

STATE OF DELAWARE

TRAINED ALCOHOLIC BEVERAGE SERVER PROGRAM



Presented by:

Department of Safety & Homeland Security

Division of Alcohol & Tobacco Enforcement

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Objectives

The primary objective of the mandatory Server Training Program is to educate and assist the alcoholic beverage server as to how to serve and sell alcoholic beverages in a responsible manner consistent with the Commissioner Rules and the Laws of the State of Delaware.

Upon the successful completion of this program, you will have the necessary tools to fulfill your obligations of serving alcoholic beverages responsibly. Serving alcoholic beverages in a responsible manner is not an option or a choice...it's the law. Anyone who violates the laws or Commissioner Rules can expect nothing less than to be held fully accountable for their actions.

Server's Responsibility

When a person accepts a license to serve and sell alcohol they accept a public trust that they will serve and sell alcohol in a responsible manner. Some states have legislated Dram Shop Laws. Delaware does not currently have Dram Shop but it does have Civil/Tort Statutes that may hold the server responsible. Servers must realize that failing to uphold their responsibility to abide by the laws and rules of the State of Delaware may not be just a matter of a criminal court hearing and a fine. It could escalate into a serious civil hearing with the possible repercussions of a judgment with substantial punitive damages.

Division of Alcohol & Tobacco Enforcement

“Saving lives by enforcing Delaware’s Alcohol and Tobacco Laws”

The Division of Alcohol & Tobacco Enforcement is responsible for the enforcement of Title 4 (Delaware Liquor Control Act) and the Alcoholic Beverage Commissioner’s Rules, which apply to all retailers, suppliers, and wholesalers who are licensed to manufacture, sell, serve, transport, or store liquor in the State of Delaware.

Agents of the Division of Alcohol and Tobacco Enforcement are certified police officers in the State of Delaware. Agents have statewide jurisdiction and arrest powers and have full authority to enforce all of the laws of the state, including liquor, drug, criminal, and traffic statutes.

Agents routinely conduct investigations involving underage consumption and possession of alcohol, sales of alcohol and tobacco to underage persons, fictitious identification, over-service of alcohol to patrons, bootlegging, prostitution, illegal gambling, narcotics, tax evasion, and other criminal activities.

Agents work with federal, state, and local law enforcement agencies by assisting them with investigations and/or public safety issues.

The Office of the Alcoholic Beverage Control Commissioner

The Office of the ABC Commissioner is a separate and distinct agency from the Division of Alcohol & Tobacco Enforcement. The Commissioner’s office is responsible for all matters related to Liquor licensing process. This includes the licensing of all suppliers, wholesalers, and retailers doing business in the State of Delaware.

In addition to granting licenses and approving variances, the Commissioner is the administrative judge who hears cases of licensees charged with violations of the Liquor Control Act and/or administrative rules.

What is Alcohol?

Alcohol is the oldest documented compound of abuse. It is a drug. The principal ingredient in alcoholic beverages is "Ethyl" Alcohol, more commonly known as Ethanol or just plain Alcohol. It is a central nervous system depressant that affects the entire nervous system. In spite of the initial surge of energy it gives you, alcohol is not a stimulant. Alcohol can also have serious side effects when combined with other drugs.

Statistics

Alcohol-related accidents cause more than 500,000 serious injuries each year. Alcohol is a factor in about 50 - 70% of all the pedestrian fatalities in this country each year. Surveys indicate that approximately 50% of all the intoxicated drivers on the road come from commercial establishments. This is an indication that bartenders, waiters, and waitresses are over serving these patrons. Surveys such as these indicate the need for alcohol-related training programs and were very much a part of the reason that House Bill #65 was passed in Delaware in July of 1991 mandating the training of alcohol beverage servers in Delaware.

What is a drink?

Beer: 12 ounces

Wine: 5 ounces

Spirits (80-86 Proof): 1.25 ounces

Spirits (100 Proof): 1 ounce (1 Shot)

- ❖ Each of the above drinks contains approximately the same amount of alcohol and is considered one 'regular' drink.
- ❖ Each would raise the average persons Blood Alcohol Content (BAC) approximately .025%.
- ❖ One drink is eliminated per hour by the liver.

