

# **ServSafe Alcohol Training Course**

## **State of Virginia Supplement**

**Effective June 2012**



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## **Designated Manager Requirement**

According to 3VAC5-50-40: Each licensee shall have a designated manager present and in charge of business during all hours it is considered open; regardless to if alcoholic beverages are being served or sold. The manager's name should be posted in a conspicuous place in the establishment.

No licensee may knowingly permit a person under the age of 21, or a person who has been disapproved by the board a designated manager within the past 12 months, to act as a designated manager. The board has the right to disapprove any person as designated manager if it shall have reasonable cause to believe and/or if any cause exists.

## **How to Deal With and Document Confrontational Situations**

When refusing service for any reason, always have a backup person within close viewing distance in case things get out of hand. It is always best to inform the manager on duty so that they are aware.

Thorough documentation of incidents helps protect establishments against liquor liability lawsuits. It also shows great commitment toward alcohol service responsibilities.

Information on an incident report should include the following:

1. Date/time of incident
2. Manager on duty
3. Primary/all staff person(s) involved in the incident
4. Name/description of customer
5. Type of incident:
  - a. False ID
  - b. ID confiscated
  - c. A guest becomes ill
  - d. An illegal activity or violent situation has occurred
  - e. Refused service
  - f. Alternate transportation has been arranged for a guest
  - g. Police contacted
6. Description of incident in detail
7. Strategies used to rectify the situation
8. Witnesses (name/address/phone number)
9. Signature/Date of person filling out form

\*Stapling the customer's tab to the incident report is recommended.

*Note: This should not be considered as legal advice. Before beginning any form of documentation, an attorney should be consulted.*

## **Follow-Up Violations Being Reported to ABC**

You can log onto the VA ABC website at [abc.virginia.gov](http://abc.virginia.gov) and use the Violation Complaint Form that is available on the home page under the Laws & Enforcement section. Or you can call the ABC Enforcement CRIMELINE at 866-437-3155 to report a crime related to an ABC law.

After the situation has been resolved, it is strongly recommended that you follow up to ABC with either a call or e-mail.

## **Non-Selling Hours**

**According to VA ABC 3VAC5-50-30, non-selling hours or permit of consumption upon licensed premises for any wine, beer, or mixed beverages:**

- Localities when the sale of mixed beverages has been authorized
  1. For on-premises sale and consumption—2:00 a.m. to 6:00 a.m.
  2. For off-premises sale—12:00 a.m. to 6:00 a.m.
- In all other localities, 12:00 a.m. to 6:00 a.m. for on-premises sales and consumption and off-premises sales, except that on New Year's Eve the licensees shall have an additional hour in which to exercise the on-premises privileges of their licenses.
- Licenses in the City of Danville are prohibited from selling wine and beer for off-premises consumption between the hours of 1:00 a.m. and 6:00 a.m.

## **Sale and Consumption of Alcoholic Beverages in Unauthorized Places**

**Designated areas within an establishment where alcoholic beverages may be sold, served and consumed.**

**According to 3VAC5-50-110**—A designated area is an area or room that is approved by the ABC board to which a licensee is allowed to sell or serve alcoholic beverages. Substantially all the times alcoholic beverages are being offered for sale therein the facilities intended, patrons may purchase food prepared on the premises for consumption on the premises.

## **Types of Valid Identification for VA ABC**

All identification should have evidence of legal age and be unexpired:

- Valid motor vehicle driver's license issued by any U.S. State or District of Columbia.
- Armed forces identification card.
- U.S. passport or foreign government visa.
- Valid special identification card issued by the Virginia Department of Motor Vehicles.
- Any valid identification issued by any other federal or state government agency provided they include a photograph, signature, height, weight and date of birth of subject.

Identification guides for the United States and other countries may be purchased through the Drivers' License Guide Company at the website: [driverslicenseguide.com](http://driverslicenseguide.com).

## **Selling to Minors or Intoxicated Persons**

**(§4.1-304)** No one shall sell any alcoholic beverage to any person whom at the time is believed to be less than 21 years of age, interdicted or intoxicated.

**(§4.1-306)** No one shall purchase, give or assist in providing alcoholic beverages for another person who knows or has reason to believe that the person for whom the alcoholic beverage is being purchased for is a minor, intoxicated or interdicted. Any person in violation of either of these shall be convicted and guilty of a class 1 misdemeanor.

**(§4.1-305)** No person that is intoxicated shall be allowed to consume or possess an alcoholic beverage on business premises.

**(§4.1-225)** No person that is intoxicated shall be allowed to loiter on business premises.

## **Employee Consumption**

**(§ 4.1-325)** Law states no licensee or employee of a licensee may consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that involves the selling or serving of alcoholic beverages to customers.

Employees are not allowed to be intoxicated while on duty and licensees are prohibited from allowing an intoxicated employee to remain on the premises.

## **Happy Hour**

Happy Hour is defined as a specific period of time during which alcoholic beverages are sold at prices reduced from the customary price established by a retail licensee.

The following is prohibited for retail licensee:

- Conducting happy hours between the hours of 9:00 p.m. and 2:00 a.m. each day
- Selling 2 or more drinks for the price of 1. (Example: “2 for 1 or 3 for 1”)
- Selling pitchers of mixed beverages (with the exception of Sangria **§ 4.1-100**) "Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.
- Giving away drinks
- Allowing a person to have in their possession more than two drinks at any one time during happy hour
- Change the volume of alcoholic beverages contained in a drink without changing the established retail price of the drink
- Selling an unlimited number of drinks for one price (Example: “all you can drink for \$5.00”)
- Advertising happy hour in the media or on the exterior of the licensed premises. Exterior signage, according to **3VAC5-20-30** law states: A retail licensee may post one two-dimensional sign not exceeding 17" x 22", attached to the exterior of the licensed premises, limited in content to the terms "Happy Hour" or "Drink Specials" and the time period within which alcoholic beverages are being sold at reduced prices. And no advertising of alcoholic beverages may be displayed in exterior windows or within the interior of the retail establishment in such a manner that such advertising materials may be viewed from the exterior of the retail premises, except on table menus or newspaper tear sheets.

