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478

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Alcohol Server Education
Course
Sponsor: Sen. Binkley
Requestor: Sen. Labor & Commerce Comm.

Agency Affected: Dept. of Revenue
BRU: Alcoholic Beverage Control Board
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

This legislation does not impact the ABC Board's FY 90 budget.

Prepared by: Patrick L. Sharrock, Director *Patrick Sharrock* Phone: 277-8638
Division: Alcoholic Beverage Control Board Date: 2/27/90

Approved by Commissioner: [Signature] Date: 2/28/90
Agency: Department of Revenue

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
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Impacted Agency(ies)

Senator Johne Binkley

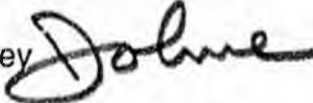
Senate Finance Committee
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985

Finance Committee
Co-Chairman

MEMORANDUM

February 22, 1990

TO: Senator Dick Eliason, Chairman
Senate Labor & Commerce Committee

FROM: Senator Johne Binkley 

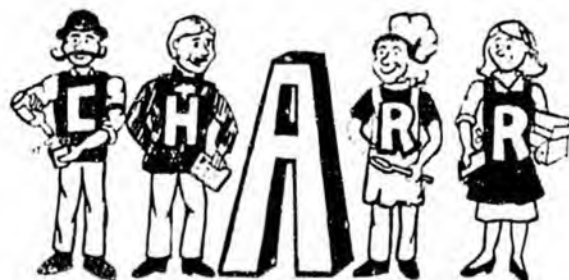
RE: SB 478, relating to certain alcoholic beverage licenses and an alcohol server education course

The above-referenced bill was introduced on February 12 and referred to your committee. It would allow the ABC Board to approve alcohol server education courses offered in the state and make employee participation in such a course a condition of a licensee's license renewal or application if there is reasonable access to the training.

The Alaska Cabaret, Hotel, Restaurant and Retailers Association (CHARR) was the second organization to offer this kind of training in the United States. It is called "TAM," Techniques in Alcohol Management and I believe they started in 1984. In 1985, the Municipality of Anchorage adopted an ordinance requiring training as a condition of renewal or issuance of a liquor license. It helps to protect the licensee as well as the public from the misuse of alcohol. Many licensees are able to achieve a reduction in their liability insurance if their employees have had this training.

However, because the state has no authority over the training courses, successful programs such as CHARR's may be threatened by those which are less complete. This bill would help protect CHARR's investment as well as provide a standard which other training courses would have to meet.

I have enclosed for your committee's information a copy of CHARR's TAM manual as well as the MOA's training ordinance. I would appreciate your scheduling this bill for a hearing at the earliest possible time. Please let Janice Adair in my office know when that might be. Thank you.



Present

TAM

Techniques of Alcohol Management

in

Alaska

WORKBOOK

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ARBA
Anchorage Restaurant &
Beverage Association

CHARR
Alaska Cabaret, Hotel,
Restaurant & Retailers Association

P.O. BOX 104839 • Anchorage, Alaska 99510 • 272-8133 or 272-8130

INTRODUCTION

Welcome to THE TECHNIQUES OF ALCOHOL MANAGEMENT

This program is brought to you through the cooperation of several organizations in Michigan, each of which is very concerned with the problems that alcohol causes on our highways and elsewhere. These organizations are:

- Michigan Licensed Beverage Association.
- Michigan Liquor Control Commission.
- Michigan Association of Chiefs of Police.
- Michigan Sheriff's Association.
- Michigan State Police.
- Michigan Office of Highway Safety Planning.
- Michigan Office of Substance Abuse Services.

Each of these organizations appointed a member to sit on a steering committee to oversee the preparation and content of the program. The committee members were brought together to reflect the views of their organizations into the program. The unique combination of the Michigan Licensed Beverage Association and these public agencies was quite amazing and extremely productive.

THE IMPORTANT ROLE OF THE INNKEEPER

The role that taverns play in today's society hasn't changed since the early years of civilization. In the days when travel was very slow, miles were counted by the day rather than by the hour. The wayside inn was carefully spaced on roads so that after a long day of travel, the weary wayfarer would come upon a place to relax, eat and spend the night.

Since the vast majority of people didn't live in cities, the inn was the gathering spot of the surrounding area for people to meet and socialize. It was also common to use the inn for church meetings, political rallies, courtrooms and other social meetings. Because of the social importance of the inn, the tendency was to move closer to the inns. Many towns and cities grew up around what had once been isolated wayside inns.

Today's innkeeper may operate a tavern, a hotel, a club, a resort or some other specialized hospitality center. Times have changed, but the social needs filled by today's professional hospitality industry are the same as they always were. Travelers still go to hotels for overnight rest and friends still meet at taverns for socializing, relaxing and for entertainment. The principle purpose of today's tavern, hotel or restaurant keeper is the same today as it was thousands of years ago, to provide for some of the important social needs of people.

The serving of alcohol in taverns is a tradition as old as the industry itself, but it is only one of the functions to be filled. People can drink without going to a bar and those who think that they are in the business only to sell alcohol, and that they must sell as much of it as possible, completely misunderstand the innkeeper's role in society.

Through generations the reasons people go to bars hasn't changed. They go to be with friends, to relax, for entertainment, and to meet new people. Bars are a social meeting place, not a place for persons to become intoxicated.

OBJECTIVES

The primary objective of this program is to reduce alcohol-related driving accidents. The material presented in this book offers a variety of solutions and problem-solving techniques for use in licensed establishments. How to manage the dispensing of alcohol, how to manage customers and how to prevent fights in establishments are discussed in detail. The other basic objectives are:

1. To lay groundwork for an attitude of professionalism and ethical conduct among service personnel who deal with alcoholic beverages.
2. To improve employee knowledge and understanding of their key role in reducing alcohol-related auto accidents and to provide them with the tools required to reduce such accidents.

3. To apply the same techniques toward reducing injuries to patrons as a result of fights in licensed establishments.
4. To increase public awareness of the dangers of drinking and driving and to increase public acceptance of the measures required to solve the problem.

PROFESSIONALISM

Responsible dispensers of the drug alcohol will recognize that an attitude of professional and ethical conduct is required. Knowledge of how to mix drinks is not sufficient qualification for serving them to the public. One must know when, and in what doses, alcohol may be served. This knowledge must then be applied scrupulously, as a druggist would control the dispensing of other regulated substances.

Recent attitudes appear to downgrade the profession of alcohol service to one of pure "mixology" and sales techniques, or, in other words, to "pourers" and "pushers". It is sometimes overlooked that alcohol is, in fact, a regulated substance, and that society has entrusted the crucial role of proper dispensing of alcohol to certain licensed individuals and their employees. A standard of ethical conduct in fulfilling this role is an absolute necessity if abuse of alcohol is to be reduced.

IMPROVING INDUSTRY KNOWLEDGE

As in most areas of human endeavor today, a great deal more is known about alcohol and its effects than was known even five or ten years ago. A state-of-the-art approach is used in this program to give the server of alcohol all the tools presently available to help him or her be professional. The job of serving alcohol is comparable to that of a pharmacist. When dispensing a drug it's absolutely essential that the drug is understood and in turn given out in controlled doses. As a professional in the bar business, knowledge is the key to a better establishment.

REDUCING INJURIES

Injuries in bars due to fights is a very serious problem. Since 90 percent of the combatants are intoxicated the "Techniques of Alcohol Management" provide the necessary information to reduce these incidents. Injuries that occur in bars also include the uninvolved customer. There is a need to protect all patrons from injury.

AWARENESS AND ACCEPTANCE

Recent years have seen a massive publicity campaign designed to draw attention to the problem of drunk driving. The public is certainly aware of the problem, but by and large the public has not understood or accepted the measures required to solve the problem. The public should be made ready for controlled drinking and service in a bar. They should understand our concern for the well-being of all customers and our refusal to allow them to become intoxicated, resulting in the possibility of an accident while driving under the influence of alcohol. Certain steps must be taken to help the public help themselves.

Through this program, the tools and information to achieve these goals are available. Here, as in most cases, responsibility is the key. It has been said over and over that drinking and driving don't mix, but responsible serving practices can create a situation where one can drink and drive in a safe manner.

ALCOHOL

THE CLINICAL EFFECTS OF ALCOHOL

In order to practice good "Techniques of Alcohol Management," there must first be a working knowledge of the product itself. In this section the following will be discussed:

1. What is alcohol?
2. The reasons people use alcohol.
3. The way people use it.
4. The way it's absorbed.
5. The way it's distributed through the body, particularly to the mind.
6. The way it's metabolized and eliminated from the body after it's used.
7. The effects of alcohol on the mind and behavior.
8. Its interaction with drugs.
9. The toxicity of alcohol after chronic use.

WHAT IS ALCOHOL?

Alcohol is a very small organic molecule available in liquid form. It is a chemical substance, and it is a drug. "Alcohol," "ethanol" and "ethyl alcohol" are different names for the same substance. Alcohol is also a food. It contains carbohydrates, and has seven calories per gram. Some of the other substances contained in alcohol are called "congeners." Congeners give alcohol its color and taste, and may be responsible for the after-effect (hangover) the next morning.