Intoxication Factors

The three most important factors are:

- ❖ Time: How long has the person been drinking?
- ❖ Weight: How much does the person weigh?
- ❖ Number of Drinks: How many drinks have they had in that space of time?

The number of drinks in the body at any time therefore equals the number of drinks consumed minus the number of hours since drinking started.

The average size person, (150-160 lbs.), would have to consume any combination of four of the above drinks in one hour in order to get their B.A.C. to an approximate level of .08%, which is the legal limit of intoxication in the State of Delaware:

4 drinks (in one hour) x .025% = .10% BAC - .025% (1 drink eliminated per hour) = .075%

The legal limit of intoxication in the State of Delaware is .08%

How is alcohol absorbed into the body?

Alcohol is not digested like other food and beverages; it is absorbed and diffused into the body. As a person drinks, the alcohol enters their bloodstream and body tissues almost immediately. When alcohol enters the bloodstream it goes into all areas of the body. First and most important is the brain (the brain and liver are the organs with the largest blood supply.) It reaches the brain in this order:

Cortex: Judgment

Cerebellum: Coordination

Limbic System: Emotion

Brain Stem: Respiratory System

The first sense a person loses when they drink is their sense of judgment.

Food Consumption

An important factor on the absorption rate of alcohol is the presence of food in the stomach. Food can slow down the absorption rate of alcohol, provided the food is in the stomach before the person begins drinking. Food does two basic things to slow down the absorption rate of alcohol. It blocks the pyloric valve and it acts as a sponge to absorb some of the alcohol. It is important that we understand that food does not keep one from becoming intoxicated. It will only slow down the rate at which alcohol gets into your body. Once alcohol has passed through the pyloric valve and gotten into the small intestine, any food eaten afterward will have no effect on the alcohol that is already in the small intestine. All the alcohol that you ingest will eventually get into your system.

Mood

Alcohol's impact can be significantly affected by the individual's mental state. It usually accentuates the drinker's mood. If a person is depressed, then one or two drinks may have the same effect as three or four. When a person is in a pleasant mood, the alcohol enhances that feeling, often giving the person much more confidence in himself or herself. When the body has had little sleep, then the effects of alcohol are often magnified.

Tolerance

An inexperienced drinker tends to feel alcohol's effect more quickly and often more severely than an experienced drinker. The experienced drinker develops a certain tolerance to alcohol's effect. He or she needs progressively more alcohol to produce the same mood-altering effects experienced in earlier stages of drinking. However, experience has no effect on BAC! An experienced or inexperienced drinker with five drinks in his or her system has the same BAC (Both body weights being about the same).

Eliminating Alcohol

The liver metabolizes and eliminates 90-95% of all the alcohol that a person consumes. You lose approximately 1-9% through your breath, perspiration, and urine but not enough to make an appreciable difference. The liver eliminates alcohol at a rate of about one (1) drink per hour. You should also be aware of the fact that you can not change the rate at which the liver eliminates alcohol - food, non-alcoholic beverages, exercise or cold showers; it makes no difference - about one (1) drink per hour is eliminated.

BAC - The Legal Standard

Blood Alcohol Content, or BAC, is a measurement of the level of alcohol in the bloodstream at any particular time. In the State of Delaware, the legal per se BAC level is .08%. This means that if you are stopped operating a motor vehicle and are found to have a BAC at this level, the state has a prima face case for DUI. You can be arrested and found guilty of driving under the influence (DUI) in Delaware at levels less than .08% if proper evidence is present (Probable Cause for the stop).

How does BAC affect driving?

The higher the concentration of alcohol in the blood, the greater its impact on driving. Driving is a complex task requiring judgment, information processing, and conscious control of behavior, memory, coordination, and quick reaction time. Alcohol tends to retard these processes and, for many individuals, it does so at BAC levels far below the legal blood alcohol limits. Judgment, reaction time, and coordination may be so affected as to make it impossible to safely operate a motor vehicle. Remember, alcohol is a false confidence builder! Whether its driving a vehicle, riding a bicycle, operating a watercraft, or operating any type of machinery, you can not do it as well as you think you can, or as well as you can without the alcohol.

