How Do I Become Certified?

The first step in becoming RAMP certified is obtaining training for your alcohol service staff, owner(s) and manager(s). Contact your Pennsylvania Liquor Control Board regional office to obtain a list of Approved Server/Seller Trainers and to inquire about Owner/Manager Training dates:

**Western Pennsylvania**
(412) 723-0109

**Central Pennsylvania**
(717) 558-2160

**South Eastern Pennsylvania**
(610) 940-1217

The Pennsylvania Liquor Control Board offers a way for licensees to reduce the risks associated with the service of alcohol through its Responsible Alcohol Management Program. By working together, the Pennsylvania Liquor Control Board and licensees can make a difference improving the safety of our highways and communities across the commonwealth.

**Pennsylvania Liquor Control Board**
**RAMP**

990 Briarsdale Road, Unit A
Harrisburg, PA 17109-5905

www.lcb.state.pa.us

Or call our toll-free line:
1 (866) 275-8237

Hearing Impaired:
TDD/TTY (717) 772-3725

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**Table of Contents**

Section 1
SPECIAL OCCASION PERMIT:
Event Planning

Special Occasion Permit Holders
Planner’s Guidebook .................................................. 1
Before The Event ....................................................... 2
Plan The Event Setting .................................................. 3
Plan The Event Setting Checklist .................................. 4
Plan The Food ............................................................ 6
Plan The Food Checklist .............................................. 7
Plan The Beverages ..................................................... 8
Beverage Checklist ...................................................... 9
During The Event .......................................................... 10
Checklist ........................................................................ 10
Near The End Of The Event .......................................... 11
End Of Event Checklist .................................................. 12

Section 2
LEGAL RESPONSIBILITIES
For SOP Holders

Your Legal Responsibilities ............................................. 13
Liability is Your First Concern ....................................... 13
Requirements of Law .................................................... 13
Penalties for Violating the Law ....................................... 14
Dram Shop ..................................................................... 15
Visible Intoxication vs. Legal Intoxication ....................... 16
Visible Intoxication Defined ......................................... 16
Legal Intoxication Defined .......................................... 16
Factors Affecting Intoxication ....................................... 17
Recognizing “Visible Intoxication” ................................. 19
Common Signs of Visible Intoxication ........................... 20
Concerns for Alcohol Servers ....................................... 22
Preventing Intoxication ............................................... 22
Slowing Down Service ............................................... 23
Stopping Alcoholic Beverage Service ............................ 24
Preventing Unsafe Driving .......................................... 26
Making It Safe ............................................................. 27
Minors ........................................................................... 29
The Laws ...................................................................... 29
Safeguarding Against Minors ....................................... 30
Legally Acceptable ID ............................................... 31
Fake ID/Carding ......................................................... 31
FEAR Method of Carding ........................................... 32
Section 3
BUSINESS PRACTICES:
How To Avoid Problems

How To Avoid Problems ........................................................ 35
Sample Volunteer Agreement .................................................. 36
Sample Volunteer Pledge .......................................................... 38
Alcohol Education Materials
  For Special Occasion Permit Events ................................ 39
Responsible Seller Pledge ............................................................ 40
Notes ............................................................................... 42-43
How Do I Become Certified? ..................................................... 44
Section 1

SPECIAL OCCASION PERMIT:
Event Planning
The development of guidelines for a responsible alcohol management program by the Pennsylvania Liquor Control Board is only one link in a chain of events directed toward combating the problem of drinking and driving. Special Occasion Permit Holders and their volunteers/servers must also do their part to make our roadways safer by adopting and practicing responsible alcohol management practices.
As a server of beverage alcohol, I pledge:

- Not to sell to underage persons.
- Not to permit illegal activities to occur on premises.
- To operate the special occasion in compliance with all laws and regulations of the Commonwealth.
- To properly train and supervise all servers of alcoholic beverages on responsible service practices.
- Not to furnish alcohol to customers who are visibly intoxicated, or whose consumption rates or patterns could cause them to exceed legal blood alcohol counts (BAC).

Each year, local communities and organizations sponsor thousands of fairs, festivals, and other special events at which they sell and serve beer, wine, and distilled spirits. They are generally intended as fundraisers, promotional opportunities, and community celebrations.

Today, as life-styles change and people become more concerned about health, safety, and liability, event planning requires more thought and effort. The purpose of this handbook is to offer event planners clear and concise suggestions and strategies to plan the safest and most successful event possible, while complying with the Pennsylvania Liquor Code.
Before The Event

Plan the event so that the consumption of alcoholic beverages is not the sole or primary activity! Understanding that people behave differently is important in planning an event. The time of day, day of the week, location, entertainment, and facility can all influence the behavior of those in attendance.

It can be difficult to predict who will attend the event, but knowing who came to similar events in the past can provide insight about who may come in the future, and how they will behave. A rock concert will attract a different crowd than a symphony performance. Reviewing last year’s records and contacting people for a yearly annual event is a good idea and makes good business sense!

The event announcement can set the tone for the event and can help control the type and size of the crowd. In addition to information about date, time, location, and other details, event promotional materials should inform attendees about the availability of food, alternative beverages, entertainment, and transportation.

