

Insurance costs

Attorney fees

Civil Liability.

Third part civil liability allows for someone who was not in your establishment to sue you and the business. Being held responsible for the payment of damages if You Knowingly and willingly served:

A Visibly Intoxicated Person

A Minor

Were guests allowed or encouraged to become intoxicated

Was Death, injury or personal damage a direct result of your overservice?

If so, you may have contributed to the injury.

Were there Policies were in place to protect guests from overconsumption?

Anyone who serves Minors and Visibly Intoxicated People, may be at risk for legal and civil charges as a result.

You have the right to refuse service as long as it is not for race, color, creed, religion, gender, gender identification, sexual orientation, ~~or favorite football team.~~

Hours of Service

On-premises Liquor Licenses:

Restaurants, Taverns, Clubs, brew pubs for on premises sales

7:00 a.m. until 2:00 a.m., 365 days a year.

Off-premises Liquor Licenses:

Liquor Stores, Liquor Licensed Drug Stores, Grocery stores, Convenience stores,

8:00 a.m. until midnight every day except Christmas.

Take out & Delivery, is authorized from 8:00 a.m. to 12:00 midnight (includes Brewpub, Vintner)

All liquor licenses: No prohibitions exist for sale or service of alcohol on Election Day.

Licensed Footprint

Where are people allowed to consume alcohol?

Dining room?

Bar?

Patio?

Smoking deck?

Sidewalk?

Special event area?

Removal of Alcohol from Licensed Premises Regulation 47-918, 1 CCR 203-2. (A):

No licensee, manager or agent of any establishment licensed for on-premises consumption shall knowingly or recklessly permit the removal from the licensed premises of any alcohol beverages in sealed or unsealed containers.

the licensee shall not be charged with permitting the removal of an alcohol beverage from the licensed premises when the licensee has posted a sign at least ten inches wide and six inches high in type that is at least one-half inch in height

that contains the following notice by each exit used by the public:

WARNING

DO NOT LEAVE THE PREMISES OF THIS ESTABLISHMENT WITH AN ALCOHOL BEVERAGE. IT IS ILLEGAL TO CONSUME AN ALCOHOL BEVERAGE IN A PUBLIC PLACE.

A FINE OF UP TO \$250 MAY BE IMPOSED BY THE COURTS FOR A VIOLATION OF THIS PROVISION.

Colorado liquor code 44-3 901(10)(a)(II)(A), C.R.S.,

44-3-901(10)(a)(II)(A)

Regardless of whether a licensee posts a sign as specified in subsection 44-3 901(10)(a) (II)(A), C.R.S., the licensee may be charged with knowingly permitting the removal of an alcohol beverage from the licensed premises if the licensee shows reckless disregard for the prohibitions against alcohol beverage removal from the licensed premises that are applicable to their license or permit type.

Removal of Alcohol from Licensed Premises Regulation 47-918, 1 CCR 203-2. (A)

A licensee may permit a customer to reseal and remove from the licensed premises

one opened container of partially consumed vinous liquor

purchased on the premises, so long as the originally sealed container did not contain more than 750 milliliters of vinous liquor.

It does not have to be the original seal. Suggest that the customer place the container in an area where it is not readily accessible to the driver or a passenger while in their seated position (e.g. the trunk of the vehicle), consistent with the open container law (42-4-1305, C.R.S.)

This section applies to:

Manufacturer under section 44-3-402

Limited winery under section 44-3-403

Beer and wine licensee under section 44-3-411

Hotel and restaurant under section 44-3-413

Tavern under section 44-3-414

Brew pub under section 44-3-417

Vintner's restaurant under section 44-3-422

Club under section 44-3-418

Distillery pub under section 44-3-426

Lodging and entertainment facility under section 44-3-428;

and That has meals, as defined in section 44-3-103 (31), or sandwiches and light snacks available for consumption on the licensed premises.

Removal of Alcohol from Licensed Premises Regulation 47-918, 1 CCR 203-2. (A)

TO-Go Alcohol

Licensees who may permit a patron to remove an alcohol beverage from the licensed premises pursuant to a takeout and delivery permit shall comply with the requirements of regulation 47 1101 and section 44-3-911, C.R.S.

Takeout / Delivery is allowed between 7:00am and Midnight

A permit from the State is required \$11 a year – apply online

Amounts allowed:

144 ounces of Malt beverages, hard cider, etc.