Below is a basic BAC level of impairment chart. Remember that people respond differently depending on tolerance and circumstances to the same BAC level:

- ❖ .02-.04 Reaction times are increasing. Coordination has started to slow. Judgment is beginning to be affected.
- ❖ .05-.08 Reaction time is considerably impaired, as is coordination and judgment. You are considered seriously impaired and legally intoxicated when your BAC reaches .08%.

Signs of Impairment-LOOK, LISTEN, & SMELL

Many servers can recognize when a patron is intoxicated but by then it may be too late. When an individual first enters your establishment, you must remember to LOOK, LISTEN, & SMELL to determine whether or not to serve them. Know that they may enter your establishment already intoxicated. It is your responsibility not to over serve patrons whether they started drinking in your establishment or not. The same is true for those who work in package stores. You cannot sell alcohol to persons who enter your store and are already intoxicated.

In order to keep people from becoming intoxicated, you have to recognize the signs of over-drinking. Here are the five major categories of signs. When you see these, you must evaluate whether or not to stop serving the patron:

- ❖ Physical: Red, watery eyes, flushed face.
- ❖ Mental: Difficulty speaking, slurring words, loss of judgment.
- ❖ Emotional: Exaggerated mood (very happy/sad), loud.
- ❖ Social: False confidence.
- ❖ Coordination: Difficulty holding glass, opening doors, walking, stumbling.

Slowing Down the Pace

An important part of a server's job is to prevent their patrons from becoming impaired or intoxicated by controlling, to some degree, the patron's ability to consume alcohol. When patrons are drinking too quickly, you can slow consumption down by:

- ❖ Suggesting alternative beverages such as soft drinks, mock-tails, non-alcoholic beers, and wine.
- ❖ Offering food such as table snacks, hor d'oeuvres, soups, salads, sandwiches, or full meals.
- ❖ Visiting the table less frequently.

- ❖ Waiting until everyone is finished and clearing glasses before taking orders.
- ❖ Encouraging participation in available activities such as dancing, song contests, video games, etc.

Terminating Service

Intervening in the drinking and driving of impaired patrons is not the easiest part of alcohol service but it is an important part of it. We recommend that management does the cutting off. It is not that the servers are incapable, but managers are perceived as authoritative figures and it may help to preserve the server's tips.

It may not always be pleasant, but it is almost always possible to terminate service without causing the intoxicated patron, other customers, or the establishments undue embarrassment, danger, or liability.

There are six basic steps to intervening with intoxicated patrons:

- ❖ Reporting the patron to management.
- ❖ Getting the facts about approximately how long the person has been drinking/how many drinks.
- ❖ Approaching the patron.
- ❖ Terminating service.
- ❖ Providing protection.
- ❖ Preventing disturbances.

Preventing Underage Drinking

Checking Identification

Serving underage patrons is a serious violation of the law and could be the basis of a costly lawsuit. We recommend that you accept **only** the following forms of identification (ID):

- ❖ State Driver's License (With Picture)
- ❖ State Issued Identification Cards
- ❖ Military ID
- ❖ Passports

Check the identification of any patron who you are not positively sure is of legal drinking age. Take physical possession of the identification and examine it under strong light. Make sure you read the license and don't just quickly scan it. Look for the following:

- ❖ Expiration Date: It must be currently valid. Do not ever serve on an expired ID!
- ❖ Signs of tampering
- ❖ Compare the patron's appearance with the picture and descriptive information on the license. Compare features that are not easily changed such as ears, jaw line, and hairline.
- ❖ Make sure they are the correct height.
- ❖ Ask patrons to tell you information directly from the license; e.g., date of birth, address, zip code, height, weight etc.
- ❖ Ask them the month and year of their DOB as most people memorize the DOB in month-day-year order.
- ❖ Ask for county, year of graduation, or any other information that they may not have memorized.
- ❖ Ask for a second form of identification if necessary.

Remember, you do not have to serve someone if you are not satisfied that the identification is valid.

The Division of Alcohol and Tobacco Enforcement has three programs that are designed to prevent sales of alcoholic beverages to persons under the age of 21. They are:

- ❖ The Cooperating Underage Witness Program (CUW)
- ❖ The Cops-In-Shops Program
- ❖ Fake ID Sweeps

These programs assist law enforcement officers in assuring that all servers and sellers make every reasonable effort to ensure that persons under 21 years of age do not receive alcoholic beverages.

The reasonable effort is that all servers/sellers always ask for identification and check it carefully!