Alcohol is produced by the age-old process of fermentation, a normal by-product of yeast. Alcoholic beverages are produced from berries, grapes, other fruits and grains, each of which produces a different beverage form. The amount of alcohol in a beverage depends on the amount of sugar converted by yeast and whether or not the beverage is distilled. Whiskey is a form of beer in which the alcohol has been concentrated through the distillation process. Beer contains from three to six percent alcohol, wine contains from nine to 14 percent, liqueurs or cordials have 20 to 40 percent, and liquor generally has from 40 to 50 percent. Notice the use of "percent of alcohol" rather

than proof. The proof of alcohol is twice the alcohol content. For example, whiskey that is 80 proof is actually 40 percent alcohol. The highest possible proof is 200 which means the alcohol content would be 100 percent.

USE OF ALCOHOL

Tradition, environment, taste, situation and mood are all reasons why alcohol is used. Traditionally, alcohol is used for many types of special occasions: weddings, wakes, family and religious occasions. In traditional settings, alcohol is used with little thought as to why, it's just used because the occasion is right.

The environment has an impact on the way alcohol is used. When dining out we often use alcohol to compliment the food. For many people, food seems to taste better when eaten with wine, for instance, although individual preferences are quite different. In a bar with friends it seems to be the right occasion, or circumstance for drinking.

Advertising influences the use of alcohol. One is told that alcohol is socially appropriate under certain circumstances.

There are as many uses for alcohol as there are people, and everyone uses it somewhat differently. Two-thirds of the adult population drink. One-third choose not to.

If a person is in a particular place or situation where drinking is prevalent, usually they drink as a consequence of just happening to be there. As an example, a softball team goes into a bar, everyone happens to drink in celebration of a win. This is called situational drinking, where the events or the situation breeds drinking.

A problem area is the mood drinker. This is the person who drinks to change his mood and possibly to relieve anxiety. This can cause some real problems for the drinker.

A DRINK IS A DRINK

It is important to understand that a 12 ounce beer, a three to four ounce glass of wine, and a one ounce shot of 86 proof whiskey all contain roughly the same amount of alcohol -- about half an ounce of pure alcohol.

HOW ALCOHOL IS ABSORBED

How is alcohol absorbed and then distributed throughout the body? A small percentage, two to four percent, is absorbed through the membranes of the mouth. The common misconception is that all alcohol is absorbed in the stomach. This is not true. Absorption begins in the stomach, but only 20 to 25 percent is absorbed there. When alcohol is in the stomach, it isn't readily available for an effect on the brain; it's mostly in a holding state. After the alcohol leaves the stomach it is pushed into the intestine, where 75 to 80 percent of the absorption takes place. Because alcohol is water-soluble, and the body is almost entirely made up of water, it can be absorbed very easily and quickly.

FOOD

Many factors can affect the absorption of alcohol once it is in the stomach. The most important factor is food.

At the base of the stomach is a control valve called the "pyloric valve". When this valve is open, the contents of the stomach are passed into the intestine, where most of the absorption into the bloodstream takes place. By itself, alcohol does not remain in the stomach very long. It will pass very rapidly into the intestine and into the bloodstream.

Food -- any kind of food -- will slow down the absorption rate of any alcohol that has not already passed into the intestine. Putting food into the stomach causes the pyloric valve to close until the food is digested. When the valve opens again, the intestine receives a mixture of food and alcohol. This further slows down the alcohol absorption since it is dispersed in the food mixture.

Some foods are better than others in slowing the absorption rate of alcohol. Fatty foods such as nuts, french fries, olives, and cheese are harder to digest, and cause the stomach to work harder and longer before the pyloric valve will open. On the other hand, a large meal with a high amount of carbohydrates (such as a pasta dinner) will tend to "dump" into the intestine, and thus may actually speed up the absorption rate of alcohol.

There is another way in which food may act to speed up the absorption rate of alcohol. If a meal has been consumed two to three hours before drinking, most food will be digested, and the pyloric valve will be open. The alcohol then will pass directly into the intestine, where it is available for immediate absorption.

When to eat is as important as what to eat. The most effective way to slow the absorption of alcohol is to eat fatty foods immediately before drinking, and continue to munch during the course of drinking.

OTHER FACTORS

Alcohol irritates the stomach. If a large quantity of alcohol accumulates there, the stomach will shut down and no digestion will take place. The pyloric valve will stay closed and the alcohol will not pass into the intestine. The result is that very little absorption will take place. The alcohol just sits in the stomach and continues to irritate it, until the stomach finally rejects the source of irritation. In other words, the drinker vomits.

Anxiety is a condition which requires great caution when drinking. When a person is anxious about something, the stomach secretes a mucus coating which slows down or stops digestion and absorption. The anxious drinker will find that he is not getting his expected "high" from the alcohol. He may drink more and faster because, for reasons he does not understand, he "cannot get drunk." Eventually this person will relax. The mucus will disappear, and a large quantity of alcohol will be dumped into the intestine and the person will seem to become instantly drunk.

The most common example of the anxiety syndrome is the stranger who comes into the bar for the first time. He feels out of place and lonely, and has no one to talk to. He is experiencing anxiety about being there. He drinks, but does not feel relaxed. He drinks some more and still doesn't feel any effects. At some point, a friend walks in, or he meets someone at the bar. He relaxes, and rapidly becomes intoxicated.

Champagne, sparkling wines, or drinks mixed with soda, also get people intoxicated at a faster rate. This is due to the carbonation in the drinks. Carbonation tends to open the pyloric valve from the stomach to the intestine, and speed up the alcohol absorption.

DISTRIBUTION AND BAL

Once alcohol is absorbed, it is distributed throughout the body by way of the bloodstream. "Blood Alcohol Level" (BAL) or "Blood Alcohol Concentration" (BAC) is a measure of the amount of alcohol in the bloodstream. After alcohol is in the blood, a certain percentage of it that passes through the lungs is

exhaled. Because this percentage is relatively constant, BAL can be determined by simply measuring the amount of alcohol in the exhaled air. Breathalyzers work by measuring the concentration of alcohol in the breath, which comes from the lungs, which get the alcohol through the bloodstream.

FACTORS THAT AFFECT DISTRIBUTION

SIZE

There are many factors which affect alcohol distribution, including body weight, size, type and gender. If a person weighs about 135 pounds, one drink will produce a blood alcohol level of about .02, and the BAL will move up in steps of about .02 for each drink consumed, so that three drinks will produce a BAL of intoxication or .10.

A larger person, however, one that weighs 175 pounds, for example, will have a lower BAL for the same number of drinks. They will increase their BAL in steps of about .015, so that if they have five drinks, their BAL will be about .075. They will have to drink 6, almost 7, drinks before they reach legal intoxication of .10.

BODY TYPE

Body type is as important as body size. Fat does not absorb alcohol, so the more muscular a person is, the more alcohol it will take to increase the blood alcohol level. If there are two people of almost the same weight, the more muscular person will have a lower BAL than the person whose body tissues have a high fat content.

GENDER

Gender also has an effect because women biologically have a larger proportion of fat than men, so women will tend to get a higher BAL than men consuming the same number of drinks.

EFFECTS ON THE BODY AND MIND

What are the effects of alcohol on the body and on the mind? The nervous system is the primary target of the drug, alcohol. In the functional areas of sensation, perception, judgement and motor functions, alcohol produces various effects. Sensation, our ability to smell and taste, can be enhanced when alcohol is consumed in small quantity. Vision and hearing are affected adversely. Their reaction to things we see and hear is decreased. Our perception or the way information is processed in the brain also changes. Mental processes, such as reasoning ability and judgement, are decreased, along with motor functions like the ability to stand up straight, to walk, run and even to pick up a glass. The initial reaction to a drink of alcohol is stimulation. It is a "pick-me-up." This effect does not last long. The stimulation quickly yields to a calm feeling. Additional alcohol produces depression which is intensified as more and more alcohol is consumed.

THE BRAIN

The brain is affected in a very orderly fashion (see Appendix). The cortex of the brain, the area that's responsible for our thinking, reasoning, decision making, and is the most sensitive, is affected first. Secondly, the cerebellum is affected. The cerebellum is responsible for posture, motor control and coordination. Thirdly, the limbic system is affected. The limbic system is responsible for emotions and emotions are influenced and changed when alcohol is consumed. Finally, the brain stem is affected. This lower part of the brain is the most primitive area and is responsible for all of the automatic functions, such as heart beat and respiration.

BAL AND BEHAVIOR

What is the effect of blood alcohol level, or BAL, on the drinker's behavior? Although everyone is different in the way they react to alcohol, a general explanation of various BAL's and their effect on behavior is still possible.

Some people can act sober up to .05 BAL. Some exhibit signs of elation, jubilation and uninhibited behavior at this level. For example, consider a 135 pound male who has consumed from one to five drinks. His BAL would be between .05 and .10. He would exhibit an increase in self-esteem, be more sociable, jovial and exhilarated. After five to 10 drinks he has a BAL of .10 to .20. Reflexes slow, speech slows, time perception decreases, senses

are dulled, posture and coordination are decreased, behavior becomes uninhibited, boisterous, aggressive and risk taking increases. This is a very dangerous time for this person to be driving.

After 10 to 15 drinks and a BAL of .20 to .30, the drinker becomes fatigued, dizzy, unable to stand, inattentive, disoriented, moody and insecure. Mental ability and judgement are almost completely gone now and the person could feel quite nauseous. After 15 to 20 drinks and a BAL of .30 to .40 respiration slows and the person could be in a stupor or become unconscious. After 20 to 25 drinks BAL is between .40 and .50. Respiration slows down considerably or stops and at this point our drinker may be comatose or dead. These are the general signs or behaviors that affect the drinker at various BAL's, however, they are not all possible behaviors. Because of tolerance, people who drink a lot will exhibit these signs later, but they will all experience the same effects at some point.