1,500 Milliliters of Vinous liquor

1(one) Liter of Spiritous liquor

Check with your local authority regarding local permits & rules.

Always use extra caution in checking ID's and looking for VIP's.

All delivery people must be 21+ years of age.

Anyone carrying alcohol out of a store (or restaurant) must be 21+ years of age.

Take out rules available on my website, tomreganconsulting.com or on the Liquor Enforcement Division website [Liquor | DOR SBG \(colorado.gov\)](http://Liquor | DOR SBG (colorado.gov))

Source of Alcohol

All Liquor, beer and wine must be purchased through a licensed wholesaler.

Each on premises Licensee is allowed \$2,000.00 a year in purchases from a retail liquor store. {NOT grocery or convenience stores}

You cannot "borrow" Liquor beer or wine from another establishment

Colorado liquor code statutes 47-408

No outside liquor at any time on a licensed premises other than the alcohol beverages purchased from the establishment (44-301 C) Customers are NOT allowed to bring in their own liquor, beer, or wine. No corkage fees in Colorado at this time.

Any outside liquor should be confiscated and disposed of, and you may ask the guest to leave the property.

Tastings at an off-premise license

(liquor store, grocery store, convenience store Liquor licensed drug store)

Tastings shall be conducted on a licensee's licensed premises.

only by a person who Has completed a server training program that meets the standards established by the liquor enforcement division.

The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated

The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.

The size of an individual alcohol sample shall not exceed:

one ounce of malt or vinous liquor

one-half of one ounce of spirituous liquor.

The licensee shall not serve more than four individual samples to a patron during a tasting (DAY!).

Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.

no earlier than 11 a.m. or later than 9 p.m.

Alcohol samples shall be in open containers and shall be provided to a patron free of charge.

The licensee may conduct tastings on no more than one hundred fifty-six days per year.

Tasting rules available on my website, tomreganconsulting.com or on the Liquor Enforcement Division Website [Liquor | DOR SBG \(colorado.gov\)](http://Liquor | DOR SBG (colorado.gov))

Food Service

Any hotel and restaurant licensee who is open for business and selling alcohol beverages by the drink shall serve meals between the hours of: 8 a.m. and 8 p.m. And Meals, or, light snacks and sandwiches after 8 p.m.

A tavern / Beer & wine licensee shall have sandwiches and light snacks available for consumption on the premises during business hours.

"Meal" means a quantity of food of such nature as is ordinarily consumed by an individual at regular intervals for the purpose of sustenance.

"Sandwiches" are defined as single serving items such as hamburgers, hot dogs, frozen pizzas, burritos, chicken wings, or items of a similar nature.

"Light snacks are defined as popcorn, pretzels, nuts, chips, or items of a similar nature.

Why Food? The alcohol we drink is absorbed into the bloodstream by the small intestine.

When we eat a meal the valve between the stomach and small intestine is closed until the food digests.

This traps the alcohol in the stomach waiting for the food to digest.

Conduct of the establishment Regulation 47-900

NO:

Gambling

Prostitution

Drugs (legal & illegal)

Tough Person Fighting

Using sex, genitalia: real or imitated to sell Alcohol (47-900 (C) (Really! Look it up!

~

Each person licensed, and any employee, or agent (volunteer), shall conduct the licensed premises in a decent, orderly and respectable manner.

Shall not sell or give alcohol to any person who displays visible signs of intoxication

Shall not serve a known habitual drunkard. (court order)

Marijuana is not allowed on a liquor licensed premises!

Shall not permit any person who displays visible signs of intoxication to remain on the licensed premises without an acceptable purpose

Nor shall a licensee permit rowdiness, undue noise, or other disturbances or activity offensive to the senses of the average citizen, or to the residents of the neighborhood in which the licensed establishment is located.

The licensed premises, including any places Alcohol is stored or dispensed, shall be subject to inspection by the State or local licensing authorities and their investigators, or peace officers, during all business hours and all other times of apparent activity, for the purpose of inspection or investigation

Any change in ownership, partners or managers must be reported to the Department of Revenue and shall be made on forms supplied by the Department of Revenue, Liquor Enforcement Division.

After issuance of a license, the licensee shall make no physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without application to, and the approval of, the local and state licensing authorities

Legal Age to sell alcohol

On Premises:

Hotel / Restaurant license, Colorado allows for an 18 to 20-year-old to serve alcohol if they are directly supervised by someone over 21.

