



# **ServSafe® Alcohol Training Course**

## **State of Virginia Supplement**

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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 Be an Active Bystander

An active and empowered bystander takes action when they witness a person in need. Warning signs can include excessive drinking, verbal arguments, and body language signaling that someone is uncomfortable. Intervening early and often can help create a safe and respectful environment.

Five Steps to Being an Active Bystander:

1. Notice the event.
2. Determine whether the event is a problem or an emergency and how you can safely respond.
3. Assume responsibility.
4. Come up with a plan.
5. Take action to protect yourself and others.

## The Three Ds of Bystander Intervention

- **Directly Intervene.** Ask someone who looks uncomfortable, "Are you doing okay?"
- **Delegate.** Seek assistance from someone else.
- **Distract.** Be creative! Interrupt the situation without directly confronting the harmful behavior.

## 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 of person filling out form and date form is being filled out

\*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.*

*After a confrontational situation, always follow up with your Virginia ABC special agent/enforcement agent.*

## 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 are as follows:**

- 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 Virginia 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.

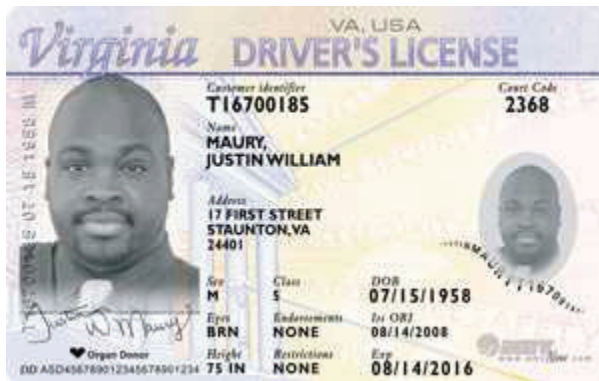
Identification guides for the United States and other countries may be purchased through the Drivers' License Guide Company at the website [www.driverslicenseguide.com](http://www.driverslicenseguide.com).

In 2009, the Virginia Department of Motor Vehicles began issuing newly designed, secure driver's licenses and IDs made of laser engraved polycarbonate. Cards issued prior to implementation of the new format remain valid until expiration.

**Cards issued to minors age 15–21 are vertical in format.** The background image is of a dogwood flower. If a person attempting to purchase alcohol or tobacco presents a vertical license to you, look carefully to verify that the person is of legal age. Check the bottom left for the dates that the person turns 18 and 21 years of age.



**Cards issued to people age 21 and over are horizontal in format.** The background image is of the state capitol. Check the expiration date to verify that the card is valid.



## **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.

## **Restrictions upon Employment of Minors**

No person licensed to sell alcoholic beverages at retail shall permit any employee under the age of 18 years to sell, serve, or dispense in any manner any alcoholic beverage in his or her licensed establishment for on-premises consumption, nor shall such person permit any employee under the age of 21 years to prepare or mix alcoholic beverages in the capacity of a bartender. "Bartender" is defined as a person who sells, serves or dispenses alcoholic beverages for on-premises consumption at a counter, as defined in 3VAC5-50-110, and does not include a person employed to serve food and drink to patrons at tables as defined in that section. However, a person who is 18 years of age or older may sell or serve beer for on-premises consumption at a counter in an establishment that sells beer only, or may sell or serve wine for on-premises consumption in an establishment that sells wine only.

## **Employee Consumption**

**(§ 4.1-325)** Law states that 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 specified period of time during which alcoholic beverages are sold at prices reduced from the customary price established by a retail licensee. A “drink” is defined as any beverage containing the amount of alcoholic beverages customarily served to a patron as a single serving by a retail licensee.