Alcohol Education Materials For Special Occasion Permit Events

The Pennsylvania Liquor Control Board offers a way for licensees to reduce the risks associated with the service of alcohol through its Responsible Alcohol Management Program. By working together, the Pennsylvania Liquor Control Board and licensees can make a difference in improving the safety of our highways and communities across the Commonwealth.

For more information, please contact us:

Pennsylvania Liquor Control Board
Bureau of Alcohol Education

990 Briarsdale Road, Unit A
Harrisburg, PA 17109-5905

www.lcb.state.pa.us

Or call our toll-free line:
1 (866) 275-8237

Hearing Impaired:
TDD/TTY (717) 772-3725

PLCB signage or forms mentioned in this handbook may be ordered on the PLCB website by clicking on: Alcohol Education>Order Materials.
Plan The Event Setting

Make sure the setting is comfortable and properly planned. Arrange seating, entertainment, and food in a manner that encourages groups to form. Place the beverage bar(s) in a convenient location(s), but do not make them the center of activity. Designate volunteers whose primary role is to “scout” the crowd looking for illegal, suspicious behavior, and activities. Place food and beverages near each other and throughout the area.

If there will be dancing, make sure the area is clearly marked. All areas should have ample space for movement, be well-lighted, and easily monitored. If underage people will be present, avoid inadvertently creating areas that may be used for illegal consumption of alcoholic beverages.

Sample Volunteer Pledge

I have read the above guidelines and agree to comply to the best of my ability. I agree to notify my booth manager, area supervisor, or security personnel if I have any difficulty or if I am concerned about the safety and well-being of anyone attending this event.

_________________________________________ Date
Volunteer Signature

_________________________________________ Date
Supervisor Signature
Plan The Event
Setting Checklist

[ ] Consult an experienced event planner about details.

[ ] For larger crowds, consult a professional security service to provide expert security.

[ ] Assign tasks and designate time frames for job assignments.

[ ] Obtain necessary permits (PLCB Special Occasion Permit, local food service permit, facility agreement, insurance forms, and other agreements).

[ ] Provide for adequate staffing to properly serve and supervise the event, including professional or experienced bartenders and food servers.

[ ] To reduce the risk of serving minors, it is a good idea to use alcohol beverage servers who are at least 21 years of age.

[ ] Establish a clear chain of command which all staff and attendees recognize.

[ ] Avoid discounted drinks, no-host bar, or inclusion of alcoholic beverages as part of a meal package or admission pricing.

[ ] Advertise accessibility for people with disabilities.

[ ] Announce availability of food in the invitation.

[ ] Announce availability of alternative beverages.

[ ] Announce social activities in the invitation.

[ ] Specify the hours of beverage service and entertainment in the invitation.

[ ] Mention in the advertisement that proper age identification will be required.

[ ] I understand that if I am responsible for checking identification, I will receive a packet of materials from my supervisor to assist me with proper age identification procedures. I will review these carefully.

[ ] If I observe anyone appearing under the age of 21 being provided with an alcoholic beverage, I will notify security.

[ ] I will adhere to the pour limit. This will be shown to me and will also be diagrammed at the ticket purchase booth. Overpouring results in loss of sales and increased risk to the safety of those attending the event.

[ ] I will observe patrons for signs of intoxication. I am legally responsible for refusing alcohol service to a visibly intoxicated person. I will learn the signs of intoxication and notify security if I have any concern about a person, either in the crowd or requesting service. Special arrangements have been made for safe alternative transportation for anyone appearing intoxicated.

[ ] I will encourage food consumption. We make a special effort to have a variety of foods available. Food sales enhance our fund-raising efforts and help prevent intoxication of those consuming alcohol.

[ ] Many people choose to abstain from drinking alcoholic beverages. We provide a selection of quality adult alternative beverages and I am committed to making everyone feel welcome.

[ ] Patrons may not pour their own alcohol. Only qualified event volunteers and staff are permitted to serve alcohol. I will not leave my booth or post unattended.
Create signage to identify parking areas, rest rooms, directions to activities, and to inform patrons that staff is required to not serve a person who appears intoxicated.

Assure proper equipment is available for securing, storing, and serving of food and beverages.

Make arrangements to have designated drivers or alternative transportation available.

Educate servers about transportation options for guests.

Assess from your pool of volunteers who, if anyone, has had past bartending experience. If so, utilize experienced alcohol servers first.

Arrange for an event location that is adequate to accommodate the expected number of guests.

Clearly mark all parking areas and entrance/ exits and provide event personnel to staff each site.

Assure that guests can easily identify staff.

Promote both food and alternative beverages.

When appropriate, set up special tables or booths for age identification and assign responsible staff to these locations.

Provide those checking identification with the proper tools. (i.e. ID Checking Guides, Fluorescent Black Lights, Hand Stamps, etc.)

Post age identification policies. (Utilize LCB signage.)

Arrange for comfortable seating to encourage small group formation and socializing.