This applies to licensed establishments that regularly serves meals

Tavern / Lodging & entertainment license & where regular meals are not served:

Employees must be 21 or older

Off Premises:

You can be at 18 years of age to sell in a liquor store, Convenience store, grocery store, LLD. No supervision required.

No one under 21 can carry alcohol out of the store!

21 to deliver.

Under 18 must have Someone over 18 complete the sale.

Legal Age to Drink Alcohol

In Colorado, a person must be 21 years of age in order to purchase or consume alcohol in a licensed establishment.

Some states allow a person between 18 & 20 to consume alcohol if a parent or guardian purchases the alcohol. NOT COLORADO!

Everyone of QUESTIONABLE AGE needs to have their I.D. checked! Be aware of young people in the hospitality industry, you can be under 21 and serve or sell, but you must be 21 to purchase and consume.

Off Premises Sales liquor stores, grocery stores etc.

Under 50? Be prepared to show your ID
The State of Colorado now requires valid identification from any person who appears to be under the age of 50 in order to purchase alcohol in Retail Liquor Stores, Liquor Licensed Drugstores, Convenience Stores, and Grocery Stores.

44-3-901 (11)



Criminal Liability: Compliance Checks



- “Stings”
- Will not use fake I.D.’s
- Will have no I.D. or show you their real one.
- They can embellish the truth.
- Always ask for an I.D.
- If the person does not have one, do not make the sale.
- Be aware: Special events/Weddings



Legal Age to Drink is 21!

✓ Check I.D.’s

✓ Check I.D.’s

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Licensees may refuse to sell alcohol beverages to any person unable to produce adequate identification of age that is valid and unexpired.

Do not accept an I.D. if you are uncomfortable doing so!

Has a photo

Has a birthdate

Has an expiration date

Is Not expired

Is Not Damaged

Adequate ID:

Any driver's license, or identification card issued by:

any state within the United States,

the District of Columbia,

any U.S. Territory,

or any foreign country, including Canada or Mexico

A United States military identification card

a permanent resident card

Alien registration card

Consular card

A passport, or passport identification card

A Biometric Identity Verification Device. This would be the app on your phone.

NEVER accept a picture or photo of an ID.



Driver's License Guide Company

1-800-227-8827

Idcheckingguide.com

Greet the customer. Make eye contact.

If they are of questionable age, check their ID

Politely ask them for their I.D.

Are they nervous? Did they look away?

Trust your instincts!

THEY MUST REMOVE THE I.D. FROM THEIR WALLET!

You must take physical possession of the ID

Never accept a picture of an ID (Digital ID is ok)

Look for:

Birthdate

Expiration date

Proper photo

Damage

UV features

Holograms

Ghost photos

Magnetic strip

Bar code / 2D bar code

License number

You must make a reasonable effort:

Match Photo to card holder

Hold the ID in your hand, feel and look for anything unusual.

Check for hologram, state seal, etc.

Look for proper signatures.

Look at the print and background. Is it blurry? Are the colors correct?

Ask for a second form of ID

Compare the guest to the ID

Space between the eyes

Color of eyes

Eyebrows

Chin, nose, cheek bones

Height

Weight

Sex

Ask questions while looking at them & the ID:

What's your address?

What color are your eyes?

What's your zip code?

How do you spell your middle name?

What's your name? (someone failed this once).

What's your sign?

We are looking for the reaction as much as the answer

If you are not 110% certain that a person is at least 21 years of age, ask for their I.D.

If they do not have an I.D. DO NOT serve them

It shall be an affirmative defense to any administrative action brought against a licensee for alleged sale to a minor if :

- the minor presented fraudulent identification of the type accepted in the State of Colorado
- The licensee possessed an identification book:
- issued within the past three years
- which contained a sample of the specific kind of identification presented



Fraudulent proof of age 44-3-901(6)(a)(II)(A)-(B), C.R.S.
and Reg. 47-912(B), 1 CCR 203-2.

- If a licensee or a licensee's employee believes that a person is a minor and is providing a false proof of age to purchase an alcohol beverage of any kind,
- the licensee or employee has authority to confiscate the fraudulent proof of age document.
- The false ID must be turned over to the LED or local law enforcement authority within 72 hours.



IDs purchased on line may have intentional mistakes

Photo shopped picture. Very clean outline.

May contain Misspellings

Images of locks & keys

Secure / genuine / valid / authentic / Souvenir Novelty / valid/ not valid

Blank Back

Upside down back

Know what your ID looks like.

