

Safety Guidelines for Sales of Alcohol at Public Events

A Practical Toolkit for Community & Agency Event Planning Committees



Partners for Prevention in Allegany County

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Resource developed by Communities Mobilizing for Change on Alcohol, (CMCA), an active sub-committee of Partners for Prevention in Allegany County. CMCA works collaboratively to implement environmental strategies to reduce the availability of alcohol to underage youth.

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SAFETY GUIDELINES FOR SALES OF ALCOHOL AT PUBLIC EVENTS

Alcohol restrictions at community events may reduce alcohol-related problems, such as traffic crashes, vandalism, fighting, and other public disturbances. This planning toolkit will assist community planners with safety suggestions that will better ensure a positive community festival and event experience and will help to reduce the availability of alcohol to minors.

Alcohol Restrictions are Important Because:

- Alcohol access to youth could increase by means of direct sales or by adults over 21 buying it for them.
- Intoxicated individuals can access alcohol at festivals and sporting events more often.
- Alcohol use may fuel outbreaks of fighting and other forms of disruptive behavior.
- Alcohol consumption causes other types of disturbances within the community.
- Alcohol consumption increases the risk of alcohol-related harm and drunk driving.¹

¹ Toomey TL, Erickson DJ, Patrek W, Fletcher LA, Wagenaar AC. Illegal alcohol sales and use of alcohol control policies at community festivals. **Public Health Reports**, 120(2):165-173, 2005.

PLANNING STRATEGIES

To make a fun and successful event without alcohol-related harm, planners should consider all aspects and potential problem areas that compromise the safety of the individuals attending or not attending the event.

- ❖ Utilize “Best Practices for Alcohol Access & Service” check list.
- ❖ Discuss and plan prevention strategies that help reduce alcohol-related harm.
- ❖ Communicate your policies to vendors and staff and know the items they are providing to patrons.
- ❖ Restrict or prohibit alcohol sponsorship for community events.
- ❖ Forbid the sale of alcohol at events and locations popular with underage youth.
- ❖ Enforce stringent rules for alcohol sales and consumption at events to help reduce youth access. Some examples are:
 - Designate controlled drinking sections at special events where those under 21 are not allowed.
 - Bar vendors, staff, and patrons from bringing alcohol to the event.
 - Require responsible beverage service policies and training for management & staff. In addition, mandate that alcohol servers be at least 21 years of age.
 - Limit the cup size and servings of alcohol per person.
 - Provide alcohol-free days or events as an alternative.
 - Use cups for alcoholic beverages that are easily distinguishable from non-alcoholic beverage cups.
 - Refuse alcohol service at least one hour before closing.
 - Offer food and non-alcoholic drinks for free or at a low cost and provide free water.
- ❖ Prohibit open containers in unsupervised public locations.
- ❖ Enforce alcohol restrictions vigorously for both public events and public places, maintaining the seriousness of these regulations.
- ❖ Develop & implement standard procedures for dealing with intoxicated persons in public areas and at community events.
- ❖ Require strict rules & responsible beverage service guidelines for private parties that are held in public.
- ❖ Partner with local law enforcement, your local drug free communities coalition, and local business leaders building important alliances that will help improve safety at the event.
- ❖ Develop evaluation processes that will identify needed improvements for future events that will maintain a high standards of safety.

SOCIAL HOST LIABILITY LAWS

New York State has a Social Host Liability Law. This law states that adults who provide alcohol to minors or those who are obviously intoxicated can be held legally liable if the person is killed or injured, or kills or injures another person. There are criminal and civil liabilities each carrying their own set of consequences.

GENERAL REGULATIONS

Age to Consume	21
Age to Pour	18
DUI/DWI Limit	.08% BAC (Blood Alcohol Content)
DUI/DWI Limit under 21	.02% BAC
Maximum alcohol per drink	Not Regulated
Number of drinks at one time	Not Regulated
Notes on Server/Seller Training Regs	New York has a voluntary Responsible Vendor Program that sets standards for licensees to meet in order to be considered a responsible vendor. Licensees who obtain this status can present it as a mitigating factor against penalties for violations by employees. Please consult the New York State Liquor Authority for more details.
Social Host Liability Laws	Yes
Server Training Regulated	Yes
Seller Training Regulated	Yes
Age to Serve	18
Dram Shop Liability Laws	Yes
Age to Sell	18
Corkage/Merlot Laws	Customers may bring alcoholic beverages into the establishment, with the approval of the licensee, and as long as the alcohol product is covered under the license in effect and the patron removes the unconsumed alcoholic beverage upon departing the licensed premises. Customers may remove one partially consumed bottle of wine from a restaurant provided the bottle is securely resealed and placed in a securely sealed transparent bag designed to be used only once, and a dated receipt is enclosed with the bottle.