- Alcohol is the #1 drug of choice for children and adolescents.
- More than 40% of individuals who start drinking before the age of 15 will develop alcohol abuse or alcohol dependence at some point in their lives.
- Among high school students, those who started drinking before age 13 are nine times more likely to binge drink (5+ drinks on one occasion at least six times per month).
- 67% of 8th graders and 83% of 10th graders believe that alcohol is readily available to them.
- High school students who use alcohol or other drugs frequently are up to five times more likely than other students to drop out of school.
- In a survey of 18-24 year-old current drinkers who failed to complete high school, nearly 60% had begun to drink before age 16.
- Those who begin drinking at age 14 or younger are significantly more likely to experience unintentional injuries, physical fights, and motor vehicle crashes.
- Alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students.
- Alcohol is a major factor in unprotected sex among youth, increasing their risk of contracting HIV or other sexually transmitted diseases.

An overwhelming number of Americans (96%) are concerned about underage drinking and a majority support measures that would help reduce teens drinking, such as stricter controls on alcohols sales, advertising, and promotion.

LAWS AND RULES

NOTE: All licensees are required by law to have on their licensed premises at all times an updated copy of:

The Liquor Control Act (Title 4) The Commissioner Rules and Regulations

They are also required to post a Prenatal Decal and Decal of legal drinking age at each entrance.

Common Title 4 laws:

Title 4 Sec. 512

(d) Any person who has purchased a bottle of alcoholic liquor other than beer from a hotel, restaurant, motor sports speedway, club, dinner theater or horse racetrack licensed under this section, and who has partially consumed the contents of such bottle on the licensed premises, may remove it from the licensed premises for the purpose of consumption off the licensed premises. Any person who has purchased a bottle of alcoholic liquor other than beer from a caterer and who has partially consumed the contents of such bottle on the premises, approved by the Commissioner for the catering may remove it from the approved premises for the purpose of consumption off the approved premises.

(k) Any person who holds a valid restaurant license issued by the Commissioner may deny a minor, as defined in § 708 of this title, admission to or permission to remain on the premises after 9:00 p.m. (official Eastern time) unless accompanied by a parent or by a legal guardian.

Title-4 Sec. 525

Spirits, Wine and Beer Tasting

A license to permit spirits, wine, and beer tasting may be granted by the Commissioner to any person holding a license under this title as a retailer.

- a. Limit of (1) one ounce of wine or beer.
- b. Limit of one half ounce or spirits.
- c. Must be in an area designated by the Commissioner.

Title-4 Sec. 561

Grounds for cancellation or suspension

The licensee maintains a noisy, lewd, disorderly, or unsanitary establishment or has been supplying impure or otherwise deleterious beverages or food.

Title-4 Sec. 705

Containers for Sale and Delivery of Beer for off Premises Consumption (package stores)

No sale or delivery of beer for off premise consumption shall be made in open containers.

Title-4 Sec. 706

Sale or Service of Alcoholic Liquors to Intoxicated Persons

No licensee or employee of a license shall sell or serve any alcoholic liquor to any person that is intoxicated or appears to be intoxicated.

Title-4 Sec. 708

Prohibition of Sales of Alcoholic Beverages to Certain Persons

No person shall sell any alcoholic liquor to:

- a. Anyone who has not reached the age of twenty-one;
- b. Persons to whom such sales are prohibited;
- c. An individual who is mentally ill or mentally deficient;
- d. An individual who habitually drinks to excess or whom the Commissioner has, after investigation, decides to prohibit such sale.

Title-4 Sec. 709

Prohibition of Sale at Certain Times

- (a) No manufacturer or importer shall sell or deliver alcoholic liquor on any holiday specified in subsection (d) of this section, or at hours other than those prescribed by the rules or regulations of the Commissioner.
- (b) No holder of a license for the sale of spirits, wines or beer in a store shall sell or deliver the same on any *holiday* specified in subsection (d) of this section between the hours of 1:00 a.m. and 9:00 a.m. of any other day. The closing hours may be made earlier in any municipality having a population of 50,000 or more persons, by ordinance of the municipal corporation; provided however, that such ordinance be consistent with the Delaware state and federal constitutions as well as treat all businesses fairly.
- (c) No holder of a license for the sale of alcoholic liquor in a hotel, restaurant, club, tavern, taproom, horse racetrack, motor sports speedway, multi-purpose sports facility, dining room of a boat, passenger cars of a railroad or caterer shall sell the same between the hours of 1:00 a.m. and 9:00 a.m. The closing hour may be made earlier in any municipality by ordinance of the municipal corporation.