---

Sample Volunteer Agreement

To protect the health and safety of our patrons and to avoid any conflicts or difficulties, especially regarding the service of alcoholic beverages, we have developed the following policies and guidelines. Keep these signed pledges on file for two years.

It is important to work cooperatively with other staff members and management to prevent intoxication or underage drinking and drinking and driving. There are several important procedures you must follow to accomplish this. Please review these guidelines, initial before each item, and sign the pledge affirming your commitment to follow these procedures to the best of your ability.

Please initial to the left of each item.

_____ I agree to arrive on time and report to my supervisor to receive any last-minute instructions and to meet with other event staff. If I am provided with an event cap, name badge, or other distinguishing staff apparel, I will wear them at all times.

_____ I will report a few minutes early to my station/booth to become acquainted with the location of materials and supplies and to meet other volunteers. If I am replacing another volunteer, I will check to see if there are any problems or individuals to whom I should refuse alcohol service.

_____ It is my responsibility not to serve alcohol to anyone under the age of 21, or to allow anyone under the age of 21 to consume alcohol. I can be found criminally liable and the event organizers can receive a fine or lose their Special Occasion Permit if I do. I will follow these procedures to protect myself and the event from legal liability.

_____ I will not serve alcoholic beverages to anyone appearing under the age of 30 unless their identification has been checked.
Plan The Food

Have food prepared ahead of time and available when guests arrive. Food tables or booths should be centrally located, attractively arranged, and easily accessible. Locate food throughout the event setting and/or offer trays of food to seated guests if appropriate. Position food near the beverages. Maintain food service for the duration of the event. If desserts will be served, remove alcoholic beverages from the tables before such service begins. We suggest that the bar stop selling alcoholic beverages one hour before the event ends. This is a good pro-active example of responsible alcohol management practice.

Provide high-protein, high-fat, and non-salty food for your guests. Salty foods increase thirst; high-protein and high-fat foods on the other hand slow down the absorption of alcohol in the bloodstream. If foods are awkward or sloppy to handle, guests will be less likely to choose them. Offer foods that are simple to prepare, transport, and eat.

How To Avoid Problems

The people serving the alcoholic beverages at your special event are probably not as experienced as those who work every day as professional beverage servers. To avoid problems, we suggest you consider the following practices:

- Utilize LCB signage regarding minors, it may act as a deterrent.
- Check the IDs of all those who appear under the age of 30.
- Set up a system to identify those whose IDs were already checked; using a hand-stamp, button tag, bracelet, or similar device that is not readily transferred and is unique for the event each year.
- Have individuals circulate among patrons to insure that minors are not being provided alcoholic beverages by adult patrons.
- Serve only one drink to a patron at a time.
- Keep all the alcohol service in the same part of the event rather than at multiple locations.
- If you are operating on large grounds, specify a designated area where all the alcohol will be purchased and consumed.
- Post specific serving times and adhere to these times.
- If possible, utilize experienced alcohol servers.
- Remind all who serve alcohol that serving minors or visibly intoxicated persons is illegal and emphasize the consequences for those breaking the law.
- Avail yourself and your servers to one of the various server training programs.

The Special Occasion Permit provides a way for certain nonprofit organizations to raise money through the sale of alcoholic beverages at special fund raising events. Through employing responsible alcohol management practices, those holding Special Occasion Permits can benefit from the advantages of these permits while avoiding legal action, fines, and other penalties.
[ ] Determine which foods will be offered.
[ ] Prepare and store food properly.
[ ] Make food available throughout the event.
[ ] Price food affordably.
[ ] Instruct hosts to direct guests to food service areas.
[ ] Provide eating utensils, plates, napkins, and garbage and recycling receptacles.
Plan The Beverages

Offer a variety of beverages, including a large selection of low-alcohol and non-alcohol choices. The many exceptional alcohol-free beers and wines on the market should be included when adults are expected and should be promoted by signage and by servers of alcohol. In addition, soda, fruit juices, flavored bottled waters, and nonalcoholic specialty drinks can be attractively served.

When underage persons are expected, establish a system for age identification such as wristbands and activate a plan for dealing with problem minors.

It is also important to establish procedures for measuring servings. A standard serving of alcohol is 12-ounces of beer, 4-ounces of wine, or 1.5-ounces of liquor. **It is a good policy to serve only one standard drink at a time and avoid serving doubles, pitchers, or multiple drinks.**

It is strongly suggested that you hire/use professional bartenders who have been trained in the Pennsylvania Liquor Control Board’s Responsible Alcohol Management Program (RAMP). **See RAMP contact information on Page 44.**
Then, **RETURN** the ID

If you are satisfied that the proof of age is valid, you may serve the patron. **However, if you are still not convinced at this point of adequate proof of age, do not serve the individual.**

Also, you may wish to establish contact with either local or state police regarding minors attempting to purchase alcohol. A minor who misrepresents his or her age to try to obtain alcohol can be prosecuted under the Pennsylvania Crimes Code and face fines, loss of driving privileges, and possible jail sentence.

If you establish a reputation for being tough on proof of age at your event, the word will get around and minors will stay away.