One final point is intoxication increases for 30 to 90 minutes after drinking has stopped. For example, a 150 pound person consumes eight mixed drinks during a three-hour period and reaches a Blood Alcohol Level (BAL) of .09 percent. Despite the fact that no alcohol has been consumed after the three-hour period, allowing for alcohol elimination, (that is occurring at a rate of .015 percent BAL per hour) the person's BAL rises to .12 before it starts to fall. When we stop drinking, alcohol is still being absorbed into our bodies for a period of 30 to 90 minutes. A person with a BAL of .12 percent would remain impaired for over five hours after drinking has stopped.

ALCOHOL AND DRUGS

Alcohol interferes and interacts with other drugs. The effects of other drugs can be increased by alcohol, or some drugs can increase the effect of alcohol. Examples of drugs that might intensify depression when mixed with alcohol are cold tablets and allergy medication which contain antihistamines, which can sedate a person. Sleeping pills and tranquilizers will also depress a person more when mixed with alcohol. Cough medicines, containing Codeine, when mixed with alcohol, can produce bad effects. Marijuana, because it's a depressant, causes an increased additive effect when used with alcohol. Since it increases depression, a person who smokes marijuana, before or while they're drinking, will become intoxicated at a faster rate.

Alcohol can reduce the effectiveness of some drugs. People who drink on a very regular basis can exhibit some resistance to drugs, such as anesthetics used in surgery, and sleeping pills. Alcohol and aspirin when mixed together can be very harmful to

the stomach. Since both alcohol and aspirin irritate the stomach, the over-use of these two drugs together can produce ulcers. Another unique drug interaction is that of alcohol and Antabuse. Antabuse is the drug used to help recovering alcoholics, and it may have some very serious side effects when mixed with alcohol. If people come in "high" on stimulants, like cocaine or amphetamines, the mixing with alcohol may produce very strange behavior, not simply a reduction of their "high."

TOXICITY

Over an extended period of use, alcohol can be a very toxic substance. Excessive drinking for many years will result in damage to many body systems. The nervous system is affected. One of the signs is a tingling or numbness in the fingers or toes. Hormonal systems are disturbed. A problem for some people is the decrease of testosterone, the male steroid hormone resulting in impotence. The gastrointestinal system is affected considerably because alcohol accumulates in the organs. The stomach might show signs of ulcers, the pancreas might be inflamed, and hepatitis or liver inflammation is very common among heavy drinkers.

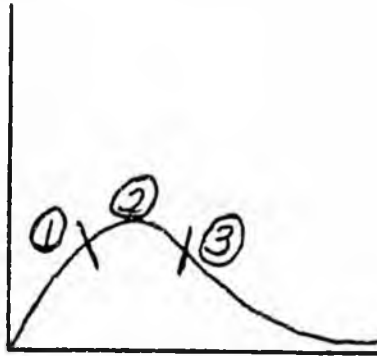
There are positives and negatives concerning drinking. Moderate drinking actually has been shown to reduce the risk of heart attack. Moderate drinking refers to one or two drinks per day. When this moderate amount is exceeded, it can have a damaging effect on the heart muscle itself. Blood coagulation (which stops bleeding) and blood-cell formation can be changed over time. Muscles and bones, over the long haul of drinking, will deteriorate.

TOLERANCE

If someone drinks regularly over a long period of time, he or she must drink more in order to achieve the same effect. This is called tolerance. Along with growing tolerance, a dependency can form. An individual will then rely on alcohol in order to perform normally. In the absence of alcohol, the person can actually go through a withdrawal syndrome, part of which is a tremendous craving for more alcohol. The individual's lifestyle changes and begins to focus on alcohol, and its consumption. The person is more worried about where the next drink is going to come from, than anything else.

CONCLUSION

The brief initial effect from alcohol is stimulation. After the stimulation there's a calming effect followed by a physical depression. The graph below further illustrates this point:



Area (1) is stimulation, where the effect of alcohol picks a person up. Area (2) is where the calming or "warm" feeling starts. Area (3) is the physical depression caused by alcohol.

Holidays cause a unique problem for the drinker, because these are typically occasions where alcohol is consumed. For people who are alone, without family, holidays can be a very sad and depressing time. People who are depressed can add to the depression by drinking too much. Alcohol produces physical depression. When this depressant is added to the depression the person is already feeling, their emotional state can be dangerously affected.

Anxious people present a special problem when they are drinking. Their stomachs secrete a mucus coating which slows down the absorption of alcohol. When their anxiety is relieved, the mucus disappears and the dumping of alcohol into the intestine can cause the person to become intoxicated quite rapidly.

Changes in the emotional state of the drinker roughly parallel changes in physical behavior when drinking. As physical functions of the body are impaired by alcohol, the emotional state changes at approximately the same time.

TECHNIQUES OF ALCOHOL MANAGEMENT

TECHNIQUES OF ALCOHOL MANAGEMENT

LEGAL CONSIDERATIONS

All commercial vendors of alcohol, not just bar owners, but also bartenders and waitress/waiters, have a special legal responsibility to take reasonable precautions in the operation of business to protect the public from harm. States with Dram Shop liability, have determined that servers have a duty of care (which co-exists with the duty of the drinker) not to serve underaged and intoxicated persons. The result, on a societal level, is that Dram Shop liability provides a method of compensating victims and their families for accidents caused by intoxicated persons. Serving underaged and intoxicated persons is unlawful and can have criminal and civil penalties. If someone comes into your establishment intoxicated and you serve this person, you are breaking the law. Furthermore, if that person, after leaving should get in an accident they could bring a lawsuit against your bar. Dram Shop is third party liability. The "third party" is any innocent victim who is injured by an intoxicated person (the second party) after being served by you (the first party).

Every state has its own laws and regulations concerning the serving and consumption of alcohol within licensed premises. As the bar owner, you should know these laws, and teach them to your employees. Also, the laws that pertain directly to servers and consumers of alcohol should be posted in a highly visible place, for the benefit of employees and customers alike.

MORAL CONSIDERATIONS

Although legal issues tend to get our attention faster than others, the moral aspects of drunk driving and their effects on the public are no less important. We must deal with the problem of those innocent people who become involved in an alcohol-related accident. If we let a drunk driver leave our bar, we're not looking out for the public's safety. We, too, have become a public menace, or at least part of the problem. Another problem concerns our responsibility to other patrons in the bar. Drunk people tend to get irritated faster than those not drunk and can cause harm to other unwilling customers.

This section of the program sets up standard procedures and practices for dispensers of the drug, alcohol. Understand that alcohol is a drug and should be treated with care.

BE A HOST/HOUSTESS. NOT A WAITER/WAITRESS

This attitude toward your customers creates a more personal experience for them. Treat your patrons as if they're in your home, guests so to speak. As you will see later, being friendly and conscientious of your customers' needs and well-being will help make everything easier. Be in control of the party at the outset. How you deal with a patron largely affects whether or not they're going to have a good time. Don't be just a drink server. Be aware that your attitude toward that customer will affect their attitude, and their tipping as well.

One important part of being friendly and conscientious is knowing when a customer needs to be cut off. If you've demonstrated to that person that you want their business, and are courteous and friendly, the situation is infinitely easier to control. Most important, be friendly, quiet, and firm when approaching these circumstances. **NEVER** embarrass anyone while cutting them off. One important suggestion for better control of your bar is sell drinks in measured doses (the most common are the computer pourers). Don't over pour and don't under pour. This not only helps as a method of cost control in determining profit per bottle, but also as an effective method of counting your customers' drinks.

It may sound funny and kind of strange to count drinks, but let's look at the application of this technique. A customer comes in. He's of average build and you determine that he can drink five to six drinks in two hours and remain unintoxicated. Now that we've established that, we can serve the customer with little concern for their condition. By over pouring it's harder to know exactly how much alcohol has been consumed. Equally important is the customer's ability to know their consumption rate, so they can protect themselves. Controlling the situation can also be aided by keeping the same customers throughout the night. It's much easier to know how much alcohol your customers have consumed if you have been with them all night, and have built a "relationship" with those customers. Often customers become loud and boisterous after drinking for awhile. This is a sign of growing intoxication. Although not serious, sometimes customers can get out of hand and get into arguments or fights. In these cases, we recommend that you jot down in a notebook the details of the incident for future reference. A patron could become involved in an argument and, after leaving the bar, get into trouble. You realize that sooner or later the police will be in to ask questions, and if you have taken the time to write down what happened in your bar, it can help the police determine if the customer had become intoxicated in your bar or somewhere else. Keeping track of dates, times, and events of arguments or fights helps the owner, employee(s), and the police get a better idea of what actually happened, should an incident result in a law suit.

When a bar owner hires an employee, one of the first things they instruct them on is bar policies, and state and local laws that apply to bars. These laws and policies should be displayed in a conspicuous place, because it makes them easier to enforce when they can be seen by the public. Policy signs should include "it is unlawful to serve obviously intoxicated or underaged persons," and a sign with "know your limits, we do". Recognizing underaged and intoxicated persons is a very difficult but not impossible task. TAM shows you how in later sections.

S I R TECHNIQUES

Standard operating procedures are the mark of a professional. In order to develop professional Techniques of Alcohol Management, a standard set of procedures must be learned and practiced. The more these techniques are used, the more natural they become, and the more confident the individual server of alcohol grows in his or her ability to adjust to particular circumstances. The important thing is to learn the procedures, and then use them, always.