ID & UNDERAGE PERSONS

Recommended age for carding	None
Notes on ID Confiscation	Licensees are not authorized to confiscate IDs they recognize as false. Licensees should notify the police or local law enforcement officials and refuse sale.
Acceptable Forms of ID	A NYS valid driver's license/ID, federal government, or US territory, commonwealth and District of Columbia. A state government within the US or a provincial government of the dominion of Canada. A valid United States passport or US Armed Forces ID card.

Policies Regarding Underage Persons	It is unlawful to serve or sell alcohol to anyone under the age of 21. Minors under the age of 16 are not permitted in establishments that serve alcohol unless accompanied by a parent or guardian. Minimum Ages for Employment: <u>On Premise:</u> Bartender: 18 Bus Person: 16 (Must be directly supervised by someone 21 or older.) Dishwasher: 16 (Must be directly supervised by someone 21 or older.) Entertainer: 18 (Except under certain circumstances, contact NYSLA for details.) <u>Off Premise:</u> Grocery/Convenience/Drug store clerk/Cashier: 16 (Must be directly supervised by someone 18 or older.) Liquor Store Clerk/Cashier: 18
ID Confiscation Allowed	No

INTERIOR/EXTERIOR SIGNAGE

Displays and Point of Sale (POS) Advertising	Product displays area allowed if within cost limitations per brand. Inside signs (posters, placards, mechanical devices, window decorations) are allowed with no secondary value and are used only in windows or interior, no payment/credit to retailer may be given, and display should not exceed 1,200 square inches.
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TASTINGS

Consumer Tastings-On Premise	Consumer tastings are not allowed at on-premise establishments.
Consumer Tastings-Off Premise	Consumer tastings are allowed at off-premise establishments. Distiller or wholesaler licensee may conduct through official agent present at liquor store. There is a maximum of 3 tastings of .25oz per person per day. Sponsoring distiller or wholesaler subject to Dram Shop Liability.

PPAC DISCLAIMER

This information has been provided to us by the regulating agency and is believed to be correct. However, laws and regulations may change at any time, and the information provided should not be relied upon in place of official documents. For more information or clarification, consult the regulatory body for this jurisdiction directly.

Email: albanycounsel@abc.state.ny.us
Contact: Counsel's Office State Liquor Authority
80 South Swan St. Ste. 900

Albany, NY 12210-8002
Phone: 518-474-6750
Web Address:

www.state.ny.us

MAKING A REASONABLE EFFORT

It is required by law that a server must make a reasonable effort to prevent intoxication, prevent alcohol sales to minors, and intervene if a guest does become visibly intoxicated. Some examples of reasonable efforts include:

- Provide or offer food
- Make arrangements for alternate transportation
- Refuse to serve an intoxicated guest more alcohol
- Consistently checking proper identifications
- Receive training on responsible beverage service
- Calling the police when in doubt
- Measuring and counting drinks
- Provide water and/or soda at no cost
- Recruit help from the guest's friends

WHAT YOU NEED TO KNOW ABOUT LIABILITY

You could be held liable for service to an underage or already intoxicated patron, whether you're a server, bartender, manager, or owner at an establishment or concession, grocery or convenience store, and even in the home,. Two crucial types of laws apply:

Negligence

These laws set a minimum standard for the actions a reasonable person should take to prevent problems. Negligence laws can cover a broad range of situations and are often used to prosecute in cases where alcohol is alleged to be a factor in an incident.

Dram Shop Liability

Dram Shop Acts make sellers of alcohol beverages responsible for sales to persons under the legal drinking age or those who are visibly intoxicated. For purposes of these laws, "sale" refers to not only the sale of bottled liquor, but also to the serving of individual drinks at an establishment or concession. These laws are designed to make sellers of alcoholic beverages liable for any harm caused to third-party by a patron to whom they have sold alcohol.

CHECKING IDENTIFICATIONS

All alcohol servers must verify that the person served is of legal age.

Accepted Forms of Identification

1. Valid driver's license
2. Valid state-issued ID card
3. U.S. active-duty military ID
4. Passport
5. Alien registration card or green card

Unacceptable Forms of Identification

1. Counterfeit IDs
2. Student IDs
3. Altered IDs
4. Borrowed or stolen IDs
5. Expired IDs
6. Order-by-mail IDs

WARNING SIGNS OF PERSONS THAT ARE UNDERAGE

Warning signs that may alert you to a potential underage person:

- Seems nervous and moves around frequently.
- Says that he/she is a regular or a friend of an employee or other server.
- Be out of sight when the group orders for him/her.
- Pick up an empty glass and ask for "another one."
- Possibly order drinks for a group of people.
- May become agitated when asked for ID.