---

**Beverage Checklist**

- Allow only designated servers to pour alcoholic beverages. **Do not allow self service.**

- Guests may not bring alcoholic beverages into the event or leave with them.

- Servers are trained in responsible beverage service and/or required to sign a policy statement.

- Alcohol beverage areas are secure, and those entering and leaving are closely monitored.

- Post service policies in a highly visible location. Utilize LCB signage regarding minors, visible intoxication, and responsible service practices.

- Signs required by law are properly posted and visible to guests.

- Alcoholic beverages are served only to those who have had their age properly verified and have the event stamp or bracelet.

- Make clear the designated **limit** on the number of alcoholic beverages a person can purchase or be served at one time.

- Servers monitor whether one person is passing a second drink to another person, and make certain that the other individual is neither underage nor intoxicated.

- Measure and serve all beverages in one standard serving. A standard serving is 12-ounces of beer, 4-ounces of wine, or 1.5-ounces of liquor. A device called a jigger can be purchased which prohibits one from pouring more than the 1.5-ounces of liquor at a time.
During The Event

Alcoholic beverages should be served by a professional bartender whenever possible. **Never allow guests to serve themselves.** When volunteers act as bartenders or servers, they should be trained regarding policies on age identification, service policies, and intervention with intoxicated persons. All persons responsible for serving alcoholic beverages or supervising the event should not be permitted to drink beverage alcohol.

There should be sufficient supervisory and service staff on hand for the expected number of guests. Depending upon the event, age of the guests, time of the day and day of the week, staffing needs should be anticipated and varied accordingly.

**Checklist**

- [ ] Assure guests are monitored by security persons or responsible hosts.
- [ ] Make certain security can identify underage persons or intoxicated persons.
- [ ] Make arrangements for security personnel to periodically check with servers to identify potential or existing problems.
- [ ] **Stop** alcoholic beverage service to intoxicated guests and encourage them to participate in alternative activities or enjoy something to eat.

- For the card’s expiration date. Do not accept the license if the date has expired.
- For obvious changes in the birthdate.
- For the “Under 21 until...” at the top of the license.
- For a broken or partial signature.
- For the state seal or a break in the “Commonwealth of Pennsylvania” code that crosses the photograph and date on the front of the Pennsylvania driver’s license.
- For irregular license size and color.
- For an indication that the license is a “duplicate.”
- For consistency in the typeset throughout the license.

Then, **ASK**

The person who presented the ID:

- What is your address?
- What is your zip code?
- What is your middle initial?
- To sign their whole name. Compare it with the signature on the license.
- For another form of ID. People with false IDs rarely carry back-up documentation, whereas most people with legitimate ID have several forms.
- To complete and sign a Declaration of Age card (PLCB-931), indicating that his/her age is over 21. Keep the card on file for at least 2 years. **A properly completed 931 card is your best legal defense and protection against a citation for serving a minor.**
Near The End Of The Event

An hour before the event ends, discontinue alcohol service and offer coffee, tea, and desserts. This will not make intoxicated guests sober, but will encourage them to stay longer, which in turn, buys time for the guest to sober up. Time is the only factor that will reduce the impairing effect of alcohol. Do not let an intoxicated guest drive. Honest expressions of caring, respect, and concern may be all that is needed. If necessary, arrange for alternative transportation. Call the police if all else fails. This might seem like a drastic measure, but it may prevent an injury or save a life.

If an intervention is made, document the circumstances in detail. Despite your best efforts, it is possible that a person may be injured or cause injuries to someone else. Documenting the exact steps you took to prevent an injury could become valuable evidence if legal action follows. Later in this manual, a defensive tool called the Incident Documentation Form and how it is to be used will be discussed.

FEAR Method of Carding

To effectively identify ID fraud, licenses should be checked under good lighting. Several ID checking guides/guideline booklets which display the acceptable forms of identification across the country, state by state, exist. These booklets may be available through your local beer distributor or by calling 1 (800) 227-8827. Some of the most common alterations are not always obvious. A lighted magnifying glass can be extremely beneficial in uncovering such discrepancies. When checking IDs, it is important to follow an established routine. Memorize the steps and use them, in order, every time you check an ID. An example of a routine approach called FEAR (Feel, Examine, Ask, and Return) is as follows:

First, FEEL
Take the ID into your own hands and use your sense of touch to detect:
— Raised edges around the photograph.
— Glue lines or bumpy surfaces by the picture or birthdate.
— Bumpy surfaces or irregular lamination.
— Obvious surface cuts.
— Pin holes where bleach may have been applied.
— Thickness and quality of the ID.

Next, EXAMINE
Look closely at the document:
— To see if the picture and physical description on the license resembles the person standing in front of you.

B. **Borrowed or Stolen IDs** - Minors sometimes borrow or steal another person’s ID. These documents are completely authentic. Servers should check photographs closely to see if the person presenting the card is its actual owner. Look at the physical description - does it match? Is it expired?