A retail licensee is prohibited from doing the following:

1. Conducting a happy hour between 9:00 p.m. of each day and 2:00 a.m. of the following day.
2. Allowing a person to possess more than two drinks at any one time during a happy hour. The only exceptions are flights of wine and beer consisting of samples of not more than five different wines or beers or samples of five different distilled spirits products provided each distilled spirits sample contains no more than one-half ounce of distilled spirits.
3. Increasing the volume of alcoholic beverages contained in a drink without increasing proportionately the customary or established retail price charged for such drink.
4. Selling two or more drinks for one price, such as “two for one” or “three for one.”
5. Selling pitchers of mixed beverages except in accordance with 3VAC5-50-60.
6. Giving away drinks.
7. Selling an unlimited number of drinks for one price, such as, “all you can drink for \$5.00.”
8. Advertising happy hour anywhere other than within the interior of the licensed premises, except that a licensee may use the terms, “Happy Hour” or “Drink Specials,” a list of the alcoholic beverage products featured during a happy hour as well as the time period within which alcoholic beverages are being sold at reduced prices in any otherwise lawful advertisement.
9. Establishing a customary retail price for any drink at a markup over cost significantly less than that applied to other beverages of similar type, quality, or volume.
10. This regulation shall not apply to prearranged private parties, functions, or events, not open to the public, where the guests thereof are served in a room or rooms designated and used exclusively for private parties, functions, or events.



## Advertising Alcoholic Beverages

Alcoholic beverage advertising in the print or electronic media is permitted with the following requirements and conditions:

1. All alcoholic beverage advertising shall include the name and address (street address optional) of the responsible advertiser.
2. Advertisements of alcoholic beverages are prohibited in publications not of general circulation that are distributed or intended to be distributed primarily to persons under 21 years of age. All advertisements of alcoholic beverages are prohibited in publications distributed or intended to be distributed primarily to a high school or younger age level.

As used in the section, "electronic media" shall mean any system involving the transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, television, electromagnetic, photo-electronic, or photo-optical system, including, but not limited to, radio, television, electronic mail, and the Internet.

Outdoor alcoholic beverage advertising shall comply with 3VAC5-20-10 and shall be limited as follows:

1. No outdoor alcoholic beverage advertising shall depict persons consuming alcoholic beverages, use cartoon characters in any way, or use persons who have not attained the minimum drinking age as models or actors.
2. No outdoor alcoholic beverage advertising shall be placed in violation of § 4.1-112.2 of the Code of Virginia.
3. No outdoor alcoholic beverage advertising shall be placed on property zoned exclusively for agricultural or residential uses, or on unzoned property.
4. All outdoor alcoholic beverage advertising must also comply with the provisions of Chapter 7 (§ 33.1-351 et seq.) of Title 33.1 of the Code of Virginia and the regulations of the Virginia Department of Transportation promulgated pursuant thereto.
5. No alcoholic beverage manufacturer, importer, or wholesale licensee may sell, rent, lend, buy for, or give to any retail licensee any outdoor alcoholic beverage advertising, any billboard placements for such advertising, or in any other way confer on any retail licensee anything of value that constitutes outdoor alcoholic beverage advertising.
6. No alcoholic beverage manufacturer, importer, or wholesale licensee may engage in cooperative advertising, as defined in 3VAC5-30-80, on behalf of any retail licensee.
7. No alcoholic beverage manufacturer or importer may require a wholesale licensee to place outdoor alcoholic beverage advertising or exercise control over the funds of a wholesale licensee for any purpose, including but not limited to the purchase of outdoor alcoholic beverage advertising.

## 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 (including but not limited to cigarettes, cigars, bidis, and wrappings.)

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.

- Any person in violation of this shall be convicted, and it is 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.

## Alcohol and Tobacco Compliance Checks

The Underage Buyer (UB) program is an ongoing effort by Virginia ABC to visit alcohol and tobacco retailers throughout the Commonwealth to verify compliance with the state age requirements—18 for tobacco and 21 for alcohol sales.

Special agents, who are sworn officers from Virginia ABC's Bureau of Law Enforcement, accompany underage operatives during attempts to purchase cigarettes or alcohol at grocery stores, convenience stores, restaurants, and other businesses, including Virginia ABC stores.

The purpose of the UB program is not to trick businesses. In fact, it is the hope of Virginia ABC that 100 percent of the businesses comply with state law by not selling to the underage buyer.

- Virginia ABC selects operatives who look their age, making it easier for clerks and servers to request ID and avoid the sale.
- Operatives are instructed not to alter their appearance or mannerisms or mislead clerks in any way while attempting to make a purchase.
- Operatives carry their own valid identification. If the store clerk asks for ID, the operative presents his or her own valid identification.

Virginia ABC special agents throughout the state complete nearly 400 alcohol and tobacco compliance checks every month.