Title 4 Sec. 727

Sale at last call/closing hour of an establishment.

No more than 1 alcoholic beverage may be sold to a person less than 15 minutes prior to closing each day that a licensee is open pursuant to this title. Any server who violates this section shall be guilty of a violation.

Title-4 Sec. 901

901. Offenses carrying penalty of imprisonment for 3 to 6 months.

Whoever:

- (1) Peddles any alcoholic liquor; or
- (2) Keeps, sells or dispenses alcoholic liquor in a disorderly house; or
- (3) Being an employee of the Commissioner and/or Division, infringes any of the provisions of this title; or
- (4) Not being the holder of a proper and valid license, or not being so authorized by this title, sells any alcoholic liquor in this State; or
- (5) Not being the holder of a license under this title, claims or represents that he is the holder of a license or exhibits a document purporting to be a license under this title; or
- (6) Sells, offers for sale, or keeps with the intent to sell for beverage purposes, denatured alcohol, perfume, lotion, tincture, fluid extract or essence, or other liquid or solid not originally manufactured or intended for use as a beverage, containing more than one half of 1 percent of ethyl alcohol by volume, shall, in addition to the payment of costs, be imprisoned not less than 3 nor more than 6 months. Justices of the peace shall have original jurisdiction to hear, try, and finally determine alleged violations of this section.

Title 4 Sec. 903

Offenses carrying penalty of fine of not more than \$100 or imprisonment for 1 month on failure to pay fine.

(2) Being the holder of a license, sells any alcoholic liquor in any place, or in any manner, or in any quantity other than as authorized by his or her license.

(6) Being the holder of a license, knowingly sells to any of the persons mentioned in § 708 of this title after notice sent to him or her by the Commission in compliance with the provisions of said section, any alcoholic liquor, the sale of which is authorized by his or her license.

(7) Being the holder of a license to sell alcoholic liquor in a store, allows any alcoholic liquor sold therein to be drunk in such store or its dependencies, either by the purchaser or by any other person.

(8) Being the holder of a license to sell alcoholic liquor in the dining room of any hotel, restaurant, club or steamboat, or in a dining car, does not keep his or her license constantly posted conspicuously in view of the public in such dining room or dining car.

(11) Not being the holder of a license, leads the public or travellers to believe, by means of signs, inscriptions, advertisements, or circulars that he or she is authorized to sell alcoholic liquor.

(13) Obtains, even gratuitously, during the time when the sale thereof is forbidden, any alcoholic liquor from any holder of a license for the sale thereof.

Title-4 Sec. 904

Offenses concerning certain persons (criminal offenses)

- a. Sale of alcohol to any person who has not yet reached the age of 21.
- b. Any person under the age of 21 who knowingly makes false statements to any person engaged in the sale of alcoholic liquor for the purpose of obtaining alcohol.
- c. Any person who purchases, buys, or gives alcoholic liquor for or to a person under the age of 21 or knowingly allows a person under the age of 21 to consume alcoholic liquor.
- d. Owners may not permit persons under the age of 21 to enter or remain in a tavern or taproom. All employees (live entertainment, etc.) must also be over 21. (Except as provided in subsection (n) and (o) of this section).
- e. Persons under the age of 21 are not allowed to enter or remain in package stores.
- f. Persons under the age of 21 are not allowed to possess or consume alcohol.

Title 4 Sec. 907

Interference with officer or inspector

Whoever interferes with or hinders any officer or inspector authorized by the Director to investigate any infringements of this title or to make any search, examination or seizure, in the performance of the officer's or inspector's duties to that end, shall, in addition to any other penalty which may be imposed upon him or her under this title shall be fined \$100.00 for each offense.

Title 4 Sec. 916

Penalties imposed against licensees who threaten employees.

No licensee or representative thereof may discipline, threaten, or otherwise penalize an employee for refusing to violate rules of the Commissioner and/or the Division or Statutes of the State.