C. **Counterfeit IDs** - Some minors create ID cards or obtain unofficial documents through mail order that are designed to look “official” but in fact are not. If you suspect an ID to be counterfeit, you have the right to refuse service. In any event, particularly with a possible counterfeit ID, protect yourself by having the ID holder complete a Declaration of Age card.
End Of Event Checklist

[ ] Begin to offer coffee, tea, and desserts one hour prior to the end of the event.

[ ] Stop alcoholic beverage service at least one hour before the end of the event.

[ ] Identify potentially intoxicated guests and offer alternative transportation.

[ ] Document any intervention made.

[ ] Promote the availability of food and entertainment through the end of the event.

[ ] Conduct a staff meeting after the event has concluded to make sure any outstanding problems, or incidents are discussed and documented and make recommendations to improve the next event.

Legally Acceptable ID

In Pennsylvania, the following forms of identification are acceptable:

- A valid photo driver’s license issued by the Pennsylvania Department of Transportation or by any state.
- A valid non-driver’s photo identification card issued by the Pennsylvania Department of Transportation or by any state.
- A valid Armed Forces identification card.
- A valid passport, passport card, or travel visa containing the holder’s photograph.

* All of the above must be current, not expired, and must contain the holder’s photograph.

* See alcohol education materials information on page 39 of this manual.

NOTE: A server has the legal right to refuse service to anyone if they are not satisfied with the identification presented.

Fake ID/Carding

Unfortunately, you can’t always assume that the identification presented is valid. False or altered identification cards continue to be a major problem.

You should know the ABC’s of fake IDs. They are as follows:

A. Altered IDs - An altered ID begins with a legitimate license or ID. The minor then alters some part of the license to indicate that he or she is of legal drinking age. Alterations may include the birthdate and the “Under 21 Until . . .” at the top of the license. The photograph or signature may also have been altered.
Those convicted under the Crimes Code for providing or selling alcoholic beverages to minors also can face possible jail terms of up to one year for each offense.

Servers of alcohol can also be held personally liable under Dram Shop laws for death, injury, or damage caused by a minor or a visibly intoxicated patron who was unlawfully served alcoholic beverages. The cost to those found responsible in civil liability cases can be quite high.

**Safeguarding Against Minors**

As a Special Occasion Permit Holder you are responsible for the actions of your servers. You must ensure your servers do not serve minors. You and your servers must be prepared to face serious consequences if alcoholic beverages are served to a minor. Protect yourself and your organization by remaining alert to the problem of minors. Follow these four recommendations:

1. Establish a firm, written policy regarding service to minors. Train servers on the policy and the consequences of not following the policy.
2. Have an adequate number of servers to handle the volume of business. A server who is rushed may not be able to take the time to accurately identify a minor.
3. Continuously emphasize the importance of correctly identifying minors and the risks involved in serving them.
4. Have each server read through the section of this manual titled Fake ID/Carding.

We know it isn’t always easy to identify an underage drinker. A person’s physical characteristics, mannerisms, clothing, and facial make-up can be very misleading and give the impression of a much older, more mature individual. For these reasons, it is recommended that anyone who appears to be under the age of 30 be considered a potential underage drinker, and be asked to provide proper identification.
Underage drinkers are a major concern wherever alcohol is served. The importance of not serving alcoholic beverages to minors cannot be emphasized enough. As a server of alcohol, one of the worst things you can do is serve a minor; or allow a minor to consume alcohol. Consider the consequences.

**The Laws**

Pennsylvania law is not only tough on minors who attempt to purchase or consume alcoholic beverages, but is also tough on any person who provides alcohol to a minor, or assists a minor in obtaining alcohol. Additionally, any person serving or assisting the minor can be held liable for any accident, injury, or death that results from unlawfully providing alcoholic beverages to an underage drinker.

Minors who lie about their age to obtain alcohol, who purchase, possess, transport or consume alcohol, or who carry false ID can be charged criminally under Pennsylvania law. Minors convicted of violating the law face mandatory suspension of driving privileges from **90 days to two years**, fines up to **$1000**, and up to **1 year of imprisonment**.

Additionally, individuals serving alcohol under the authority of a Special Occasion Permit can be further prosecuted under the Pennsylvania Crimes Code for sales to minors. An Administrative Law Judge could impose a fine of **$1,000 for the first violation and $2,500 for each subsequent violation.**
at least two years because lawsuits can be filed up until that point after the event.

Your Legal Responsibilities

As the holder of a Special Occasion Permit issued under the Pennsylvania Liquor Code, your organization is entitled to engage in the sale of alcoholic beverages at your special fund raising event. Substantial responsibilities accompany the privileges associated with a Special Occasion Permit. The Pennsylvania Liquor Control Board provides the following information to assist you in observing the law.

