

ServSafe Alcohol Training Course

State of Nebraska Supplement

Effective January 2013



Contents

Implementing the Nebraska supplement	3
Definition of Legal Intoxication.....	3
Serving and Selling Times	4
Police, Inspector and Health Director Access	4
Open Containers	5
Minor Access, Serving or Order taking	5
Sale on Credit.....	7
Liability.....	7
Re-Corking Law	7
Happy hour	7
Drinking While on Duty	7
Legal BAC Limit in Nebraska	8
Taking the exam online.....	8

Implementing the Nebraska supplement

The State of Nebraska and City of Lincoln Supplement was created to ensure all trainees and servers who take the ServSafe Alcohol training will also receive the specific information as it pertains to Nebraska laws in order to stay in compliance. The topics that are covered in this supplement should be integrated in to the ServSafe Alcohol training.

The following information provides when the topics in this supplement should be covered during training class.

- Definition of Legal Intoxication – Cover during Chapter 2: Recognizing and Preventing Intoxication
- Serving and selling times – Cover during Chapter 1: Alcohol Law and your Responsibility
- Police, inspector and health director access – Cover during Chapter 1: Alcohol Law and your Responsibility
- Open containers – Cover during Chapter 1: Alcohol Law and your Responsibility
- Minor access, serving or Order taking – Cover during Chapter 1: Alcohol Law and your Responsibility
- Sale on credit – Cover during Chapter 1: Alcohol Law and your Responsibility
- Liability - Cover during Chapter 1: Alcohol Law and your Responsibility
- Re-Corking Wine – Cover during Chapter 1: Alcohol Law and your Responsibility
- Happy Hour – Cover during Chapter 1: Alcohol Law and your Responsibility
- Drinking while on Duty – This is City specific, cover during Chapter 1: Alcohol Law and your Responsibility
- Legal BAC limit in Nebraska – Cover during Chapter 2: Recognizing and preventing Intoxication

Definition of Legal Intoxication

The state of Nebraska has defined some indicators of a visibly intoxicated person, which include but are not limited to:

- Problems with balance (tumbling)
- Staggering gait
- Bumping into furniture and walls while walking
- Falling against or off stool
- Hitting head on bar
- Ineffective muscular coordination
- Spilling and /or knocking over drinks
- Unable to pick up change
- Strong smell of alcohol
- Slurred speech

- Thick tongue
- Uncontrollable voice pitch
- Muttering
- Blood shot and/or glassy eyes
- Flushed face
- Condition of clothes and hair (disheveled appearance, messy hair, unzipped clothing)
- Unusual behavior
- Vomiting
- Profanity
- Hiccups
- Fighting
- Loud, boisterous, obnoxious behavior

Serving and Selling Times

Liquor may be sold for off-premise consumption between the hours of 6:00 a.m. and 1:00 a.m. Monday through Saturday. You must check with your local city or county clerk for ordinances to determine hours for Sunday sales. (Alcohol sales are prohibited on Sunday unless permitted by local ordinances.)

Liquor may be sold for on-premise consumption between the hours of 6:00 a.m. and 2:00 a.m. Monday through Saturday. You must check with your local city or county clerk for ordinances to determine hours for Sunday sales. (Alcohol sales are prohibited on Sunday unless permitted by local ordinances.)

State statutes do not prohibit the sale of alcoholic beverages on Election Day, but local ordinances may prohibit sales during election hours on any Election Day.

It is unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption 15 minutes after the sales of liquor is prohibited on any day.

Police, Inspector and Health Director Access

No licensee or partner, principal agent or employee of any licensee shall refuse to permit or unreasonably delay in permitting any law enforcement officers, duly appointed investigator, inspector, agent or auditor of the Nebraska Liquor Control Commission entry onto the licensed premises at any time demand for such entry is made by such law enforcement officer, investigator, inspector, agent or auditor of the Nebraska Liquor Control Commission.

Open Containers

Nebraska Statutes and Nebraska Liquor Control Commission Rules and Regulation prohibit open containers of alcoholic liquor from remaining in possession or control of persons for purposes of consumption after 1:15 a.m.; or in the event of a local ordinance or resolution providing for an earlier closing, not more than 15 minutes after such closing hour.

This law pertains not only to customers of a premise, but also to EVERYONE. No licensee, employee, or family member(s) or friend(s) of the licensee or employee, is permitted to consume alcoholic liquor after such closing hours.

It is unlawful for any person to consume alcoholic liquor in or on the public streets, alley, parking areas, roads or highways within the city, or upon property within the city owned by the state or any political subdivision thereof, unless authorized by the governing body having jurisdiction over such property and by the provisions of a license issued by the Nebraska Liquor Control Commission.

It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in or on the public streets, alleys, parking areas, roads, or highways within the City or upon property within the City owned by the state or any political subdivision thereof.