The standard operating procedure used in this program is called "SIR"

S = Size them up

I = Interview them

R = Rate them

SIZE

In this case, "size" refers to body size and type. The first thing a server of alcohol must do with every customer is to look at them. The customer is either male or female. The customer is large, or average, or small. The customer is either muscular or pudgy. Make an immediate decision as to how many drinks this customer can consume over a period of time, without becoming intoxicated.

The process goes like this:

"This is a male customer
average size,
stocky but not fat."

"Decision: two to three drinks an hour."

The Appendix has a chart which shows various body weights and the number of safe drinks for each weight.

No one needs to become a weight-guessing expert, however. It is very easy and practical to learn three categories of people:

SMALL 1 to 2 drinks per hour

MEDIUM 2 to 3 drinks per hour

LARGE 3 to 4 drinks per hour

or Size (1), Size (2), Size (3).

INTERVIEW

After a customer's drinking limits have been established by his body size and type, the alcohol server must then decide if there are any other circumstances that may effect his or her decision. It must be determined if the customer has already been drinking. If a customer is in a mood which causes unusual effects during drinking, the server must find that out immediately. Depression and stress are known to cause a particular problem. If possible, it is important to find out if the customer is taking other drugs, such as cold medicine or marijuana.

The second thing a server must do with every customer is to talk with them. Create a friendly atmosphere. Ask questions to which the customer must respond. While the customer is responding, look at their eyes. Are they bloodshot, glassy, and/or dilated? Listen to the customer's answers. Do they understand your question? Do they talk in a normal tone of voice? Is their posture steady? Find out if the customer has had anything to eat, and if so, how long ago and what.

If a problem is suspected, stay friendly and ask a few more questions. Try to decide exactly what the problem is.

RATE

The customer has now been sized up and interviewed. The server must now decide:

- (a) If the customer will be served, and if so,
- (b) How much?

This is called "Rating the Customer". Any simple method for rating may be used. The easiest system to remember is the colors of a traffic light: green, yellow, and red.

GREEN -- Everything seems normal, it is OK for this customer to drink at a safe pace.

YELLOW -- Caution. The customer is not yet intoxicated, but there is a special consideration, such as other drugs or previous drinking.

RED -- STOP! No alcohol will be served.

The rating process is the most critical step in the proper serving of alcohol. It calls for an understanding of the effects of alcohol and other drugs. It also calls for an understanding of how food can influence the effect of alcohol. It requires successful Sizing Up and Interviewing techniques, and it requires the ability to be honest and objective about every situation.

For example, if a small, Size (1) customer comes in sniffing, and it is discovered through interview that the customer is on cold medication, the professional server of alcohol must be determined enough to rate that customer RED.

Or, if a medium, Size (2) customer comes in, who had a large meal about two hours ago, the rating must be YELLOW.

If the customer rates an honest GREEN, it is usually safe to serve at the rate originally established by the customer's size.

THE 3 - 2 - 2 RULE OF THUMB

A "rule of thumb" is not an exact measurement. It is a guideline which must be adjusted up or down, according to circumstances. Is there a rule of thumb for how much alcohol to serve people? Yes!

Most people are medium size. So an average customer who is rated GREEN can be safely served:

THREE drinks the first hour,

TWO drinks the second hour,

TWO drinks during every hour after that.

If the customer is of medium size and is rated GREEN, this should maintain a BAL of between .04 and .07 during the course of an evening.

CAUTION: THIS RULE OF THUMB MUST BE USED CAREFULLY! ALWAYS WATCH FOR SIGNS OF INTOXICATION, AND ABANDON THE RULE IF IT DOES NOT WORK FOR A PARTICULAR CUSTOMER.

RE-RATE THE CUSTOMER BEFORE EACH DRINK

Once the customer has been Sized up, Interviewed, and Rated, a pace of drinking has been established. However, the job is not done for the professional server of alcohol!

Each time the customer wishes to order another drink, the server must rate the customer again. This is particularly important when the customer has entered the YELLOW zone of intoxication. The server must use great caution not to allow the customer to pass over the line into the RED zone.

- Interview -- Ask questions, or listen to the table talk. Watch the behavior. Look at the eyes. Notice the posture.
- Rate -- Adjust the pace of drinking downward if necessary.

YELLOW MEANS CAUTION

A green-rated customer is easy to handle. He can drink at a safe pace. Red is also easy: he must be cut off.

YELLOW is not so easy. The handling of a yellow-rated customer will determine whether a server of alcohol is a professional or not. This stage of intoxication requires skill, technique, and experience.

It must be understood that intoxication begins with the first drink consumed. A customer's rating passed from green to yellow at about .04 BAL. The yellow zone is easy to recognize: he relaxes, becomes sociable and somewhat uninhibited. It is commonly described as "having a buzz." This is the enjoyable stage of consuming alcohol.

As the BAL progresses toward .10 this behavior intensifies. The customer becomes a little too uninhibited. He talks louder, and becomes more aggressive. He begins to take risks, such as introducing himself to strangers. This is a danger zone, because the customer is about to become illegally intoxicated.

The job of the professional server of alcohol is to help the drinking customer maintain a BAL below .07. If a customer's behavior becomes boisterous, too uninhibited, or if his speech slurs and his posture and coordination are bad, it is too late. The customer has become visibly intoxicated, and is probably over .10 BAL.

HOW TO MAINTAIN

There is only one way to regulate a customer's BAL, and that is to control the rate at which alcohol enters the intestine and is absorbed into the bloodstream.

TIMING

The timing of drinks is the most effective way to control the rate of absorption. Remember that the customer is increasing his BAL by an average of .02 for each drink consumed. At the same time, the liver is removing the alcohol at a rate of .015 BAL per hour. So one drink per hour increases BAL by .005. Two drinks per hour increases BAL by .025. At two drinks per hour, the average customer will reach .10 BAL after four hours, unless food is introduced.

FOOD AND WATER

Water dilutes the concentration of alcohol in the stomach. The more water consumed, the more diluted the alcohol (to a point). Less alcohol enters the intestine at any given time, and the absorption rate is slowed. Water should be served with all straight drinks, and highballs.

Fruit juices (low-acid) are especially useful, because they are both food and water.

Food, especially fatty food, tends to close the pyloric valve from the stomach to the intestine. But when the food is digested, the valve opens, and the alcohol is dumped into the intestine. So, to be useful, food must be timed right.

To be most effective food must be taken immediately before and consistently during the consumption of alcohol. This will reduce the absorption rate and the customer's BAL will not peak at the high level normally expected. It is a way to keep a nice, even "buzz" going over a long period of time.

CAUTION: Just because a customer is eating is no reason to increase the pace of serving alcohol.

WATCH THE SIGNS

No two individuals react to alcohol in exactly the same way. No rule of thumb, no techniques, and no serving of food is enough by itself. There is no substitute for knowing the signs of visible intoxication, and watching for them constantly.

TOLERANCE

People develop a tolerance to the effects of alcohol after years of regular drinking. Operators of neighborhood bars frequently see this in their regular customers. This tolerance does not mean that the customer gets a lower BAL than a less frequent drinker. It simply means that the regular drinker has learned to control the signs of visible intoxication. It is entirely possible for a customer to be too drunk to legally drive, and still show no signs of visible intoxication.

This creates a dilemma for the server of alcohol. There is no legal reason to refuse service to a patron when he is showing no signs of intoxication (unless he or she is underage, of course). If this patron is served, however, until he or she is beyond a BAL of .10, then the patron is in violation of the law if he or she drives an automobile. Many neighborhood bars have seen their regular customers arrested for drunk driving because of their tolerance to the effects of alcohol.

There is only one solution to this dilemma:

Count drinks to calculate BAL, and

Keep the customer below .07 BAL.

If the licensee insists on serving any customer who does not display signs of visible intoxication, this creates a moral dilemma. To protect customers and his or her business, make certain that customers with "impaired" BALs do not drive.

WHEN A PATRON IS INTOXICATED

Once in a while, the professional server's patron will become intoxicated in spite of best efforts.

When this situation has been discovered, the RED lamp should be lit, and all personnel working on the premises should be made immediately aware of the situation. Every effort must be made to solve this problem.

A few things to remember:

- (1) Expect no help from the intoxicated patron. His judgement and common sense are impaired.
- (2) Do not become hostile. Stay friendly, calm, and interested.
- (3) Do not embarrass the intoxicated person in front of friends.
- (4) Do not change your mind. Be firm.

Immediately get some food or liquid into the patron to slow down the rate of further intoxication. If they are not causing problems (and it is not closing time), give the patron half an hour to one hour to eat and drink a non-alcohol beverage. Perhaps the BAL will dip to where it is safe to drive. If this doesn't happen, arrange for transportation home.

FALSE I.D.

FALSE IDENTIFICATION

The use of false identification is a serious problem nationwide for not only law enforcement officials, but for licensing agencies, banks, currency exchanges, and retail business. The problem is especially critical for persons in the retail liquor industry. In addition to the financial loss that can be incurred (as in a case where a forged check is cashed), there are both criminal and civil liabilities and state sanctions that may be imposed upon licensees or their employees for the sale of alcoholic beverages to an underage person.

It is important to know how to recognize false identification, what constitutes valid identification, and what to do when you encounter someone using a false I.D.

False identification is used for a number of reasons by persons throughout the country. Some are trying to conceal their true identity because they are fugitives from the law, or are illegal aliens. Others are imposters posing as doctors, lawyers, police officers, and so on, for reasons known only to them.