Common Commissioner Rules:

Commissioner Rule #2

Prohibited Trade Practices

No establishment licensed to sell alcoholic beverages for consumption on the premises where sold shall engage in any trade practice which can reasonably be expected to cause, encourage, or induce a consumer to purchase, receive, or consume alcoholic beverages in excessive amounts or at an unduly rapid rate and shall include, but not be limited to, the following:

- a. Giving alcoholic beverages in any form, either directly or indirectly, to any individual, organization, group or other entity.
- b. Giving any form of cash (medium of exchange), either directly or indirectly, to any individual, organization, group, or other entity, except for bona fide contributions to not for profit entities and provided that such contribution is in no way conditional upon the purchase and/or consumption of alcoholic beverages.
- c. Selling alcoholic beverages at a price which is less than the seller's cost.
- d. Promoting, sponsoring, conducting, or participating in any event that is in any way conditional upon or involves consumption of alcoholic beverages.
- e. Offering or selling two (2) or more drinks for the regular price of one.
- f. Extending credit except as provided in Rule 56.
- g. Unlimited consumption of alcoholic beverages for a set price. However, caterers, as defined in 4 Del. C., § 101(8), and private functions in which the host/hostess pay a set price and which are conducted by invitation on a licensed premises are excluded from this prohibition.
- h. Delivering alcoholic beverages to any person who is or who appears to be intoxicated.
- I. Soliciting or receiving any items which an importer licensee is prohibited under section IV-B-1-a or IV-B-1-b from giving to a retailer.
- j. Open bars are generally not permitted pursuant to the provisions of IV-A-1-g above; however, the Commissioner may grant a variance to this section provided that the licensee meets the criteria as stated in Rule 2.

Commissioner Rule #2.1

Items to be sold in Package Stores

- a. All bottles must be sold with the seals unbroken.
- b. Food items may not be cooked, refrigerated, or unwrapped and repackaged (area limited to 20 square feet.)
- c. Single can insulated coolers are permitted.

The licensee can apply for a variance with the OABCC.

Commissioner Rule #7

Work Permits

- a. **16, 17** and **18** year olds must have a work permit from the Office of the Alcoholic Beverage Control Commissioner.
- b. **16, 17** and **18** year olds may only handle alcohol when they clear it from the table.
They may not solicit drink orders.
- c. **19** and **20** year olds may solicit orders for alcohol and may serve the alcohol but they may never mix, open, or pour an alcoholic beverage.

Commissioner Rule #7.1

EMPLOYMENT OF MINORS IN STORES

Statute. Section 904(m), Title 4, Delaware Code, provides:

(m) Nothing in this Section shall prevent the employment in a store by a retailer of anyone who has reached the age of 18 years, under such conditions as the Commissioner may by rule prescribe; provided, however, that no such minor shall sell or serve alcoholic liquor.

The term "sell or serve alcoholic liquors" means acting in any manner toward a consumer which encourages, induces, or fosters the sale of any goods, whether or not they contain alcoholic liquor. The term includes, but is not limited to, advising consumers on the selection of goods, delivery of goods to consumers before payment, and ringing up sales. The term does not include stocking shelves, affixing price labels, and other acts not requiring direct contact with consumers, nor does it include assisting consumers in carrying parcels from the store. A minor shall not at any time be permitted unaccompanied access to the premises.

The term "store" means an establishment licensed by the Commissioner only for the sale of alcoholic liquors for consumption off of the premises where sold.

Permits Required; Standards.

(1) No retailer shall employ a person under the age of 21 in their store unless the person under 21 shall first have been approved by the Commissioner and received a permit to work in the store.

(2) The permit required by subparagraph (1) shall be issued upon application showing that:

- (a) The applicant is 18 years of age or older;
- (b) The applicant is a mature and responsible person; and.
- (c) The applicant has not been the subject of any judicial or administrative proceedings by any federal, state or local governmental agency.

