

# Pennsylvania Liquor Control Board

RAMP Server/Seller Online Training  
Requirements for Curriculum Approval



# Requirements

This document explains the requirements necessary to have a curriculum approved by the Pennsylvania Liquor Control Board (PLCB) to satisfy the server/seller training component of the Responsible Alcohol Management Program (RAMP) in an online environment. Below are some guidelines to help you create your curriculum. Please note, once your curriculum is granted approval, you may not alter it in any way without prior approval from the PLCB.

## Course Name

This course must be referred to as RAMP server/seller training; not RAMP training, RAMP certification or any other name. You are not permitted to add any additional wording or text to the name of the course. However, you are permitted to advertise your name and/or company name as the provider. For example, the course can be titled "RAMP Server/Seller Training presented by (company name and/or instructor name).

## Course Design

You must teach an all-inclusive course consisting of the PLCB required topics and any verbiage provided by the PLCB, combined with verbiage and any additional information you add that has been approved by the PLCB. You may not teach a stand-alone course which addresses some or all of the required topics and then teach the PLCB required content for the same topics separately. Each topic should be addressed one time and must include all content. The entire curriculum must flow together.

## Course Length

Each training must consist of a minimum of 1.5 hours instructional time, not to include a review or final exam. When submitting your course to the PLCB for approval, you are required to include the approximate time expected to conduct course.

## Participant Manual

Each student who completes this training, must have access to view and print a PLCB-approved participant manual after completing the course.

## Final Exam

At the conclusion of the training, you must issue the RAMP standard exam separate from any other exam that may be administered. You may not add any additional questions or combine our standard exam with any other exam you might give. Each student who passes the exam with a score of 80% or greater must be provided with the PLCB standard certificate. RAMP will provide the final exam when you are ready to build your course.

## Content Guidelines

Below is a list of topics which must be covered in your curriculum. Some topics must be covered wholly by specific text provided by the PLCB and contained in the Required Content section of this document, while other topics can be covered with text you provide to the PLCB. You must begin the training with the topic "What is RAMP Certification?". The order in which you cover the remainder of the topics is your choice. Content shall minimally cover all questions on the PLCB standard final exam.

Each topic listed below must be covered in your curriculum.

- All text provided by the PLCB under each topic must be included verbatim. Required content begins on p.1 of this document. You may add additional content to any topic, unless otherwise indicated. All additional content is subject to approval by the PLCB. Content is understood to be any submitted text, pictures, media and handouts.
- You must create content for each topic where none is provided by the PLCB. All additional content is subject to approval by the PLCB.

What is RAMP Certification? – No additional content may be added.

Liability Concerns

Documentation

Liquor Code

PLCB Regulations

House Policies

Club Bylaws

What is Alcohol?

Absorption Rate Factors

Drug and Alcohol Interactions

Alcohol and Energy Drinks

Drink Equivalency

How Alcohol is Eliminated

Measuring Intoxication

Explanation of BAC

Tolerance

Alcohol and the Brain

Visible Intoxication Defined

Preventing Intoxication

Refusing Service

Minors

Who and When to Card

Legally Acceptable ID

How to Card

Proof of Carding

Minors Frequenting

### Required Appendices

- A. PLCB Contact Reference Guide
- B. How to Obtain a Legal Advisory Opinion
- C. Clean Indoor Air Act

# Required Content

All text provided by the PLCB under each topic must be included verbatim.

You must begin the training with the topic "What is RAMP Certification?" up through and including Benefits to the Licensee. The order in which you cover the remainder of the topics is your choice.

## **(TOPIC): WHAT IS RAMP CERTIFICATION?**

Legislation enacted on June 18, 2001, established the Responsible Alcohol Management Program, which is a voluntary certification that provides incentives for licensees who complete all five program components. RAMP is the umbrella term used to describe this collection of training and resources available to licensees and their employees. Completion of the program provides certification to the licensed establishment for two years.

Although RAMP certification is voluntary for many licensees, it can be mandatory under the following circumstances:

- For any licensee who has been found guilty by an Administrative Law Judge of sales to minors or visibly intoxicated persons.
- As part of a conditional licensing agreement (CLA).
- Prior to obtaining a wine expanded permit.

In order to comply, the establishment must complete all parts of the program, which include: **Owner/Manager Training, Server/Seller Training, New Employee Orientation, Signage and Affidavit Request for RAMP Certification.**

### **1. Owner/Manager Training**

The first component of RAMP certification is completion of owner/manager training by an owner and/or the PLCB-approved manager, those most responsible for daily operations and determining policies for the licensed establishment. In order to comply with this component, an owner and/or the PLCB-approved manager must complete this training. Licensees may choose to complete the owner/manager training online or in a classroom setting. Classroom trainings are offered by the PLCB weekly throughout Pennsylvania. Training is valid for two years.