Use an ID checking guide.

Check ID's frequently {practice makes perfect}

Observe the Guest.

How are they dressed?

Tattoos?

Watch their mannerisms, are they nervous, did they look away,

Watch how they remove their ID from the wallet or purse.

Did they have to search?

Was that a 2nd ID you saw?

Always recheck IDs of people of questionable age, that might be everyday or even every drink.

It is never too late to ask for an ID

you must be 100% certain that anyone consuming any amount of alcohol is 21 years old or older!

Alcohol is a Central Nervous System Depressant

Alcohol is a drug

Too much alcohol can kill

Alcohol is not digested.....It is absorbed into the bloodstream from the stomach & small intestine.

80% of the alcohol we drink is absorbed from the small intestine.

Once in the bloodstream alcohol is quickly diluted and goes everywhere in our body, reaching the brain within minutes

Affecting every muscle and organ.

The Liver is the only thing that will remove alcohol from the bloodstream, the liver can only process one drink per hour.

One drink =

1 ounce of 100 proof Liquor

1.5 ounces of 80 proof liquor

12 ounces of beer {standard domestic}

5 ounces of wine

1.5 ounces is considered a standard pour in most establishments.

Know your pour!

1.5 ounces of 80 proof alcohol is one drink

3 ounces of 80 proof = 2 drinks

1.5 ounces of 100 proof = 1.5 drinks

3 ounces of 100 proof = 3 drinks

How big is a shot?

How much are you pouring in a drink?

Body Size

A big guy and a little guy both drink 4 shots

The big guy has more blood to dilute alcohol = Lower BAC

The small guy has less blood to dilute the alcohol = Higher BAC

Body fat

Fat holds less water than muscle, so it absorbs less alcohol from the blood.

Therefore, if two people weigh the same but one has more body fat, that person would have a higher BAC after consuming the same amount of alcohol under the same conditions

**Gender & Age, If all factors are the same, drink strength, rate, and body size;
Women will typically have a higher BAC than men.**

Elderly people will typically have a higher BAC than younger people.

Carbonated drinks will be absorbed quicker than noncarbonated

Hot drinks are absorbed more quickly than cold drinks

Food will slow the absorption rate of alcohol

Alcohol affects people more than usual if they're experiencing high emotions

When stressed or excited, your body diverts blood from your stomach & Small Intestines to your muscles which slows the rate of absorption.

When you calm down, and your blood starts to flow normally, that can result in an uptick in your BAC.

Being awake for 17 to 19 hours roughly equates to a blood alcohol content of .05

Reaction time on some tests was up to 50 percent worse in the sleep deprivation condition than the alcohol condition.

Being tired can be a sign of intoxication.

Compliance with Intoxicated Sale Restrictions:

44-3-202 and Reg. 47-900

•Persons who exhibit or display visible signs of intoxication, i.e., swaying, blood shot eyes, slurred speech, loud-boisterous behavior, may not be served alcohol beverages.

Visibly intoxicated means a state of intoxication accompanied by a perceptible act or series of actions which present clear signs of intoxication

Obvious and apparent intoxication means it would be reasonable to expect the individual would be intoxicated as a result of the amount of alcohol served

Would most people look at this individual and suspect intoxication?

Staggering

Swaying

Slurred hard to understand speech

Loud and boisterous behavior.

Disruptive to those around them

Do Not Serve Alcohol!

The definition of what constitutes visible intoxication is often left to individual courts. Indirect evidence, such as the number of drinks served or BAC, to direct eyewitness accounts.

For example, the number of drinks or eyewitness accounts may establish the fact that the server contributed or did nothing to prevent intoxication and harm.

Compliance with Intoxicated Sale Restrictions:

44-3-901

- **Remember that it is a violation of the liquor code to serve alcohol beverages to intoxicated persons under any circumstances. The fact that the intoxicated person isn't driving is not a factor.**

Compliance with Intoxicated Sale Restrictions:

44-3-202 2(a)(I)

- Because of the many secondary problems created by visibly intoxicated persons, the Division will always initiate an investigation into violations of this nature.**

Prevention

Exceptional Service

NOT

Overservice



Communicate

All staff should monitor guests from arrival to departure

Monitor alcohol consumption / Count drinks

Observe behavior and interact with guests

Pass information on to co-workers and management

Pace the guests drinking.

Avoid over pouring {use measured pours}.

Offer food

High in Fat and protein: Pizza, hot wings, Steak, Double Bacon Cheeseburger, Chicken, deep fried food.