Minor Access, Serving or Order taking

The minimum age for an individual to sell or serve alcohol in the State of Nebraska is 19 years of age. Local jurisdictions may require an older age so you should check with your local city or county clerks office.

No person shall sell, give away, dispose of, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor or to any person who is mentally incompetent.

No minor shall obtain, or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold.

No parent of guardian shall knowingly suffer or permit any minor, of whom he or she may be a parent or guardian, to possess or consume any alcoholic liquor.

Every licensee of a place where alcoholic liquor is sold at retail shall display at all times in a prominent place, a printed card with a minimum height of twenty inches and a width

of fourteen inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:

“WARNING TO PERSON UNDER 21 - YOU ARE SUBJECT TO NOTIFICATION OF PARENTS OR GUARDIAN AND YOU ARE SUBJECT TO A PENALTY OF UP TO \$500 FINE, 3 MONTHS IN JAIL OR BOTH IF YOU ARE UNDER 21 AND YOU CONSUME, PURCHASE, ATTEMPT TO PURCHASE, OR HAVE IN YOUR POSSESSION ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT AND WARNING TO ADULTS YOU ARE SUBJECT TO A PENALTY OF UP TO \$1000 FINE, 1 YEAR IN JAIL OR BOTH IF YOU ARE 21 OR OVER AND YOU PURCHASE ALCOHOLIC LIQUOR FOR A PERSON UNDER 21 AND WARNING TO PURCHASERS OF BEER KEGS PROPER IDENTIFICATION AND PURCHASER’S SIGNATURE ARE REQUIRED LAWS OF THE STATE OF NEBRASKA”

To establish proof of age for the purpose of purchasing or consuming alcoholic liquor, a person shall present or display only:

- Driver’s license (Any State)
- Nebraska I.D. Card (No other state I.D. cards are excepted)
- Military I.D. Card
- Passport (Visa)
- Alien Registration Card

Every holder of a retail license may maintain, in a separate book, a record of each person who has furnished documentary proof of age for the purpose of making any purchase of alcoholic liquor. The record shall show the name and address of the purchaser, the date of the purchase, and a description of the identification used and shall be signed by the purchaser.

In any prosecution of or any proceeding against any licensee charged with having made a sale to a minor, proof of the following shall be an absolute defense to the charge:

- The purchase falsely represented in writing and supported with other documentary proof that he or she was of legal age to purchase alcoholic liquor
 - The appearance of such purchaser was such that an ordinary and prudent person would believe that such appearance conformed to any documentary
 - The seller was acting in good faith, in reliance upon the written representation, other documentary evidence, and the appearance of the purchaser, and in belief of the purchaser was of legal age to make such a purchase, or
- The seller was acting with the knowledge of and in cooperation with a duly authorized law enforcement officer.

In order to further the public policy of deterring minors from illegally obtaining or consuming alcoholic liquor, persons under 21 years of age may be authorized to assist duly authorized law enforcement officers to determine compliance with proper sales practices. Compliance checks shall be conducted pursuant to guidelines

adopted and promulgated by the Nebraska State Patrol with input from the commission.

Sale on Credit

No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered.

Liability

Employees may be held liable for serving an intoxicated person. An employee may also be cited for serving an intoxicated person even if they were following employer's orders to do so.

Re-Corking Law

(§53-126.04) Nebraska allows patrons to take home one unsealed bottle of wine if, the wine was purchased and partially consumed in conjunction with a full course meal, and the restaurant securely reseals the bottle in a tamper-evident bag and a dated receipt for the wine and meal are provided. If the resealed bottle of wine is transported in a motor vehicle, it must be placed in the trunk of the motor vehicle or the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

Happy hour

Licensees may not offer single-priced, unlimited service drink specials or two-for-one drink specials. No licensee shall mix or pour alcoholic beverages directly into a patron's mount. The law allows a licensee to offer a food and drink special.

Drinking While on Duty

Drinking while on duty is prohibited for licensee or employees:

According to the City of Lincoln (§ 5.04.2600) It is unlawful for any licensee, manager or employee of such licensee or manager to drink any alcoholic liquor during the time that such person is on duty in the conduct of such business; and it shall be unlawful for any licensee, a manger or employee to server or sell alcoholic liquors while under the influence of such liquors.

Legal BAC Limit in Nebraska

The legal BAC (Blood Alcohol Content) in the State of Nebraska is .08

Taking the exam online

Steps to taking the State and City of Lincoln, Nebraska exam online:

- Sign on to the Website; <http://fbstnebraska.unl.edu>
- Once registered, a query will be presented regarding completed training, ServSafe will be an option.
- Once ServSafe Alcohol is selected it will bypass training and directly route to the exam.
- The exam normally takes less than 30 minutes to complete

***Everyone must take & pass the exam before a permit will be issued. In order to retake a failed exam, the state or city training course must be completed.**