Many times a victim's identification will be stolen along with his checks or credit cards, and the culprit uses the stolen I.D. to cash stolen checks or make purchases with stolen credit cards. The most prevalent use of phone I.D., however, is the purchase of alcoholic beverages by persons who are underage. The term FALSE IDENTIFICATION actually encompasses four types of I.D. -- counterfeit, altered, stolen/borrowed/purchased, and forged.

As a retail liquor vendor, you should be prepared to screen for all four types of false I.D. There are simple procedures that you and your employees can follow to verify the authenticity of any identification. All it takes is a little time, common sense, and a few simple tools.

COUNTERFEIT IDENTIFICATION

Counterfeit identification may look real, but, in fact, the entire document is phony. This type of false I.D. is probably the most deceptive and yet, to the trained person, it is the easiest to detect.

Counterfeit identification is easily obtained. Identification cards, birth certificates, driver's licenses, and investigator's licenses . . . are all easily obtained by anyone just by simply ordering them. Any name, address, and date of birth can be used on these phony I.D.s.

Because these types of I.D. have become a nationwide problem, hearings on the subject were held in the United States Congress in the summer of 1982. Subsequently, the "False Identification Crime Control Act of 1982" was signed into law and became effective on December 31, 1982.

Briefly stated, the new federal law prohibits the interstate sale of any identification document which shows an age or a date of birth unless the I.D. bears the statement, "NOT A GOVERNMENT DOCUMENT," in capital letters printed diagonally across both the front and back of the I.D.

The important thing to recognize is that these types of I.D. are absolutely useless, with or without the disclaimer. NEVER accept a document similar to these as valid identification.

Another example of a counterfeit document is a phony driver's license that is made with a polaroid camera. The procedure for doing this was described in detail in a term paper that was written by a student in college.

Generally, the photographic quality of licenses and I.D.s made with this process is inferior. They are sometimes darker and appear off color. If your state issues licenses and I.D.s that are made by the Polaroid process, compare the patron's I.D. to one that you know is valid.

It is probably not reasonable to expect that everyone you do business with will have a driver's license or personal I.D. card issued by your state. This is especially true in college areas. There is a book available called the "Driver's License Guide" which describes and shows photographs of every state's driver's license, including Canada and Puerto Rico. It also provides information on how to check for the authenticity of each license. Other features of this guide are sections which describe the correct formats and verification guidelines for major bank credit cards, automobile registration plates, and state liquor control cards. The guide is inexpensive (less than \$15) and is well worth the cost.

An even better guide to identification is "The U.S. Identification Manual." It contains descriptions of all I.D. documents issued by motor vehicle departments in the United States and Canada. It also contains descriptions of military I.D.s, alien and immigrant I.D.s, and much more. The cost is approximately \$100 which seems high, but when compared to the cost of liability insurance or even a single law suit, the price is minimal. There are, however, valid licenses and personal I.D. documents that are not contained in either guide. One example is a temporary or restricted license issued by some states.

Unless you are familiar with such documents you should not assume that they are valid. Demand other more familiar I.D. It is the responsibility of the patron to prove to you he is old enough to be served. It is not your responsibility to justify to the patron your refusal of service based upon I.D. that is questionable.

ALTERED IDENTIFICATION

Probably the most prevalent type of false I.D. is that which is altered. An altered I.D. is one that is valid, but some of the information has been changed after it has been issued.

Generally, the year of birth is changed, and sometimes that change is readily apparent. Oftentimes, however, the alteration is very well done. Some licenses and personal I.D.s have been discovered that have been commercially altered.

In some states, a new type of driver's license and personal I.D. card is currently being used which makes alteration immediately apparent. These cards utilize a security laminate that is not easily duplicated. Then by using a device called a "retroreflective viewer" or retroviewer the new licenses and personal I.D.s can be checked for authenticity. The retroviewer contains a penlight which illuminates the license surface and makes a pattern of security graphics visible. If the license has been altered in any way, such as a date or name change or a photo substitution, the graphics pattern will show an interruption or a dark outline or mark will be visible. This security laminate system has been used with much success in states such as Michigan, California and Indiana.

Paper licenses are easily altered by simply erasing the information to be changed and reinserting the new information. The important things to look for are an erasure mark, the typing alignment, and the style of type.

When a number is erased, part of the paper will be damaged. If you view the license with a retroviewer shining from the side, it may be possible to see the erasure mark.

After a number or letter has been erased, a new number or letter must be reinserted. It is nearly impossible to align the new character exactly the same as the old characters.

Another way to alter a paper license without erasure is to cut a number out from some other part of the license or from someone else's license and paste that over the proper number. This is usually easy to see, but careful observation should always be made.

STOLEN/BORROWED/PURCHASED I.D.

No device is known to reveal stolen, borrowed, or purchased I.D. Common sense and a truly diligent inquiry are needed.

A common "trick of the trade" is for an underage person to purchase a driver's license from someone who is of age, and then the owner can apply for a duplicate license. Oftentimes a "friend" will lend his license to his underage friend to use. In some instances, the I.D. is stolen.

Always make sure that the photo, when available, matches the person presenting the I.D. Don't be afraid to ask questions: "How old were you when you graduated from high school?"; "What year did you graduate?"; "How old are you?" Each seems like a simple question, but if the person presenting the I.D. is nervous, she may have forgotten how old she is supposed to be. "What is your address, zip code, how do you spell the name of the street that you live on?" Have the person sign her name and see if it matches. During this verification procedure, be sure that you are holding the I.D. and in such a manner that the patron is not able to read it. Demand several pieces of I.D. If still in doubt, you may wish to phone someone at the patron's home to verify his or her age. If the patron does not comply, refuse service. Your liability is at stake.

FORGED I.D.

Forged I.D. is the most difficult to detect. The document is valid, but the information or signature is forged. An example would be a bank card that is stolen from a mailbox. The signature could be forged, and if the card is used to verify the signature on another document, you could be misled.

The only way to protect yourself is to demand a driver's license or personal I.D. card. Only use I.D. such as credit cards as a backup. Always be sure that the physical description that may appear on any identification document matches the person presenting the I.D.

GENERAL TIPS

Here are some general tips to keep in mind. If you have someone checking I.D. at the door, be sure that those patrons who order drinks are checked again. Hand stamps are okay, but great caution must be exercised. Remember, YOU are legally responsible as an individual for service to an underage person.

To make a diligent inquiry as to a person's age and identity, it is absolutely necessary to hold the I.D. in your hand. That way you can feel it for any unusual bumps -- especially when the I.D. is laminated in plastic. If the person will not allow you to hold the I.D., he is preventing you from making a "diligent inquiry" and you should refuse service.

If the police or state liquor investigators perform a liquor inspection in your establishment and find an underage person drinking, suggest to the officer that he check for false I.D. What generally happens is that the underage person will show false I.D. to you and the real I.D. to the police. You or your employee may have been misled -- but at least the patron won't get away with it.

Once you implement these procedures, the word will spread quickly that your establishment cannot be used by underage persons for purchasing alcoholic liquor.

Fines for serving an underage person vary from state to state. If the fines are, say, \$300, you should demand the same type of identification to verify age that you would demand to cash a \$300 check. Remember, when in doubt, don't serve.

Your state or local jurisdiction may have specific laws dealing with the use of false identification, especially when used to purchase alcoholic beverages illegally. Be sure to check with your local authorities concerning the specific laws and what actions to take when you encounter someone using a false I.D.

Hopefully, the information presented in this program will assist you to not only protect yourself from the consequences of an illegal sale, but will assist all of us to impact the problem of underage drinking. Last year, thousands of drivers under the legal drinking age were drinking alcoholic liquor just prior to being involved in a fatal or personal injury traffic accident. You are the first line of defense. Be skeptical; be cautious; be thorough -- to protect yourself; your business, and our young people.

FIGHTS

BAR FIGHTS

Bar fights have become an increasingly large problem. When a fight breaks out there is a 90 percent chance that one of the combatants is intoxicated. It's very important to stop fights before they start. The SIR method, as mentioned in the Techniques of Alcohol Management section, will be applied here also. Since the basis of the SIR method is to size the person up, interview, and rate them, it's easy to apply these same techniques.

Once a person is "rated," and service limits have been established, there needs to be a continuing interviewing process, to determine the customer's emotional state. When a customer becomes loud, they can provoke other customers into trying to quiet them down. This can be a dangerous situation. Customers that have been rated yellow have lost some, if not all inhibitions. These people need more attention. It's important to remember these things:

- 1) 90 percent of combatants are intoxicated.
- 2) Stop fights before they start.
- 3) If a fight breaks out, follow the rules discussed below.

One thing to remember is not to furnish the weapons used in fights. Wall displays that have knives, clubs or swords hanging on them should be avoided. Pool cues and large, heavy ashtrays can also be a problem because they are easy to handle and quite effective when used in a fight. One of the more common items used in fights are beer bottles. One way to eliminate this problem is to serve cans instead of bottles.

Perhaps the most important thing to know is that whenever possible we must prevent fights from happening. If the bouncer (hereafter referred to as floor manager) notices trouble or an argument starting, it is their responsibility to take immediate action, to either stop the argument, or ask one of the people to leave. If it's impossible to prevent the fight from starting, call the police.