Food is a time release capsule for alcohol

Offer water

Alcohol is a diuretic; it will dehydrate you.

We need water to help process the alcohol

Very dry climate and high altitude, water can help some of our guests acclimate better

Water can help people self-pace their drinking

Limit Caffeine

Caffeine does not “sober you up” or reduce impairment.

When alcohol is mixed with caffeine, drinkers feel more alert than they would otherwise.

Then they may drink more alcohol and become more impaired than they realize. You just get a wide-awake drunk.

Be cautious with Energy drink cocktails!

Non-alcoholic options

We are in the Hospitality industry, offer a nice variety of Non-Alcoholic alternatives.

Mocktails

Several varieties of N/A Beer & N/A Wine

Even N/A “alternatives” for most spirits.

Same profit point as alcohol / zero liability

Intervention

Situational awareness:

Chin up

Look around

Listen

Service of alcoholic beverages should be stopped as soon as the first sign of visible impairment is recognized.

Consistent observation and COMMUNICATION is needed by ALL staff.

Notify the person in charge about the situation.

Inform all team members that the patron has been flagged.

Work as a team. Early intervention is a must

Be direct and firm with unambiguous language.

Avoid apologies and be respectful.

Explain your decision based on safety and well-being.

Offer alternatives like water, soda, coffee, or food.

Refuse to pour another beverage.

Don't bargain with the patron.

Ensure they are not driving.

Help them safely on their way.

Settle the tab first.

Have something you are comfortable saying and practice saying it, try to be matter of fact about it:

It's against the law for me to....

I'm sorry, our policy will not allow me ...

I've been told that I can no longer serve...

We would be responsible should anything...

Maybe we should call it a night...

Do you have a ride, or can I call you a cab?

Get assistance from a sober guest.

Inform others in the party that they cannot give the VIP any alcohol.

If they do give the VIP alcohol, you may need to cut the whole group off

Stop them from driving!

How are you getting home?

Can I call you a Taxi?

Can I call a friend or relative?

Hotel Van?

Designated Driver?

Police?

When intoxication is visible, the BAC is almost always well above the current definition for intoxicated driving in the United States.

In Colorado:

Driving with a BAC between .05 and .08 is considered driving while ability impaired (DWAI)

Driving with a BAC of .08 or higher is considered driving under the influence (DUI)

Warn them if they insist on driving you are obligated to call the police!

Inform them of the consequences of Drinking and driving {possibility of killing someone, being killed, or DUI Arrest}

Motor vehicle crashes involving alcohol-impaired drivers kill:

1 person every 45 minutes in the United States.

That's 32 people every day.

Teen drivers and passengers

Drinking any amount of alcohol before driving increases crash risk among teen drivers.

Teen drivers have a much higher risk for being involved in a crash than older drivers at the same BAC, even at BAC levels below the legal limit for adults ages 21 years and older.

Young adult drivers

Among drivers involved in fatal crashes in 2020, the percentage of drivers who were impaired by alcohol was highest among drivers 21–24 years old and 25–34 years old (26% each).

Sexual aggression & Harassment

Any place alcohol is served can be a staging ground for sexual predators and creepers.

We are the sober people at the party!

Be diligent!

All guests, should be feel safe & comfortable to socialize and enjoy the atmosphere

A friendly, helpful, caring, empathic staff can lead to better tips and repeat customers

Prevention of sexual aggression is just good business!

Watch for Creepers and predators

Is Someone trying to get another person intoxicated.

Know when flirting has gone too far

Is Someone being lured away from view or separated from friends.

Intervene when a guest appears uncomfortable.

Date rape drugs.

Pay Attention. Trust your instincts.

If a guest asks for help, take it very seriously!

Train ALL staff to respond appropriately.

Let Guests know that there is help available.

Consider posting a sign in the restrooms or hallway:


Do you Need help?

Approach any of our staff and let them know

we will do our best to help you get away from an uncomfortable situation and get you to safety.

Incident Documentation and Reporting “Pass down log”

- Incident documentation is an effective tool in showing that you are making a reasonable effort to conduct business in a responsible manner.
- An effective means of communication amongst staff. Especially between shifts.



Communicate.

Always document:

- When arranging alternate transportation
- When violent or illegal activities, or medical emergencies occur.
- When an illegal or violent situation occurs contact your local law enforcement immediately!

*If it's not
written down; it
didn't happen*