Liability Is Your First Concern

Requirements of Law

Special Occasion Permit holders are expected to observe and remain in compliance with the general requirements of Pennsylvania alcoholic beverage law. All alcoholic beverages, offered for sale under the authority of a Special Occasion Permit, must have been lawfully acquired either from a Pennsylvania Liquor Control Board Wine and Spirits Store, a licensed beer outlet, a licensed limited winery, a distillery, or a limited distillery. The sale or furnishing of alcoholic beverages to anyone under 21 years of age is strictly prohibited. The sale or furnishing of alcoholic beverages to anyone visibly intoxicated is also prohibited. Special Occasion Permit holders may conduct sales on weekdays and Saturdays between the hours of 7:00 A.M. and 2:00 A.M. of the following day. Sales may be conducted on Sunday from 11:00 A.M. until 2:00 A.M. Monday.
Additionally, holders of Special Occasion Permits are required by law to comply with the following:

- The event at which the Special Occasion Permit is used must be held to benefit the permittee only.
- The holder of a Special Occasion Permit must notify the local police department, or in the absence of a local police department, the Pennsylvania State Police at least 48 hours prior to the event of the times when and the place where the sale of alcoholic beverages shall occur.

**Penalties for Violating the Law**

The Pennsylvania Liquor Code mandates that any person convicted of selling alcoholic beverages in violation of the provisions relating to a Special Occasion Permit shall be fined $100 for the first offense and $500 for each subsequent offense. Additionally, individuals serving alcohol under the authority of a Special Occasion Permit can be further prosecuted under the Pennsylvania Crimes Code for sales to minors. Persons found guilty of intentionally and knowingly selling or furnishing alcoholic beverages to persons under age 21 face a minimum fine of $1,000 and a maximum fine of $2,500. Those convicted under the Pennsylvania Crimes Code for providing or

**Making It Safe**

Along with preventing the intoxicated individual from driving, you should try to arrange a safe way home for your customer by:

- Calling a taxi and offering the customer a “safe” (free, if necessary) ride home. Holding their keys and telling the customer their car can be picked up at another time, when they are capable of driving safely. Instructing the taxi driver to take the customer directly home.
- Persuading the customer’s sober spouse or friend to drive the customer home.
- Following the sober spouse or friend to the car to be sure that the intoxicated customer is not driving.
- Calling a friend or family member to provide a safe ride home.

If the intoxicated customer leaves and intends to drive, consider calling the police. No tactic is too extreme if it keeps an intoxicated customer from driving.

You should keep a record of unusual events that occur during your function. An excellent tool to accomplish this is an Incident Documentation Form. The Incident Documentation Form provides protection by establishing a record to help build a defense in the event a lawsuit is filed.

Information to record in the Incident Documentation Form include: the date, time, customer’s name, servers’ names and addresses, any witnesses, license plate numbers, events before, during, and after the incident. Any action you had taken to prevent a customer from driving, even if your efforts weren’t successful, should be documented. Incident records should be kept for
Preventing Unsafe Driving

As a server of alcoholic beverages, your most important responsibility is to be sure your customer does not become intoxicated. It cannot be stressed enough how important this can become. If, despite your best efforts, a customer has had too much to drink, you must do everything possible to prevent him or her from driving. An intoxicated customer who drives can cause serious harm. They can:

• Injure or kill themselves or someone else.
• Cause considerable property damage.
• Hold your organization and/or the server liable for any damage, injuries, or death resulting from driving under the influence.
• Create a situation where third party individuals harmed by the intoxicated driver can file a lawsuit against your organization and server or both.

When an intoxicated customer insists on driving, try to persuade against it. Do not let familiar excuses like “I drive better after a few drinks,” or “I only had beer,” deter you. Do not argue with an intoxicated customer. Be firm and, if necessary, try scaring the customer with the risks of driving while intoxicated with such comments as:

• “If you’re caught, you will be fined, lose your driver’s license, and go to jail.”
• “You could wreck or total your car.”
• “You could kill or injure yourself.”
• “How would you feel if you injured or killed an innocent person because you chose to drink and drive?”
• “If you insist on driving, I will have to call the police.”

Selling alcoholic beverages to minors also can face possible jail terms of up to one year for each offense.

Servers of alcohol can also be held personally liable under Dram Shop Laws for death, injury, or damage caused by a minor or a visibly intoxicated patron who was unlawfully served alcoholic beverages. The cost to those found responsible in civil liability cases can be quite high.

Dram Shop

There are laws, called Dram Shop Acts, that establish second and third party liability for accidents involving minors and visibly intoxicated individuals. These laws hold Special Occasion Permit Holders and their servers liable if they sell alcoholic beverages to a minor or a visibly intoxicated person who then causes death, injury, or property damage.

Dram Shop cases have resulted in verdicts rewarding substantial amounts of money to those parties involved. In most cases, damages are paid by the organization or their insurance companies. Sometimes, however, individual servers are also held liable.

Liquor liability is commonly called third party liability because the lawsuit involves three parties:

• 1st party = the licensee (SOP Holder) and/or server
• 2nd party = the intoxicated patron or minor
• 3rd party = the victim(s)

It is also not unusual for a minor or a person who was served when visibly intoxicated to file suit against the holder of a Special Occasion Permit for death, injury, or damage they have incurred. This is known as second party liability.
Visible Intoxication vs. Legal Intoxication

Visible Intoxication Defined:

“Visible intoxication” is a level of impairment that any person can observe. This is the standard that servers should use to decide whether a customer is visibly intoxicated.