In the event that a fight does break out, call the police immediately. If the fight gets out of hand, move the customers to a safe area, so as not to involve them, and prevent injury. Never ask a customer to break up a fight. If that customer should get hurt in helping stop the fight, the bar is liable for their injury. Avoid any personal contact with the combatants, as this could pull you into the fight. If a weapon appears in the fight, stay out of it. Always remember to call the police when trouble breaks out that cannot be handled. They have the required authority and skill to handle the situation.

General rules to help prevent fights:

- 1) Do not have a gun, club or other weapons in the bar, especially in a place that's easy to get to.
- 2) Bar employees should never take sides in a fight.
- 3) It's illegal to serve an intoxicated person or to have them on the premises.
- 4) Once someone is "barred" from coming into an establishment for causing trouble they should never be let back in.

One of the most important things to do after a fight takes place is to write down all the details, names (if known) or description and all the details of the fight. This serves as written documentation of what occurred and who caused the fight. It will also be helpful should there be an investigation by the police. Specifically, include in these fight reports:

- 1) witnesses names
- 2) all events leading up to the fight
- 3) the state of intoxication of the fighters.

If an injury should happen in, or away from the bar to an unsuspecting party (i.e. someone hit by a participant in the fight), there is a clear reference as to what actually occurred and the condition (intoxicated or otherwise) of the fighter.

Following are some suggestions for preventing fights. The best way to prevent a fight is to be aware. Notice the signs that trouble might be brewing and take immediate action to prevent it. Being aware that a fight is possible is the job of the floor manager. Since it's impossible to prevent all "troublemakers" from entering an establishment, the floor manager(s) must keep an eye out for trouble. Usually arguments precede physical fighting, and intervening at the argument stage is essential. When an argument starts, intervene in a friendly manner and explain that fighting isn't allowed in the bar, never imply that they "take it outside", as "on premise" liability extends to the parking lot. Another alternative in preventing a fight is to get one of the people to leave. This is a very good way to stop trouble. Always inform the manager when trouble is eminent. If the person, when asked to leave, refuses, call the police. If a person refuses to leave in the presence of a law enforcement officer they are considered to be trespassing and can be charged with a misdemeanor. The most important thing to remember is to stop the fight before it starts.

It's important to know how your local officials handle situations relating to bars. Check with local law enforcement officials and be aware of changes from administration to administration. Some police forces give rides home to intoxicated people, some cannot. Knowing how they want to handle bar fights, intoxicated, and underage persons can help in understanding what to do in many situations. Obviously, it's better to be well informed than to suffer the consequence of not having the correct information. Ignorance is not bliss.

The owner of an establishment may use "reasonable" force to stop a fight. Reasonable force is a very difficult area to define. Being reasonable when stopping a fight might include pulling the combatants away, thus stopping the fight. The owner may never use "excessive" force. Excessive is easier to define than reasonable. Physically throwing a patron out the door on a cement sidewalk is excessive. Striking a patron or slamming them against a wall is excessive. The point is avoid physical contact with anyone involved in a fight unless it's necessary to break it up yourself. A bar owner has a legal obligation to protect customers and to ensure a safe trip home (within reason). If a fight should break out in the establishment, the owner can be held liable if patrons become hurt. An owner has the right to refuse entry into their establishment and the right to ask a patron to leave. If a patron is asked to leave and they refuse, call the police. As stated previously, in the presence of a police officer the patron must leave or be guilty of a misdemeanor trespass. Often, just the threat of calling the police will work.

FLOOR MANAGERS

A floor manager has no law enforcement authority, except as an agent of the owner. A floor manager may legally obstruct doors, possibly to keep undesirables from entering. He may be personally liable for any personal/physical confrontation, like throwing someone on a gravel parking lot or striking a patron in a fight. A floor manager's job is to notice if trouble is imminent. It's also a good idea for floor managers to make rounds to ensure that no trouble is brewing and also to check for intoxicated persons. Being seen by the customers is essential. Any "excessive" force used by a floor manager in controlling or stopping a fight is considered an assault. The job of the floor manager is not to physically eject customers and they should never be in charge of the bar as that can present many problems. Floor managers should have the authority to "bar" people. This can be one of the most effective deterrents to a fight, as long as the potential fighters understand they will never be allowed in your bar again. Size does not make a floor manager. It's more

important that the floor manager be a problem solver, not just a big mean looking guy. Their job is to prevent trouble, not to provoke trouble. Smaller, or average size people are just as effective as the "big gorillas," if not more so in preventing fights. The most important function of the floor manager is to be a problem solver and to see problems not seen by others.

Many times in fight situations there is a need to call the police. A floor manager's job is to help in these instances and it's the bartender, waiter/waitress or owner's job to help them in any way possible. Police officers are less likely to come to assistance as quickly if they've had bad experiences in gaining help from employees of a given establishment. Failure to cooperate with an officer is a criminal offense (misdemeanor). After all, when the police are called they are the authority, and are there to help.

In summary, it's important to remember that "excessive" force used to stop or prevent fights can create liability. Don't furnish the weapons for a fight. Prevent fights before they start, as stopping a fight is very difficult. If a fight should break out move customers to safety and call the police. Don't intervene unless you absolutely have to. Understand that a bouncer is now called a floor manager and their job is that of a problem solver not a "heavy."

For a quick reference to the problem areas discussed previously see the following APPENDICES for a short version of TAM suggestions and guidelines.

APPENDICES

FACTS ON DRUNK DRIVING IN THE U.S.

1. 800,000 crashes per year are alcohol-related, and 25,000 motor vehicle fatalities each year are directly related to the use of alcohol.¹
2. 70 persons are killed every day due to drunk drivers.
3. For every DWI (driving while intoxicated) arrest, 2,000 such offences go unheeded; 97% of drivers arrested for DWI have a BAL higher than .10%.¹
4. 1 person is killed in an alcohol-related crash every 23 minutes.²
5. 10,000 youths between the ages of 16 and 24 die in alcohol-related traffic accidents every year.³
6. The cost of drunk driving is \$5 billion annually.⁴

SOURCES

¹Remco Unlicensed Drivers (New York State) RID

²Mothers Against Drunk Drivers (Phil Donahue Show) MADD

³HHW Secretary Schwieker, Alcoholism Report, 14 Oct. 1982

⁴James Kemper, Kemper Insurance, Alcoholism Report, 16 June 1982

The party begins.

I can drive when I drink.

2 drinks later.

I can drive when I drink

After 4 drinks.

I can drive when I drink.

After 5 drinks.

I can drive when I drink

7 drinks in all.

I can't even drive

The more you drink, the more coordination you lose. That's a fact, plain and simple.

Still, people drink too much and then go out and expect to handle a car.

When you drink too much you can't handle a car.
You can't even handle a pen.

The House of Seagram

ALCOHOL-DRUG INTERACTION CHART

DRUG

POSSIBLE EFFECTS OF COMBINING DRUG WITH ALCOHOL

ANALGESICS

Narcotics

codeine (cough syrups
with codeine; Novahistine
Expectorant; Phenaphen
with codeine)
heroin--"junk"; "H"
meperidine (Demerol)
methadone (Dolophine)--
"Dollies"
morphine--"Dreamer"; "M"

*Increased central nervous system
(CNS) and respiratory depression

*Synergism of CNS depressant effect
*Respiratory arrest in large doses
*Tolerance to depressant effects**

Non-narcotics

Salicylates
acetylsalicylic acid
(aspirin; Excedrin)

*Increased gastrointestinal (GI)
blood loss and damage to stomach
lining induced by aspirin
*Excessive alcohol intake and
ingestion of aspirin may lead to
severe GI bleeding

Other

d-propoxyphene (Darvon)

*CNS and respiratory depression

ANTIANGINAL PREPARATIONS

Nitrates and nitrites
Nitroglycerin (Nitrong;
Nitrostat)
pentaerythritol tetra-
nitrate (Antora; Pentritol;
Peritrate)

*Synergism of dilation of blood
vessels

*Decreased blood pressure

Peripheral vasodilators

tolazoline (Priscoline)

*Possible disulfiram-like effect

**Effect is most likely to occur where chronic consumption of
alcohol is evident.

DRUG

POSSIBLE EFFECTS OF COMBINING
DRUG WITH ALCOHOL

ANTICOAGULANTS

Bishydroxycoumarin (Dicumarol)
warfarin sodium (Coumadin;
Penwarfin)

- *Unpredictable; occasional increased sensitivity to drug
- *Decreased or increased blood clotting ability
- *Occasional moderate use of alcohol is unlikely to interfere with therapeutic effect in patients without liver disease
- *Excessive alcohol use should be avoided

ANTICONVULSANTS

carbamazepene (tegretol)
diphenylhydantoin (Dilan;
Dilantin)

- *Enhanced sedative effect
- *Decreased drug effect**
- *Possible seizures

ANTIDEPRESSANTS

Tricyclic

amitriptyline (Elavil)
desipramine (Norpramin;
Pertofrane)
doxepin (Sinequan)
imipramine (Presamine;
Trofanil)
nortriptyline (Aventyl)
protriptyline (Vivactil)

- *Enhanced CNS depressant effects
- *Impairment of motor skills related to driving or operating machinery
- *Potentially lethal in large doses

Monoamine Oxidase Inhibitors

isocarboxazid (Marplan)
pargyline (Eutonyl)
tranlycypromine (Parnate)

- *Mechanism unknown
- *Monoamine oxidase may inhibit metabolism of alcohol
- *Increased sedative effects
- *Nausea
- *Vomiting
- *Headache
- *Increased blood pressure
- *Heart Palpitations
- *Hypertensive crisis (with certain drinks, e.g., Chianti and Beer)