*Note: Act 113 of 2011 requires newly approved managers of certain license types to complete this training within 180 days of approval by the PLCB, unless training was successfully completed within the previous two years.*

To complete online, visit the PLCB's website and click on Education-RAMP-RAMP Training. A list of classroom trainings is available in PLCB+.

### **2. Server/Seller Training**

This component is the focus of this online training. In order to fulfill this requirement, at least 50 percent of the licensee's alcohol service staff – including anyone who serves or sells alcohol and/or checks IDs, as well as owners or managers who perform these duties – must complete this training before RAMP certification can be granted. This percentage must be maintained at all times. Upon completion of the course, trainees are required to complete a course examination and receive a score of 80 percent or better in order to receive credit for this course. Training is valid for two years.

Licensees may choose to attend classroom training conducted by a PLCB-approved instructor or complete an online training course offered by a PLCB-approved provider. A list of approved trainers and online providers is available on the PLCB's website. The list changes periodically, so please make sure you have an up-to-date list before scheduling training. Classroom trainings open to the public can be found in PLCB+.

Although server/seller training is one component of RAMP certification, this training by itself is also mandatory for:

- All staff serving alcohol at an off-premises catering event.
- All cashiers selling wine at an establishment with a wine expanded permit.
- All new alcohol service personnel hired on/after 8-8-16 who are not RAMP-trained must be so w/in six months of being hired and be re-trained before their current training expires.
- All new alcohol service personnel hired on/after 8-8-16 who are already RAMP-trained must be re-trained before their current training expires.
- All employees hired before 8-8-16 who are not RAMP-trained, but transfer into an alcohol service position on/after 8-8-16, need to obtain RAMP-training w/in six months of assuming their new duties.

### 3. New Employee Orientation

The third component consists of orientation for all members of the alcohol service staff. Licensees are required to conduct a new employee orientation within 30 days of employee's hire. The PLCB will provide the orientation form and appropriate learning materials. It is the sole responsibility of the licensee to ensure that an owner, manager or a designated instructor conducts the orientation. Licensees shall maintain these records for all employees for the duration of their employment.

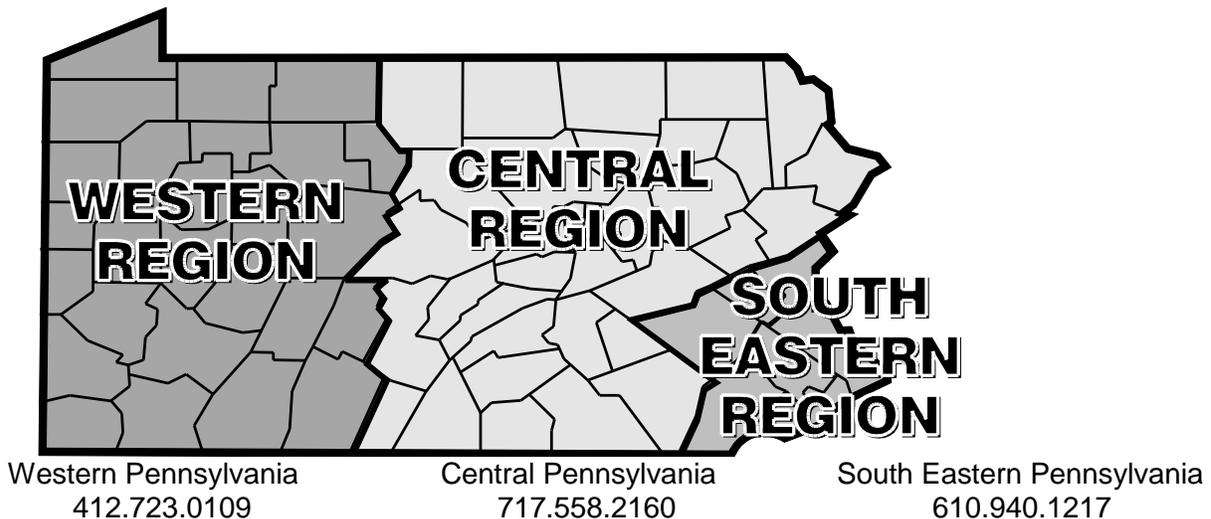
### 4. Signage

The fourth component consists of displaying posters or signs regarding responsible alcohol service. At least two signs must be posted minimally addressing the acceptable forms of ID and the refusal of alcohol service to minors and visibly intoxicated patrons. Signage must be prominently displayed so that it can be easily observed by patrons. Licensees shall be responsible for posting and maintaining the signage at all times. Free and appropriate signage can be obtained in PLCB+ or a licensee may use other signage equivalent in size and content to that provided by the PLCB.