Commissioner Rule #11*Specifications for Stores and Off Premise Establishments (Package Stores)*

- a. Hours of operation must be posted.
- b. Must have an accurate clock inside the store.
- c. Updated copies of the Commissioner Rules and Title 4 on premises at all times.
- d. All parts of the rooms where alcohol is sold shall be visible from the street, unless a variance has been approved by the OABCC.
- e. Prenatal Decal and Decal of legal drinking age must be posted at each entrance.

a. Commissioner Rule #19*Rule Pertaining to Requirements for Restaurants*

"The word 'Restaurant' means any establishment which is regularly used and kept open principally for the purpose of serving complete meals to persons for consideration, and which has seating at tables for 12 or more persons and suitable kitchen facilities connected therewith for cooking an assortment of foods under the charge of a chef or cook. The service of only such food and victuals as sandwiches or salads shall not be deemed to be the service of 'meals'."

- (1) A restaurant shall serve at least lunch and dinner five days each week. The lunch hours shall consist of a minimum of three hours, preferably between 11:00 A.M. and 2:00 P.M. and the dinner hours shall consist of a minimum of four hours preferably between 5:00 P.M. and 9:00 P.M.

- (2) Food shall be available at all hours that any restaurant is open for the sale of alcoholic liquor.
- (3) There shall also be adequate and sanitary kitchen and dining room equipment, and an approved storage space where alcoholic liquor may be kept.
- (4) A State or County license to operate the premises as a "restaurant" shall also be issued and in the possession of the applicant prior to the issuance of the license and at all times thereafter during the term of the license.

The requirements in the above paragraphs shall apply to restaurants licensed to sell alcoholic liquor on Sunday. However, Sunday shall not be included as one of the five days required by paragraph two. Accordingly, a restaurant with a Sunday sale license shall serve meals on at least six days, including Sunday.

Commissioner Rule #36 (On-Premise Consumption)

A. Purpose and Scope

This rule defines the term "Delivery", "Sale", "Service" and "Consumption" of alcoholic liquors and prescribes the hours of the day when alcoholic liquors may be delivered, sold and consumed, under the provisions of 4 Del. C. § 709.

B. Definitions

- (1) "Consumption" of alcoholic liquors means the act of drinking or eating alcoholic beverages, includes possession of an alcoholic beverage with the present ability to drink or eat it.
- (2) "Delivery" of alcoholic liquors means the transfer of possession or custody of alcoholic liquors from one person to another.
- (3) "Sale" of alcoholic liquors means to transfer ownership of alcoholic liquors, whether or not payment and delivery occur contemporaneously.
- (4) "Service" of alcoholic liquors means the preparation, storage or delivery of alcoholic beverages.
- (5) "Time of Day" means prevailing local time in the State of Delaware as fixed by Executive Order or pursuant to the Uniform Time Act of 1966, 15 U.S.C. §260, ET seq.

C. Prohibited Acts

- (1) No person licensed by the Commissioner shall sell, serve or deliver alcoholic

liquors on, in or from an establishment licensed for On-premises consumption between the hours of 1:00 A.M. and 9:00 A.M. No alcoholic liquors shall be consumed on licensed premises between the hours of 2:00 A.M. and 9:00 A.M.

(2) No person licensed by, the Commissioner shall serve, sell, deliver or permit another to consume alcoholic liquors on, in or from his licensed premises on the holidays prescribed in 4 Del. C. §709 unless permitted to do so by law or special license.

Commissioner Rule #45

A RULE PROHIBITING INDIVIDUALS, OTHER THAN EMPLOYEES, ON PREMISES OF TAVERNS, TAPROOMS AND STORES DURING CERTAIN HOURS

(a) Unless previously authorized in writing by the Commissioner, it is forbidden for any holder of a tavern or taproom license to permit any individuals, other than employees, to enter or remain on the premises to which such license pertains between 2:00 A.M. and 9:00 A.M. of any day that sales of alcoholic liquors are permitted, and in the case of holidays, as defined in 4 Del. C. Sec. 717 (e), from 2:00 A.M. of the day a holiday begins and 9:00 A.M. of the first day thereafter on which the sale of alcoholic liquors may be resumed.

(B) Unless previously authorized in writing by the Commissioner, it is forbidden for any holder of a license pertaining to premises on which the sale of alcoholic liquors is solely permitted for consumption off said premises, to permit any individuals, other than employees, to enter or remain thereon between 1:01 A.M. and 9:00 A.M. of any day that sales of alcoholic liquors are permitted, and in the case of holidays, as defined in 4 Del. C. Sec. 717 (e), from 1:01 A.M. of the day a holiday begins and 9:00 A.M. of the first day thereafter on which the sale of alcoholic liquors may be resumed.