**Effect is most likely to occur where chronic consumption of alcohol is evident.

DRUG

POSSIBLE EFFECTS OF COMBINING
DRUG WITH ALCOHOL

ANTIDIABETIC AGENTS

Insulin (Illetin)

- *Alcohol per se, may cause hypoglycemia; in combination with insulin the effect may be augmented, resulting in increased drug effect.
- *Control of diabetes more difficult
- *Possible severe hypoglycemia

Oral Sulfonylureas

acetohepamide (Dymelor)
chlorpropamide (Diabinese)
tolazamide (Tolinase)
tolbutamide (Orinase)

- *Alcohol induces enzymes that degrade acetohepamide, slowing its metabolism
- *Decreased hypoglycemic activity**
- *Possible disulfiram-like reaction

Phenformin (DBI: Meltrol)

- *Lactic acidosis may occur due to increased bloodlactic acid levels produced by both phenformin and alcohol
- *CNS dysfunction
- *Nausea
- *Vomiting
- *Potentially lethal in large doses

ANTIHISTAMINES

Ethanolamines

diphenhydramine (Benadryl)

- *CNS depression effects of drug synergized by alcohol
- *Synergism of sedative effects (varies with class of drug)

diphenylpyraline (diafen;
Hispril Spansule)

Ethylenediamines

methapyrilene (Brexin;
Histadyl E.C.)
tripelennamine (Pyril-
bensamine)

Alkylamines

brompheniramine maleate
(Dimetane; Dimetapp)
chlorpheniramine maleate
(Allerest; Coricidin;
Novahistine)

Phenothiazines

promethazine (Phenergan;
Synaglos)

**Effect is most likely to occur where chronic consumption of alcohol is evident.

DRUG

POSSIBLE EFFECTS OF COMBINING
DRUG WITH ALCOHOL

ANTIHYPERTENSIVE AGENTS

Alpha-methyldopa (Aldomet)	*Increased CNS depression
Guanethidine (Esimil; Ismelin)	*Synergistic postural hypotensive effect may produce dizziness, fainting spells, and blackouts
Rauwolfia alkaloids deserpidine (Enduronyl; Harmony)	*Increased CNS depression
reserpine (Butiserpazide; Hydromox; Serpasil)	
Paragyline (See ANTIDEPRES- SANTS, Monoamine Oxidase Inhibitors)	

ANTI-INFECTIVE AGENTS

(including those commonly
called antibiotics)

Chloramphenicol (Chlormycetin)	*Possible disulfiram-like reaction
Griseofulvin (Fulvacin U/F)	*Augments sedative effects of alcohol; mechanism unknown
Metronidazole (Flaggyl)	
Nitrofurans furazolidone (Furoxone; Tricofuron)	*Possible disulfiram-type reaction *Furazolidone synergizes alcohol by MAO and microsomal enzyme inhibition
nifuroxime (Furacin Otic; Tricofuron)	
Penicillin	*No known reactions
Others	*There are too many to be specific in this chart. Ask your doctor when given the prescription.

DRUG

POSSIBLE EFFECTS OF COMBINING
DRUG WITH ALCOHOL

CENTRAL NERVOUS SYSTEM STIMULANTS

Cocaine--"Coke"	*No interactions have been reported
Amphetamines (Benzedrine)-- "Bennies" (Biphetamines)-- "Black Beauties; "Speed"	*Antagonizes CNS depression
Dextroamphetamines (Dexedrine)-- "Dexies"; (Eskatrol) Methylphenidate (Ritalin) Caffeine (Contained in certain pain killers) (Aspirin Phenacetin Caffeine capsules; Empirin; No-Doz) (soft drinks; coffee)	*No motor coordination improvement-- as with alcohol alone
Nicotine (cigarettes)	*Clinical importance not established

HALLUCINOGENS

Cannabis (Marijuana)--"Pot", THC; "Hash"	*Additive effect *Mental and motor impairment
Lysergic acid diethylamind-- "LSD"; "Acid"	*Reported but questionable precipitation of LSD flashbacks
Mescaline--"Mesc" Psilocybin--"Mushrooms"	*No reported drug interaction

ORAL CONTRACEPTIVES

(Norinyl; Ortho-Novum; Orval) "B.C. Pills"	*No reported drug interaction
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DRUG

POSSIBLE EFFECTS OF COMBINING
DRUG WITH ALCOHOL

SEDATIVE-HYPNOTICS

Barbiturates--"Downs"
amobarbital (Amytal)
butobarbital (Butisol)
pentobarbital (Nembutal)

penobarbital (Luminal and
various others)
secobarbital (Seconal)--
"Reds"

*Enhanced CNS and respiratory
depression
*Cross-tolerance to sedative effect
among sedative-hypnotics and with
alcohol
*Potentially lethal combination in
large doses
*Nausea

Non-barbiturates
chloral hydrate (Felsules;
Nocted)--"Mickey Finn"
chloralbetaine (Beta-Chlor)
ethochlorvynol (Placidyl)
glutethimide (Doriden)
methaqualone (Quaalode;
Sopor)--"Rorer"
carbromal (Carbrital)
flurazepam (Dalmane --
see "MINOR TRANQUILIZERS")

*Vomiting

TRANQUILIZERS (also used as
muscle relaxants)

Minor
chlordiazepoxide (Librium,
Lebristabs)
diazepam (Valium)

oxazepam (Serax)

*Caution should be used when driving
or operating machinery

*At social drinking levels, there is
no synergism of CNS depression

*At more than social drinking
levels, increased sedation and
CNS depressant effects

*Cross-tolerance to sedative effect**

hydroxyzine (Atarax;
Vistaril)
meprobamate (Esquanil;
Miltown)
tybamate (Solacen;
Tybatran)

*Additive or synergistic increase
of CNS depressant effect of
alcohol

**Effect is most likely to occur where chronic consumption of
alcohol is evident.

DRUG

POSSIBLE EFFECTS OF COMBINING
DRUG WITH ALCOHOL

TRANQUILIZERS (cont'd.)

Major

Phenothiazines
chlorpromazine (Thorazine)
prochlorperazine (Compazine)
trifluoperazine (Stelazine)
thioridazine (Mellaril)
perpheanzine (Trilafon)
butyrophenones
haloperidol (Haldol)

*Additive CNS depression (sedation)

*Impairment of muscle coordination
and judgment

VITAMINS

*No reported drug interaction; in
alcoholism, however severe malnu-
trition is often noted

MISCELLANEOUS

Antimalarials
quinine (Atabrine,
Mepacrine)

*Drug inhibits acetaldehyde oxida-
tion, blocks alcohol metabolism

*Disulfiram-like reaction

Disulfiram (Antabuse)

*Nausea

*Vomiting

*Death when intoxicated

*NEVER administer to a person with-
out his/her full knowledge or if
he/she is intoxicated

Muscle relaxants (see MINOR
TRANQUILIZERS)

ALCOHOL-DRUG INTERACTION CHART

REFERENCES

- Brechmer, Edward M. and Editors of the Consumer Reports. Licit and Illicit Drugs. Boston: Little, Brown, and Company, 1972.
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- Levine, Ruth R. Pharmacology: Drug Actions and Reactions. Boston: Little, Brown, and Company, 1973.
- Martin, Eric W. Hazards of Medication. Philadelphia: J.B. Lippincott Company, 1971.
- Swidler, Gerald. Handbook of Drug Interactions. New York: Wiley-Interscience, Division of John Wiley and Sons, Inc., 1971.
- Texas Pharmaceutical Association. Alcohol, Drugs, and You. (A slide/tape Presentation). Austin: Texas Pharmaceutical Association.

Alcohol affects the body in the following order:

1. Reduces inhibitions
2. Impairs judgement
3. Impairs reactions
4. Impairs coordination

The following danger signals are not meant to represent all possible signs but give you an idea of the many different signs of intoxication.

1. **REDUCED INHIBITIONS** loud speech, bravado, being overly friendly, drinking alone, changing from a loud voice to a quiet one and vice-versa.
2. **IMPAIRED JUDGEMENT** complaining about the strength of the drinks, changing consumption rate, ordering doubles, argumentative, using foul language, careless with money, buying rounds for strangers or the house, irrational statements, belligerent.
3. **IMPAIRED REACTIONS** unable to light cigarette, having more than one cigarette lit at a time, eyes glassy or lack of focus, loss of train of thought, slurred speech.
4. **IMPAIRED COORDINATION** unable to pick up change, spilling drink, can't find mouth with glass, unable to sit straight on chair or bar stool, swaying, drowsy, stumbling, has trouble moving around objects in path, bumps into things, falling.

REMEMBER

Alcohol is alcohol. Its form (beer, wine, liqueur, or liquor) doesn't matter at all, it still packs the same punch. Alcohol also has a delayed effect, which means that it may take 30 to 90 minutes for the alcohol to be absorbed into the bloodstream.

1 ounce of 100 proof liquor







=

6 ounces of table wine

=

12 ounce glass beer

BLOOD ALCOHOL LEVEL AND BEHAVIORAL EFFECTS ON 150 lb. PERSON

 <p>BEHAVIOR AFFECTED</p> <ul style="list-style-type: none"> -Judgement -Inhibitions <p>0.02% 1 Drink</p>	 <p>BEHAVIOR AFFECTED</p> <ul style="list-style-type: none"> -Reaction time -Coordination <p>0.06% 3 Drinks</p>
 <p>BEHAVIOR AFFECTED</p> <ul style="list-style-type: none"> -Vision -Speech -Balance <p>0.10% 5 Drinks</p>	 <p>BEHAVIOR AFFECTED</p> <ul style="list-style-type: none"> -Walking -Standing <p>0.16% 8 Drinks</p>
 <p>BEHAVIOR AFFECTED</p> <ul style="list-style-type: none"> -Consciousness <p>0.40% 20 Drinks</p>	 <p>BEHAVIOR AFFECTED</p> <ul style="list-style-type: none"> -Life <p>0.50% 25 Drinks</p>

-The blacked out part of the brain represents the area affected during a one-hour time period.