### 5. Affidavit Request for RAMP Certification

After completion of the previous four requirements, the fifth and final component requires the licensee to apply for RAMP certification. Licensees may submit an application for RAMP certification in PLCB+ or submit a paper affidavit to their regional RAMP office. The licensee will receive certification providing all requirements are met.

For assistance, contact your regional RAMP office. Use the map below to locate your region.



\* These numbers are subject to change. In that event dial 866.275.8237

## **Maintaining Compliance**

Once an establishment has become RAMP-certified, it's up to management to maintain compliance by observing the following:

- If the owner or manager who completed the owner/manager training changes, the new (or another) owner or manager has 60 days to complete training.
- If the number of server/seller-trained employees falls below 50 percent, additional employees must be trained within 60 days.
- New employee orientation must be completed within 30 days of the employee's hire date (it is recommended that the orientation be completed on or before the first day of employment as a member of the licensee's alcohol service staff).
- All new employees must be added to the alcohol service staff roster.
- The licensee must maintain posting of signs at all times.

*Note: Failure to maintain these guidelines may void the establishment's certification.*

### **Benefits To The Licensee Include:**

- Knowledgeable, well-trained alcohol service staff and management.
- Recognition as a responsible licensee in your community.
- Possible liquor liability insurance discount.
- Less likelihood of dram shop liability.
- Possible reduction in the fines and penalties issued by an Administrative Law Judge to the licensee for serving a minor or a visibly intoxicated patron, as long as the licensee was in compliance at the time of the violation and had no citations for either of those two violations in the previous four years.

## **(TOPIC): LIABILITY CONCERNS**

### **Administrative Liability**

The Pennsylvania Liquor Code makes it illegal for licensees, or their servants, agents or employees, to serve alcoholic beverages to visibly intoxicated patrons (VIPs) and minors. Violations of the law by licensees may result in fines from \$1,000 to \$5,000 (unless, at the time of the sale, the licensee was RAMP-certified and had not sold to VIPs or minors in the previous 4 years, then the licensee's fine would be from \$50 to \$1,000); suspension or revocation of the liquor license; and mandated RAMP certification.

This is often referred to as "strict liability" because licensees are always responsible for the actions of their employees - even when the licensee is absent.

### **Criminal Liability**

There are two different ways a person could be fined criminally, under the Pennsylvania Liquor Code and under the Pennsylvania Crimes Code.

#### **A. The Pennsylvania Liquor Code**

- If a licensee or employee sells to a visibly intoxicated person or minor, he/she could be fined up to \$5,000 and/or be imprisoned from 3 months to 1 year.

- Any other person who violates any provision of Article IV of the Liquor Code commits a misdemeanor and could be fined from \$100 to \$500.

B.

### C. Pennsylvania Crimes Code

- People who sell or furnish alcohol to minors can also be prosecuted criminally under the Pennsylvania Crimes Code. Anyone convicted of willfully and knowingly selling or furnishing alcoholic beverages to a minor faces a minimum fine of \$1,000 for the first offense and \$2,500 for each subsequent offense, as well as a possible jail term of up to one year for each offense.

### Civil Liability

“Dram shop” is a legal term in the United States referring to a bar, tavern or the like where alcoholic beverages are sold. Traditionally, it referred to a shop where spirits were sold by the dram, a small unit of liquid.

“Dram shop liability” refers to the body of law governing the liability of taverns, liquor stores and other commercial establishments that serve alcoholic beverages. Generally, dram shop laws establish the liability of establishments arising out of the sale of alcohol to visibly intoxicated persons or minors who subsequently cause death or injury to third-parties (those not having a relationship to the bar) as a result of alcohol-related car crashes and other accidents.

Dram shop liability is commonly called third-party liability because the lawsuit involves three parties:

- *1st party is the licensee and/or server*
- *2nd party is the minor and/or intoxicated patron*
- *3rd party is the victim*

Dram shop cases have resulted in verdicts awarding substantial amounts of money to those parties involved. Violators have been successfully sued for everything they own, including their businesses, houses and other personal property. The Liquor Code provides that no licensee shall be liable to third parties on account of damages inflicted upon them off of the licensed premises by customers of the licensee unless that customer was sold, furnished or given alcohol by the licensee or its servants, agents or employees, when that customer was visibly intoxicated.