Behavioral Cues for Intoxication

Inhibitions—becoming talkative, displaying loud behavior or mood swings, or exhibiting a notable change in behavior can all indicate lowered inhibitions.

Judgment—Behaving inappropriately, using foul language, telling off-color jokes, annoying others, becoming overly friendly, or increasing the rate of drinking exhibits poor judgment.

Reactions—Glassy, unfocused eyes, talking and moving very slowly, forgetting things, lighting more than one cigarette, losing their train of thought and slurred speech resulting from a slowed reactions.

Coordination—Stumbling or swaying, dropping belongings and having trouble picking up a drink can indicate a loss of coordination.

Intoxication Rate Factors

Size—Smaller people are sometimes affected more quickly by alcohol than larger people. However, larger people with a high percentage of body fat can also become intoxicated faster.

Gender—Women are generally smaller than men, have more body fat, and tend to reach higher BACs more quickly.

Rate of Consumption—Gulping drinks and ordering frequently will increase the amount of alcohol taken into the system.

Strength of Drink—Drinks of different types have varied effects based on their content.

Drug Use—Legal or illegal drugs can speed up the effects of alcohol and have an unpredictable outcome.

Food—A full stomach before or during drinking slows the absorption of alcohol into the bloodstream.

BEWARE WE CHECK IDs

LEGAL LIMIT FOR DRIVING WHILE INTOXICATED

.08% Blood Alcohol Content (BAC)

*Having a high tolerance has NO impact on
BAC levels.*

ALCOHOL ACCESS & SERVICE BEST PRACTICES

SERVER GUIDELINES

	YES	NO
Stop alcohol service one hour before the scheduled end of the event.		
Verify age and the authenticity of ID's.		
Limit the number of servings per person per purchase to one. (One ID, one or two beers.)		
Absolutely no alcohol sales to anyone appearing obviously intoxicated.		
All service personnel will be required to receive Responsible Beverage Sales and Service training.		
Service staff and vendors should not be allowed to consume alcoholic beverages during assigned shifts.		
Reduce beer serving size to 12oz: Limit cup size to 12 ounces for beer and wine coolers and 5 oz. for wine.		

MONITOR GUIDELINES

Have security/volunteers posted at designated drinking entrances/exits to enforce rules and regulations.		
Conduct random ID checks in all areas, which is only to be done by personnel designated by event sponsor.		

SERVICE AREA GUIDELINES

Restrict all alcohol availability and consumption to a designated area.		
No alcohol will be consumed after a designated time.		
If any alcohol is brought in from the outside, it will only be allowed to be consumed in a designated area.		

CONSUMER GUIDELINES

All persons 21 and older will be required to wear plastic nontransferable wristbands.		
Anyone who is found purchasing alcohol for someone under 21 will be prosecuted and expelled from the event.		
No one under 21 will be allowed in designated alcohol service areas.		

SPONSOR GUIDELINES

Provide medical staff on-site. This is almost always required by insurance companies.		
Conduct alcohol purchase attempts.		
Gather full incident reports from police agencies and emergency personnel that may have been called for service during each day of the event.		
Post alcohol policies and make sure they are consistently enforced. "No one under age 21 will be served."		

EVENT INCIDENT REPORTS

Event Name:

Event Address:

Event Date:

Event Contact Information:

CALLS FOR SERVICE

- | | | |
|----------------------------------------------------------|-----------------------------------------------------|-----------------------------------------|
| <input type="radio"/> Disorderly Conduct | <input type="radio"/> Harassment | <input type="radio"/> Underage Drinking |
| <input type="radio"/> Drug Sales/Use | <input type="radio"/> Sexual Assault | <input type="radio"/> Violence |
| <input type="radio"/> Endangering the welfare of a child | <input type="radio"/> Unlawful dealing with a minor | <input type="radio"/> Other |

Date/Time/Location:

Narrative:

Event Name:

Event Address:

Event Date:

Event Contact Information:

CALLS FOR SERVICE

- | | | |
|----------------------------------------------------------|-----------------------------------------------------|-----------------------------------------|
| <input type="radio"/> Disorderly Conduct | <input type="radio"/> Harassment | <input type="radio"/> Underage Drinking |
| <input type="radio"/> Drug Sales/Use | <input type="radio"/> Sexual Assault | <input type="radio"/> Violence |
| <input type="radio"/> Endangering the welfare of a child | <input type="radio"/> Unlawful dealing with a minor | <input type="radio"/> Other |