Commissioner Rule #52

Minor at a Bar or Service Counter

- a. Minors are never allowed to sit, stand or remain at a bar or service counter, and a minor cannot get service at the bar or service counter (Not even to get change, pay a bill, play a video game, get a soda or glass of water).

If alcoholic beverages are served across it, then it is considered a bar or service counter.

Commissioner Rule #70

Drugs and Drug Activity on a Licensed Premise

- a. No licensee, employee of a licensee, or agent of a licensee shall knowingly permit or participate in any illegal drug activity whatsoever on a licensed premise (This also includes the parking area).

Commissioner Rule #73.1
Standard for Server Training

Certification of Training:

- a. All certified servers are required to carry their card on their immediate person while serving alcoholic beverages.
- b. No person shall make any false statements or other misrepresentation of fact to obtain a server training card.
- c. No person certified shall sell, serve, or promote the sales of alcoholic beverages in a manner not consistent with the rules of the Commissioner or the Liquor Control Act.
- d. Server Training cards are good for 4years. The card is renewable by successfully completing a recertification class ***prior*** to the cards expiration date. If not, you must re-take the regular class.
- e. The Server Training card must be obtained within 30 days of date of hire.
- f. If employees do not have Server Training cards or allow them to expire without renewing and the employee continues to serve, the owner of the establishment receives the violation.

DELAWARE ANTI-TERRORISM TIP LINE

1-800-FORCE-1-2

(1-800-367-2312)

Terrorism affects all areas of society. As servers, you may be on the front line to overhear information that may help to prevent a terrorist act. It is a proven fact that the terrorists involved in the attack on America on September 11, 2001, were seen in bars the night before the attacks and were overheard celebrating and discussing their plans.

Those of us in law enforcement need everyone to be alert and helpful in our efforts to combat terrorism. If you hear anything or see anything unusual, please contact the Anti-terrorism hotline. Even if you are unsure about how important the information is. We are not advocating you taking the matter into your own hands, but call the hotline and allow trained law enforcement professionals determine if the information is relevant or not. Your help can help prevent possible terrorist activities.

Contact Information

Agent George H. Merrill III	(302) 741-2855
Server Training Class Schedule	(302) 577-5208
Mothers Against Drunk Driving (MADD)	1-888-822-3223
Delaware Anti-Terrorism Tip Line:	1-800-FORCE-1-2 (1-800-367-2312)
Al-Anon/Alateen	1-888-4AL-ANON (1-800-425-2666)
Eyes and Ears Tip-line	1-800-EYES-EARS (1-800-393-7327)



STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF ALCOHOL AND TOBACCO ENFORCEMENT
Server Training Test Sheet

Name: _____ Class Date: _____
(Last) (First) (M.I.)

Date of Birth: _____ Employer: _____

Driver's License Number: _____ State: _____

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|-----|---|---|---|---|-----|---|---|---|---|
| 1. | A | B | C | D | 21. | A | B | C | D |
| 2. | A | B | C | D | 22. | A | B | C | D |
| 3. | A | B | C | D | 23. | A | B | C | D |
| 4. | A | B | C | D | 24. | A | B | C | D |
| 5. | A | B | C | D | 25. | A | B | C | D |
| 6. | A | B | C | D | 26. | A | B | C | D |
| 7. | A | B | C | D | 27. | A | B | C | D |
| 8. | A | B | C | D | 28. | A | B | C | D |
| 9. | A | B | C | D | 29. | A | B | C | D |
| 10. | A | B | C | D | 30. | A | B | C | D |
| 11. | A | B | C | D | 31. | A | B | C | D |
| 12. | A | B | C | D | 32. | A | B | C | D |
| 13. | A | B | C | D | 33. | A | B | C | D |
| 14. | A | B | C | D | 34. | A | B | C | D |
| 15. | A | B | C | D | 35. | A | B | C | D |
| 16. | A | B | C | D | 36. | A | B | C | D |
| 17. | A | B | C | D | 37. | A | B | C | D |
| 18. | A | B | C | D | 38. | A | B | C | D |
| 19. | A | B | C | D | 39. | A | B | C | D |
| 20. | A | B | C | D | 40. | A | B | C | D |