### KEY FACT:

**Generally, a lawsuit for personal injuries can be filed up to two years after the incident.**

### (TOPIC): DOCUMENTATION

The best protection against liability lawsuits is to not serve alcohol to visibly intoxicated persons or to minors. For additional protection, you should keep a daily record of events. Do not rely solely on your memory to help you. An excellent tool to accomplish this is the Incident Documentation Form. The Incident Documentation Form can provide a defense in the event a lawsuit is filed. **(You are to show form here)**

### What kind of incidents should be documented?

- ✓ *Attempts to purchase by a minor*
- ✓ *Refusal of service*
- ✓ *Bar fight*
- ✓ *Refusal of entry (patron arrives as a VIP)*

*Note: The form should be completed immediately by the employee who was involved in the incident.*

When completing the form, be sure to:

- Only include the facts and not your opinion.
- Write detailed statements which include the date, time and any witnesses to the event.
- List any reasonable efforts made to prevent the situation.

**What are some reasonable efforts you can make?**

- ✓ **Call a taxi**
- ✓ **Refuse service**
- ✓ **Call police**

Daily, consistent entries, even when there are no problems, demonstrate responsible business practices. A daily record provides other valuable business information, such as customer trends, requests or complaints, employee relations and more. This can be a useful tool in improving the business.

Be sure to ask where your establishment's Incident Documentation Forms can be found, under what circumstances they should be completed and where they are to be filed.

**KEY FACT:**

**RAMP recommends you keep incident records for at least two years following an incident because lawsuits can be filed up to two years after an event.**

# INCIDENT DOCUMENTATION FORM\*\*

Once completed, keep on licensed premises for two years.



Date \_\_\_\_\_ Time \_\_\_\_\_ AM PM

LICENSED ESTABLISHMENT NAME: \_\_\_\_\_ LID#: \_\_\_\_\_

PATRON NAME: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Employer: \_\_\_\_\_

Patron's age: \_\_\_\_\_  Verified  Approximated (check one)

Physical description of patron: \_\_\_\_\_

1. Was the patron's ID checked?  Yes  No By whom? \_\_\_\_\_

Type of ID presented: \_\_\_\_\_ ID number: \_\_\_\_\_

Method of documentation used\*\*:

<input type="checkbox"/> PLCB-931 Declaration of Age Card	<input type="checkbox"/> Photocopy
<input type="checkbox"/> Video	<input type="checkbox"/> Photo
	<input type="checkbox"/> ID swipe machine

2. Time patron arrived: \_\_\_\_\_ AM PM Time patron departed: \_\_\_\_\_ AM PM

3. Where was the patron before your establishment? \_\_\_\_\_

4. Number and types of drinks served: \_\_\_\_\_

5. In what amount of time were the drinks served? \_\_\_\_\_

6. Did the patron consume food while at the establishment? Describe: \_\_\_\_\_

7. Was the patron injured?  Yes  No Describe: \_\_\_\_\_

Was professional attention needed?  Yes  No

Did the patron contribute to the injury?  Yes  No Describe: \_\_\_\_\_

8. Were law enforcement authorities called?  Yes  No

Time of call: \_\_\_\_\_ AM PM Who made the call? \_\_\_\_\_

Name(s) of officer(s) responding: \_\_\_\_\_

9. Did the patron drive from the establishment?  Yes  No

10. Auto make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ License #: \_\_\_\_\_

11. If the incident occurred outside describe weather conditions: \_\_\_\_\_

12. Describe the incident including eyewitness accounts. Attach additional pages if needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Witness #1 name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Witness #2 name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature of person completing the form: \_\_\_\_\_ Date: \_\_\_\_\_

\*This form may be duplicated without the permission of the Pennsylvania Liquor Control Board. \*\*This form is not a legal substitute for the PLCB-931 Declaration of Age Card.  
PLCB-2027 02/15 Reorder Item #4027

## **(TOPIC): THE LIQUOR CODE**

The Liquor Code is a governing body of law applicable to every licensee in Pennsylvania. Licensees and their employees are responsible to know and follow the Liquor Code. Failure to do so could result in a citation for both the owner and employee.

### **Who enforces the Liquor Code?**

- ✓ *Pennsylvania State Police, Bureau of Liquor Control Enforcement*

### **Who creates the laws that are in the Liquor Code?**

- ✓ *Pennsylvania State Legislature*

## **(TOPIC): PLCB REGULATIONS**

The Pennsylvania Liquor Control Board establishes regulations to implement the Liquor Code and explain how it will apply its practices and procedures.