Criteria for judging visible intoxication is loosely defined in Dram Shop laws. In liability cases, the question of whether an individual was visibly intoxicated must, in most cases, be submitted to a jury.

Intoxication has been defined as “being under the influence,” “feeling the effects,” or “impaired by alcoholic beverages.” If it is apparent that the person’s behavior, judgment, and coordination have become impaired, then the person may be considered visibly intoxicated.

Remember, refusing service of alcoholic beverages to visibly intoxicated persons or minors helps you avoid criminal action and also protects you from second and third party lawsuits.

Legal Intoxication Defined:

In Pennsylvania, a Blood Alcohol Content (BAC) of .08% or greater is all that is necessary for a non-commercial driver to be convicted of Driving Under the Influence (DUI). Drivers under age twenty-one (21) are considered to be legally intoxicated when their BAC is .02% or greater.

As a person’s blood alcohol level increases, so does their probability of being involved in an accident. For example, a person with a BAC level of .10 is seven times more likely to be involved in an accident than a person who has had no alcohol. A person with a BAC level of .15 is 25

Be firm. Do not allow the impaired customer to talk you out of the rational decision you have made.

Stay with your decision. Don’t get involved in a shouting match or argument with the customer.

Recruit the customer’s sober friend or spouse (if possible) to help. Soliciting the help of a third party is often very useful since they already know the guest and have a rapport.

Move on to the next patron. Turn your side to the patron. Never turn your back to the patron.

Get management or security back-up if deemed necessary.

Complete and sign an Incident Documentation Form. Describe signs of intoxication noticed and what you offered the individual as an alternative to drinking and/or driving.

Here are some approaches which can help you deal more effectively with a potentially uncomfortable situation:

“How about calling it quits for now? Would you like to try some food instead?”

“It’s against the law to serve a customer who is showing signs of intoxication.”

“We could be arrested if I continue to serve you alcohol and this could prevent us from having the event next year.”

“I am concerned for your safety. We really do appreciate your business and we want to see you return safe and sound.”

“If you leave and get in an accident I can be held liable for serving you.”

“How about trying some coffee or soda?”
times more likely to be involved in an accident and a person with a .20 BAC level is 100 times more likely to be involved in an accident.

Visible intoxication can occur at a high or low Blood Alcohol Content (BAC), depending on a person’s tolerance to alcohol. A person can often become “legally intoxicated” (usually but not always .08 BAC) before showing the typical signs of intoxication, such as glassy eyes, slurred speech, stumbling, etc.

Factors Affecting Intoxication

Alcohol enters the bloodstream almost immediately once it is ingested. How fast alcohol enters the bloodstream and exerts its effects on the brain and body depends on several factors including:

Rate of consumption - Rapid consumption will produce almost immediate intoxicating effects. On the other hand, slowly sipping a drink over a period of time allows for a steady rate of metabolism in the body.

Amount consumed - Doubles and drinks made with more than one liquor contain more alcohol than a standard drink. Distilled liquor, which is highly concentrated alcohol when consumed “straight,” enters the bloodstream faster than beer and wine, although the alcohol content per standard serving is equivalent. A normal liver processes about one drink per hour. Drinking more alcohol than the liver can break down increases the BAC in proportion to the amount consumed.

Food consumption - Eating food before and while drinking will slow down the rate of alcohol absorption and produce a more even-tempered response. Therefore, any amount of food in the stomach is beneficial to the patron.

The type of drink - The alcohol in wine and beer is more diluted and is therefore absorbed somewhat more slowly in the body than alcohol from straight hard liquor.

Stopping Alcoholic Beverage Service

Even with the best intentions and most responsible serving procedures, you may occasionally encounter a customer who shows signs of “visible intoxication.” When this occurs, service of alcoholic beverages to that customer must be stopped immediately. In ceasing alcoholic beverage service to a visibly intoxicated customer, follow these guidelines:

- Be courteous and concerned. People are more cooperative when they feel they are being helped rather than being put down.
- Be tactful. Never accuse a customer of being intoxicated. State simply that you cannot serve more alcohol.
- Avoid putting the customer on the defensive. Do not use words like “loaded,” “smashed,” “drunk,” or “bombed.”
- Be discreet. Never embarrass a customer while cutting off alcoholic beverage service. If possible, speak to the person privately and away from friends or business associates.
- Be confident. Confidence convinces people that you are doing the right thing.
Diluting distilled spirits with water or other mixers also helps to slow down absorption. Carbonated beverages increase the rate of absorption over that of water or other non-carbonated mixers.

Remember: A standard serving of alcohol is equal to 12-oz. of beer, 12-oz. of malt or wine cooler, 5-oz. of wine, or 1.5-oz. (one shot) of 80 proof liquor. Mixed drinks using two or more shots of liquor are equal to two or more standard servings. It takes the body approximately one hour to eliminate one standard serving of alcohol.

Body tissue - Muscle tissue has more blood to dilute alcohol than fat tissue does, so a muscular person generally has a lower BAC than a less-toned person who weighs the same and drinks the same amount of alcohol.