## 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 \$1,000.00, 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 the penalties link: <https://law.lis.virginia.gov/admincode/title3/agency5/chapter70/section210/>

**Note:** Regarding civil liability, please keep in mind that Dram Shop Law does not apply in the state of Virginia.

## Virginia ABC Programs and Resources

Due to Virginia 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.

## Virginia ABC Regional Office Directory

REGIONS	COUNTIES AND CITIES	CONTACT INFORMATION
<b>Region 1</b> Roanoke	<b>Counties</b> Alleghany, Botetourt, Craig, Franklin, Henry, Montgomery, Patrick, and Roanoke  <b>Cities</b> Covington, Martinsville, Roanoke, and Salem	2943 Peters Creek Rd. NW, Suite D Roanoke, VA 24019-3518 Phone: (540) 562-3604 Fax: (540) 562-3612
<b>Region 1</b> (Satellite) Abingdon	<b>Counties</b> Bland, Buchanan, Carroll, Dickenson, Floyd, Giles, Grayson, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe  <b>Cities</b> Bristol, Galax, Norton, and Radford	102 Abingdon Place Abingdon, VA 24211-5197 Phone: (276) 676-5502 Fax: (276) 676-5549
<b>Region 2</b> Lynchburg	<b>Counties</b> Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Greensville, Halifax, Lunenburg, Mecklenburg, Nelson, Pittsylvania, and Prince Edward  <b>Cities</b> Danville, Emporia, and Lynchburg	20353 Timberlake Rd., Suite A Lynchburg, VA 24502-7203 Phone: (434) 582-5136 Fax: (434) 582-5140
<b>Region 3</b> Staunton	<b>Counties</b> Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah, and Warren  <b>Cities</b> Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro, and Winchester	38 Professional Way, P.O. Box 1 Verona, VA 24482 Phone: (540) 332-7800 Fax: (540) 248-1081
<b>Region 4</b> Alexandria	<b>Counties</b> Arlington, Fairfax, Loudoun, and Prince William  <b>Cities</b> Alexandria, Fairfax, Manassas, Manassas Park, and Falls Church	6308 Grovedale Dr. Alexandria, VA 22310-2551 Phone: (703) 313-4432 Fax: (703) 313-4444
<b>Region 5</b> Fredericksburg	<b>Counties</b> Caroline, Essex, Goochland, Hanover, King & Queen, King George, King William, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, and Westmoreland  <b>Cities</b> Fredericksburg	Lee Hill Building II 10304 Spotsylvania Ave., Suite 101 Fredericksburg, VA 22408-8602 Phone: (540) 322-5440 Fax: (540) 891-3153

<b>REGIONS</b>	<b>COUNTIES AND CITIES</b>	<b>CONTACT INFORMATION</b>
<b>Region 6</b> Richmond	<b>Counties</b> Amelia, Charles City, Chesterfield, Dinwiddie, Henrico, New Kent, Nottoway, Powhatan, and Prince George  <b>Cities</b> Colonial Heights, Hopewell, Petersburg, and Richmond	Boulders II 7400 Beaufont Springs Dr., Suite 101 North Chesterfield, VA 23225-5519 Phone: (804) 213-4620 Fax: (804) 323-1055
<b>Region 7</b> Hampton	<b>Counties</b> Gloucester, Isle of Wight, James City, Mathews, Middlesex, Southampton, Surry, Sussex, and York  <b>Cities</b> Franklin, Hampton, Newport News, Poquoson, Suffolk, and Williamsburg	4907 West Mercury Blvd. Hampton, VA 23605 Phone: (757) 825-7830 Fax: (757) 825-7884
<b>Region 8</b> Chesapeake	<b>Counties</b> Accomack and Northampton  <b>Cities</b> Chesapeake, Norfolk, Portsmouth, and Virginia Beach	1103 South Military Hwy. Chesapeake, VA 23320-2343 Phone: (757) 424-6700 Fax: (757) 424-6744
<b>Region 9</b> Charlottesville	<b>Counties</b> Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Orange, and Rappahannock  <b>Cities</b> Charlottesville	Limited Public Hours (Please call) 900 Natural Resources Dr., Suite 700 Charlottesville VA 22903-3171  Phone: (434) 977-2974 Fax: (434) 977-4772

## Virginia ABC General Website

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