Date/Time/Location:

Narrative:

STAFF & VENDOR CONTRACTS

How to Enforce Your Alcohol Policies

- **Provide** copies of policies to all staff and volunteers before their first shift.
- **Train** your staff/volunteers on the policies. You can explain them, read them out loud, demonstrate them, or use any other method that insures your staff understands how to follow the policies. Training for Intervention Procedures (TIPs), a responsible beverage service training, is available in Allegany County. Please contact Partners for Prevention in Allegany County to schedule training.
- **Document.** Make a record that you gave staff/volunteers the policies and trained them how to implement the policies. Keep the documentation.
- **Enforce the policies.** When your staff member or volunteer is doing a good job, give him or her positive feedback.
- **Follow through.** Your staff's actions are the real policies of your festival. Only by following through, by monitoring your staff's performance, will the written policy match the actual practices of staff.
- **Permanence.** Follow procedures to make sure your policies are followed year after year.²

²Toomey TL, Erickson DJ, Patrek W, Fletcher LA, Wagenaar AC. Illegal alcohol sales and use of alcohol control policies at community festivals. *Public Health Reports*, 120(2):165-173, 2005.

VENDOR & STAFF INCIDENT REPORT

Date: _____

Time of Day: _____

Server: _____

Manager: _____

Guest Name and Description: _____

Non-Alcoholic Drinks Offered: _____ Accepted: _____

Alternate Transportation Offered: _____ Accepted: _____

Description of Incident: _____

Intervention Strategies Used: _____

Other Witnesses: _____

Signatures: _____

Phone Number: _____

Incident Follow Up

How was this incident handled by the server? _____

Were policies followed? Yes No: Explanations: _____

Incident Resolution:

DECALS & POSTERS

It is important to communicate your policies to your staff as well as the public-at-large. Displaying bright and easy to read decals, posters, and other resources can decrease incidences of serving alcohol to young people. If they know you are watching and following the rules, then most likely they will too!

PLASTIC CUP DISTRIBUTORS FOR COMMUNITY FESTIVALS

4 Imprint

www.4imprint.com
877-446-7746

The Discount Printer

www.thediscountprinter.com

Litin Party-n-Paper

www.epartypaper.com
888-343-4303

Office World

www.officeworld.com
877-816-8767

WRISTBAND DISTRIBUTORS FOR COMMUNITY FESTIVALS

MedTech Wristbands

800-361-1259
7380 Sand Lake Road, 5th Floor
Orlando, FL 32819
www.medtechgroup.com

National Ticket Company

800-829-0829
P.O. Box 547
Shamokin, PA 17872
www.nationalticket.com

Tornado Wristbands

888-884-5523
931 Leathorne Suite A
London, Ontario
N5Z 3M7
www.tornadowristbands.com

Creative Media Services

877-893-4237
PO Box 218
Edgerton, Kansas 66021-0218
www.creative-bands.com

NON-ALCOHOLIC AND NON-GAMBLING FUNDRAISING IDEAS

Consider providing the community with family-friendly community fundraisers without alcohol. Alcohol has the potential of creating problems and putting your event, organization, and community at risk. Non-alcohol events help to reduce alcohol-related harm not to mention reduces the access of alcohol to underage teens. PPAC partners put together the following list of potential fundraising strategies that are safe and community-friendly.

- Game night/board games
- Golf
- Bowling
- Roller skating
- Card game tournaments (non-betting)
- Coupon books
- Ice cream social
- Car wash
- Barbeque sales
- Made to order pizza
- Hawaiian luau
- Beach party
- Costume party
- Theme parties
- Silent auction
- Chinese auction
- Trivia contest/jeopardy
- Frisbee golf tournament
- Flag football tournament
- Other sports-related marathons
- Bake sale
- Petting zoo
- Candy bar sale
- Carnival
- Jail bird/bond fundraisers
- Putt-putt golf competition
- Mystery theater dinner- murder mystery, like clue
- Spaghetti dinner nights
- Decorative/scented candles sale
- Art shows and events
- Shave heads/funny hair cuts

CONTACT INFORMATION

For more information, or if you would like to sign up for the official TIPs Training offered for free to festival planners and planning committees, contact:

Partners for Prevention in Allegany County
585-593-1920 x721 or go to our website at
www.ppacentral.org.
Registration forms are available online.

This resource was developed by **Communities Mobilizing for Change on Alcohol (CMCA)**, a sub-committee of Partners for Prevention in Allegany County. CMCA seeks to implement environmental strategies to reduce the availability of alcohol to underage youth.

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