Gender - Females generally have a higher BAC level than males who consume the same amount of alcohol and weigh the same. This is partly because a woman’s body has a higher percentage of fat, but also because a women have less of the stomach enzyme that breaks down alcohol. Women also generally have less water content throughout their bodies, therefore, they have less water to dilute alcohol when consumed.

Fatigue and stress - Physical, mental, and emotional fatigue or stress make a person much more susceptible to the effects of alcohol.

Drugs - Many common drugs (both legal and illegal) impair the user and increase the effects of alcohol. Mixing alcohol with drugs can be very dangerous to health and safety.

Body weight - A person’s body weight is another factor which affects intoxication.

Tolerance for alcohol - A person who seldom consumes alcohol may be affected by alcohol to a greater extent than a person who consumes alcohol on a regular basis.

There is no sound rule for predicting how alcohol will affect a person. Each person reacts differently to alcohol, and the same amount of alcohol will not always affect the same person the same way. Always remember a patron is never immune to the effects of alcohol, regardless of drinking experience.

- Have plenty of food available throughout the event. High protein and carbohydrate foods like cheese and meat stay in the stomach longer, which in turn slows down the rate at which the body absorbs alcohol.
- Do not serve a drink without first removing the glass or bottle from the previous drink.
- Slow down service when a customer is drinking or ordering rapidly.
- A sound house rule is that “last call” means “last drink.” Serve only one drink; do not stack drinks.
- Stop serving alcohol to a customer who appears to be or is intoxicated. If possible, take the customer’s drink away.

**Slowing Down Service**

If necessary, service should be slowed without the customer becoming aware of it. Success in handling a customer depends largely on maintaining a friendly demeanor and paying attention to the customer’s needs.

Slowing down service “buys time.” Only time will sober your customer. The following suggestions will help slow down consumption:

- Take your time refilling or replacing a customer’s drink.
- Offer and serve coffee. It will not sober your customer, but it will buy time.
- Serve ice water to your customers.
- Offer the customer a nonalcoholic drink.
- Serve complementary food, such as cheese, low salt crackers, chips, or nachos, that will help slow down the absorption of alcohol.
- Talk to your customer. Try to shift the emphasis from drinking to conversation, eating, or dancing. Engage him/her in a conversation to slow down the drinking.
Recognizing
“Visible Intoxication”

It is important to identify the onset of intoxication before it develops into a problem situation. A patron becomes impaired before showing the typical signs of intoxication. It is easier to slow down service during the early stages of intoxication than to cut off service when a customer has become obviously intoxicated.

“Visible intoxication” is a level of impairment that an average person can plainly detect. This is the standard that servers should use to decide whether or not a customer is visibly intoxicated. Servers can’t be expected to know a customer’s BAC, but they are required to recognize “visible intoxication.” If you can tell on sight that a person has over-consumed, the person is visibly intoxicated.

UNDER THE PENNSYLVANIA LIQUOR CODE, IT IS ILLEGAL FOR ANYONE OPERATING UNDER A SPECIAL OCCASION PERMIT TO SERVE ALCOHOL TO A VISIBLY INTOXICATED PERSON.

* See alcohol education materials information on page 39 of this manual.
Servers must observe and talk with their customers to determine whether they are visibly intoxicated. Servers should always be observant of changes in behavior and alert for signs of impairment. Good servers know how to recognize signs of intoxication. Learning to recognize and deal with these behavioral warning signs of intoxication can make the difference between responsible service and tragedy.

The list below provides the common signs of visible intoxication. There is no point where visible intoxication can be specifically identified, it varies with each individual. Identifying visible intoxication is a judgment call based primarily on good old-fashioned common sense.

**Common Signs of Visible Intoxication**

**Balance** - An intoxicated person often experiences loss of balance, difficulty walking, and the need for extra support to stand or sit.

**Coordination** - When a person becomes intoxicated, coordination often becomes impaired. For example, they may spill drinks, miss their mouth, and have difficulty picking up change from the bar.

**Perception** - A person’s visual perception changes when they become intoxicated. That’s why the police test the eyes (Horizontal Gaze Nystagmus) of a person who is believed to be intoxicated. Things appear nearer or farther than they really are to an intoxicated person and driving becomes more difficult.

**Speech** - Intoxication affects a person’s motor skills, speech becomes slurred, and some people become louder than normal.

**Appearance** - Intoxicated people often have flushed faces and perspire more; their hair and clothes may become disheveled.

**Language** - Intoxicated patrons sometimes become crude, loud, or boastful.

**Emotion** - As alcohol relaxes inhibitions, people’s emotions come to the surface. They can become sad and wistful or lose their tempers and lash out suddenly.

Keep in mind that every person’s body reacts differently to alcohol. Servers must use their skills and experience to decide whether a customer is intoxicated. For example, a quiet person who becomes loud while drinking might be visibly intoxicated. However, a person who is always loud and outgoing might not be visibly intoxicated. Also a single warning sign exhibited by a patron may not necessarily indicate intoxication. However, a combination of several signs or a significant change in behavior are strong indicators that the person is very likely intoxicated.