## Tobacco Sales

(§18.2-371.2) It is unlawful for any person to sell, distribute, purchase or knowingly allow the purchase by any person less than 18 years of age of any tobacco products. If tobacco is being sold in vending machines, the machine must be posted with a notice in a conspicuous manner and place indicating it is unlawful for the purchase or possession of tobacco products by minor. Also it has to be located in a place not open to the general public and not generally accessible to minors.

\*Tobacco products- including but not limited to cigarettes, cigars, bidis and wrappings.

- Any person in violation of this shall be convicted and punishable by a civil penalty up to but not to exceed \$2,500.
- Agents of the Virginia Alcoholic Beverage Control Board may issue a summons for any violation in this section.

Cigarettes shall only be sold in sealed packages provided by the manufacturer with the required health warning.

Identification is required for the purchase of tobacco products: A driver's license or identification issued by a government agency containing a photograph of the purchaser. ID is not required from individuals whom the seller has reason to believe or who knows the person is at least 18 years of age. The trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior and manner of the individual.

## **Penalties**

Any person convicted of a misdemeanor under the provisions of this title without specification as to the class of offense or penalty, or convicted of violated any other provision thereof, or convicted of violated any Board regulation, shall be guilty of a Class 1 misdemeanor.

In addition to the penalties imposed by this title for violations, any court before whom any person is convicted of a violation of any provision of this title may require such defendant to execute bond, with approved security, in the penalty of up to but not to exceed \$1,000, with the condition of not violating any provisions of this title for the term of one year. If any such bond is required and is not given, the defendant shall be committed to the jail until it is given, or until he or she is discharged by the court, provided he or she shall not be confined for a period longer than six months. If any such bond required by a court is not given during the term of the court by which conviction is had, it may be given before any judge or before the clerk of such court.

- Licensees can be charged criminally and administratively for certain offenses.
- An ABC hearings officer assesses administrative charges.
- Administrative penalties can be probation, fines, a suspended license and possibly revocation of the licensee's ABC license (administrative penalties for first offenses) See penalties link;  
<http://www.abc.virginia.gov/hearings/firstoffense.html>

## **Virginia ABC Programs and Resources**

Due to VA ABC having a zero tolerance for underage alcohol and tobacco consumption, they have several programs and resources to help prevent the sale to underage buyers. Examples are as follows:

### **“Do Not Sell” Stickers Help Prevent Underage Sales**

Do Not Sell stickers are easy-to-read tools that help sellers when checking IDs. They have been coated with a smear-resistant varnish to prevent fading. The stickers are created in two different colors, one color for alcohol and one for tobacco. The bold colors were selected to ensure the dates are clearly visible to both consumers and sellers. Although not mandatory, it is extremely important these stickers are displayed in all licensed establishments.

## **Responsible Sellers and Servers: Virginia's Program**

RSVP teaches employees how to prevent sales to minors and intoxicated customers, how to spot fake identifications, how to document alcohol-related incidents and much more. Participants will learn about the laws and administrative regulations that govern alcohol sales and consumption in Virginia. This program is geared for sellers and servers of alcohol.

## **"Ask 4 ID" Seller-Server Training Video**

Virginia ABC developed a four-minute training video to help sellers and servers recognize Virginia's underage driver's licenses and other forms of ID. Remember the two R's: Request ID and Request Age. For purchase, Virginia ABC Education can be reached at: [Education@virginia.gov](mailto:Education@virginia.gov)

## **Virginia ABC Regional Office Directory**

Location	Mailing Address	Phone
Abingdon (Satellite Office) 545 West Main St. Abingdon, VA 24210	P.O. Box 205 Abingdon, VA 24212-0205	(276) 676-5502
Alexandria 6308 Grovedale Dr. Alexandria, VA 22310	6308 Grovedale Dr. Alexandria, VA 22310	(703) 313-4432
Chesapeake 1103 South Military Hwy. Chesapeake, VA 23320	1103 South Military Hwy. Chesapeake, VA 23320	(757) 424-6700
Hampton 4907 West Mercury Blvd. Hampton, VA 23666	P.O. Box 5226 Hampton, VA 23605-0226	(757) 825-7830
Lynchburg 20353 Timberlake Rd., Suite A Lynchburg, VA 24502	20353 Timberlake Rd., Ste. A Lynchburg, VA 24502	(434) 582-5136
Richmond (North) Central Office 2901 Hermitage Rd. Richmond, VA 23220	P.O. Box 27491 Richmond, VA 23261-7491	(804) 213-4620
Richmond (South) Central Office 2901 Hermitage Rd. Richmond, VA 23220	P.O. Box 27491 Richmond, VA 23261-7491	(804) 213-4624
Roanoke 2943 D Peters Creek Rd. Roanoke, VA 24019	2943 D Peters Creek Rd Roanoke, VA 24019	(540) 562-3604
Staunton/Charlottesville 460 Commerce Square	460 Commerce Square Staunton, VA 24401	(540) 332-7800



Staunton, VA 24401

**VA ABC General Web Site:**

For general information please use [abc.virginia.gov/index.html](http://abc.virginia.gov/index.html).