-One drink represents 1 ounce of 86 proof alcohol.

-This chart is based on a 150 pound man who could be considered a normal drinker

"SIR" Method:

S - Size them up

I - Interview them

R - Rate them

S -- 1) Size people up (weight, sex, body type)

I -- 2) Initial interview:

a) Mood.

b) Rate of drinking.

c) Whether they've been drinking or not.

d) Strength of drinks (know what you're serving).

e) Stress.

f) Try to determine if they're on medication or drugs.

g) Have they eaten?

h) Fatigue and age.

R -- 3) Pick-up cues:

a) Signs of intoxication (refer to Appendix B).

b) Rate people like a stoplight (green, yellow, red)

LEVELS:

Green - OK to drink.

Yellow - Marginal, watch closely.

Red - No drinking.

4) Establish the amount to be served before first drink.

5) When a customer reaches yellow:

a) Slow down the service and deliberately take time to and from the drink station.

b) Slow down their rate of drinking or get them something to eat.

c) Offer alternatives - water, coffee, food.

POTENTIALLY EFFECTIVE PROCEDURES

EMPLOYEES:

- Count drinks;
- Chat briefly with people ordering drinks (to see if they might already be at the point of intoxication);
- Do not serve a patron previously served by a co-worker without checking with the co-worker first;
- Know and post general limits for drinking;
- Slow down the speed of service when the patron is drinking and ordering rapidly;
- Deter buying of rounds or at least delay service when there is more than one drink per person on the table or bar;
- Do not serve a new drink without taking away glass from the last drink;
- If possible, when someone is obviously intoxicated, take their drink away;
- Beware of customers ordering multiple drinks, especially in the latter part of the evening;
- Collect all glasses prior to the last call and,
- When in doubt, don't serve.

MANAGEMENT:

- Back up servers who have cut someone off;
- Establish house limits;
- Keep a list of the signs of obvious intoxication at the bar;
- Have coffee available at the bar;
- Post sign about third party liability on the premises;
- Make sure new employees are trained and that all employees maintain an awareness of the legal facets of serving;

- Retrain on a periodic basis;
- Know and post general limits of drinking;
- Deter or eliminate pitcher service; and
- Post a sign stating policy of not serving intoxicated patrons.

Examples of methods to stop service:

- 1) "I'd appreciate it if you didn't order another drink."
- 2) "Listen, why don't you make this one coffee (tomato juice, water)?"
- 3) "Sometimes we can't always do what we want."
- 4) "I have to think about my license, you have to think about yourself and what could happen."
- 5) "I hope we can help each other and not get burned."
- 6) "I just can't afford it and I don't want to see you get hurt."
- 7) "You and I didn't make the rules, but we're stuck with them."

Potentially Effective Management Policies:

- 1) Have coffee available at all times.
- 2) Know and post the general limits of drinking:
 - a) On the menu.
 - b) In a conspicuous place.
- 3) Keep the signs of obvious intoxication readily available for employee's to consult.
- 4) Make sure new employees are properly trained.

FIGHT PREVENTION GUIDELINES

- A. DON'T furnish weapons for use in fights.
1. Pool cues are the number 1 weapon in bar fights
 2. Large, heavy ashtrays should be avoided
 3. Consider beer cans instead of bottles
 4. Knives, clubs, swords should not be part of wall displays
- B. PREVENT FIGHTS, don't stop them.
1. Notice the signs that trouble is brewing and take immediate action
 2. If you can't calm them down or get one of them to leave, call the police
- C. If a fight breaks out:
1. Move other customers to safety, if necessary
 2. Don't ask customers to help break it up
 3. Call Police first, not the owner
 4. Avoid physical contact with combatants unless there is a life-threatening situation
 5. If weapons appear, stay out of it
- D. General rules:
1. Never have a gun, club, or other weapon in the bar
 2. Employees should never take sides or enter into a fight between customers
 3. Your best customer will claim intoxication to excuse his participation in a fight -- thereby setting you up for liability
 4. Once someone is barred, they should stay barred: "Once a trouble-maker, always a trouble-maker"
 5. Take notes after a fight: witness names, events leading up to the fight, state of intoxication, etc.

SAMPLE POLICY FOR FLOOR MANAGER

1. Erase the term bouncer from your vocabulary, use doorman, floor manager, assistant manager, etc.
2. Floor managers have no law enforcement authority, other than he/she is an agent of the owner.
3. Any physical contact by a floor manager can be considered an assault.
4. An owner's only rights are to ask a person to leave or to refuse entry.
5. Floor managers may legally obstruct doors.
6. Floor managers may be personally liable for any personal/physical confrontation.
7. Owners should instruct floor managers that his/her job is not to physically eject customers.
8. Be sure floor managers are not in charge of the bar (Manager or decision maker).
9. Consider a smaller person with a good demeanor.
10. Should have the authority to "bar" people.
11. He/she should be a problem solver not a bouncer.
12. Good floor managers can see problems not seen by others.

POLICY ON THE SERVICE OF ALCOHOLIC BEVERAGES

THIS ESTABLISHMENT has a firm policy concerning the selling or furnishing of alcoholic beverages to the public. All employees must strictly observe this policy. Any infraction may result in the immediate dismissal of the employee who is in violation, and of any other employee who reasonably could have prevented the violation but failed to do so.

1. Alcoholic beverages will be dispensed or served only by designated employees who have been properly trained to do so, specifically in the following two areas:
 - a. The procedures for conducting diligent inquiry as to the age of patrons;
 - b. The methods by which to determine whether a patron is visibly intoxicated.
2. Alcoholic beverages will not be served to any patron of this establishment unless the employee who dispenses or serves such patron has properly determined that:
 - a. The patron is of legal age to consume alcoholic beverages and
 - b. The patron is not visibly intoxicated, or close to being visibly intoxicated.
3. If any patron of this establishment is not of legal age to consume alcoholic beverages, all employees shall exercise due diligence to ascertain that said underage patron does not possess or consume any alcoholic beverage, regardless of how it was obtained by said patron.
4. If any patron should enter this establishment in a visibly intoxicated condition, or despite our best efforts should become visibly intoxicated while in this establishment:
 - a. "Loitering" on the premises by said patron will not be permitted;
 - b. Every reasonable effort will be made to prevent said patron from driving an automobile, and alternative transportation to his home will be arranged if reasonably possible;
 - c. If no other alternative exists, the "good Samaritan" rule will apply: every legal effort will be made to allow the patron time to reduce his level of intoxication prior to his departure from the premises.

10.50.020 Consumption of alcoholic beverages in public places--Exceptions.

A. The manager may permit the consumption of alcoholic beverages in municipal buildings, facilities, parks and other municipal properties, pursuant to municipal regulations.

B. The manager may, pursuant to Chapter 3.40 of this code, promulgate municipal regulations relating to the lawful consumption of alcoholic beverages on municipal property. The regulations may:

- 1. state the specific municipal properties where the consumption of alcoholic beverages may be permitted by the municipal manager;
- 2. describe the qualifications of persons or organizations, and the permissible purposes, functions, or activities for which application to consume alcoholic beverages on municipal property is made;
- 3. empower the manager to set reasonable terms, limits, or conditions on the permitted consumption of alcoholic beverages on municipal properties consistent with the protection of the public health, safety and welfare;
- 4. provide for appropriate penalties, remedies, and securities as may be necessary to enforce the regulations and the provisions of this chapter. (new).

10.50.025 Sales on election day.

The provisions of AS 04.15.020(c) do not apply in the municipality, and intoxicating liquor may be given, sold or bartered in a licensed premises on election day. (CAC 3.08.070).



10.50.030 Standards governing Assembly protests to Alcoholic Beverage Control Board.

In the exercise of its powers under AS 04.11.480 and 15 AAC 104.145 to protest issue, renewal and transfer of alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below:

A. Concentration and land use. Whether transfer of location or issue of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020.

See page two ->

- B. Training. If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued compliance with a Liquor Server Awareness Training Program approved by the State of Alaska Alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance. (Note: This subsection effective December 1, 1985).
- C. Operations procedures. If application is made for issue, renewal or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in Section 10.50.035 of this code.
- D. Public safety. When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license, restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premises. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.
- E. Notice of possible protest. If at any time there appears to be a readily identifiable pattern or practice of recurring violent acts or unlawful conduct in a licensed premises, the municipality may notify the licensee that he or she must submit and implement a plan for remedial action or be in jeopardy that a protest will be filed to any renewal, transfer of location or transfer of ownership sought by the licensee. If such notice is issued to the licensee, the Assembly in applying the standards set forth above shall consider (1) whether a plan has been submitted; (2) the reasonableness of any plan that has been submitted; and (3) the diligence and effectiveness of the licensee in implementing remedial measures. A notice as authorized by this subsection shall be forwarded to the applicant five days prior to the filing of a protest or to any other legal action against the licensee or others. (AO 85-122(S), AO 86-58 (as amended)).