### **KEY FACT:**

**All licensees and employees must adhere to everything in the Liquor Code and PLCB regulations.**

## **(TOPIC): HOUSE POLICIES**

Written policies will guide you on how to manage tough situations. The goal here is to get everyone on the same page and handle situations in a similar fashion.

RAMP strongly recommends every establishment have a written set of rules beyond the Liquor Code called "house policies." Having written policies can greatly reduce your risk of liability and avoid violations.

House policies are created typically by the owners or managers of licensed establishments. They are the "rules" of the establishment beyond the Liquor Code. House policies can be more stringent than the Liquor Code and cover a wide variety of topics. Some topics to consider are how to handle minors and VIPs, where minors can sit, last call and number of drinks to serve one person.

Take a few seconds to think about what policies you have regarding minors and visibly intoxicated patrons. Are there additional policies you would like to see implemented where you work?

### **KEY FACT:**

**House Policies can be changed at any time.**

## **(TOPIC): CLUB BYLAWS**

Private club licensees such as the Elks Club or American Legion have written rules called bylaws. PLCB regulations require that private clubs adhere to their constitutions and bylaws. If a club does anything contrary to what is stated in those documents, it can be cited by the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

*Note: Club bylaws must be changed by following the proper steps as determined by the club's constitution and charter.*

## **(TOPIC): WHAT IS ALCOHOL AND HOW IS IT ABSORBED?**

Alcohol is a chemical substance and central nervous system (CNS) depressant drug.

### **What helps to slow down the absorption of alcohol?**

- ✓ *Any amount of food in the stomach helps. It's important to eat prior to and during drinking.*

## **(Topic): ABSORPTION RATE FACTORS**

You are required to explain each absorption rate factor.

**Body Size**

**Body Type**

**Gender**

**Amount Consumed/Time**

**Concentration of Alcohol**

**Food**

**Carbonation**

**Other Drugs**

### **KEY FACT:**

**Absorption may continue up to 90 minutes after alcohol consumption has stopped.**

## **(Topic): DRUG AND ALCOHOL INTERACTIONS**

This topic must be covered with content of your choice.

## **(Topic): ALCOHOL AND ENERGY DRINKS**

This topic must be covered with content of your choice.

## **(TOPIC): DRINK EQUIVALENCY**

Drink equivalency is important for you to understand in order to serve alcohol responsibly. As a server, you want to count standard servings of alcohol, not drinks, because a drink can contain more than one standard serving of alcohol.

### **What is a standard serving of alcohol?**

- ✓ *12 ounces of beer*
- ✓ *5 ounces of wine*
- ✓ *1.5 ounces of 80-proof liquor or 1 ounce of 100-proof*

*Note: These standards are based on 5% alcohol in 12 oz. beer, 12% alcohol in 5 oz. wine.*

## **(Topic): HOW ALCOHOL IS ELIMINATED**

This topic must be covered with content of your choice.

## (TOPIC): MEASURING INTOXICATION

The common measures of intoxication are blood alcohol content, BAC, and visible intoxication.

- BAC is determined by chemical analysis of the blood, breath or urine. BAC is the legal standard police and courts use to determine levels of intoxication.
- Visible intoxication is the standard servers must use in determining intoxication. That is, something that can be observed.

### Explanation of BAC

This topic must be covered with content of your choice.  
Content must include explanation of the provided BAC charts.

<b>ALCOHOL IMPAIRMENT CHART</b>										
<b>APPROXIMATE BLOOD ALCOHOL PERCENTAGE</b>										
NEVER DRINK AND DRIVE	Drinks	Body Weight in Pounds								
		100	120	140	160	180	200	220	240	
	0	.00	.00	.00	.00	.00	.00	.00	.00	ONLY SAFE DRIVING LIMIT
	1	.05	.04	.03	.03	.03	.02	.02	.02	Impairment Begins Driving Skills Affected Possible Criminal Penalties
	2	.09	.08	.07	.06	.05	.05	.04	.04	
	3	.14	.11	.10	.09	.08	.07	.06	.06	
	4	.18	.15	.13	.11	.10	.09	.08	.08	Legally Intoxicated Criminal Penalties
	5	.23	.19	.16	.14	.13	.11	.10	.09	
	6	.27	.23	.19	.17	.15	.14	.12	.11	
	7	.32	.27	.23	.20	.18	.16	.14	.13	
	8	.36	.30	.26	.23	.20	.18	.17	.15	
	9	.41	.34	.29	.26	.23	.20	.19	.17	
	10	.45	.38	.32	.28	.25	.23	.21	.19	

Your body can get rid of one drink per hour.  
Each 1.5 oz. of 80 proof liquor, 12 oz. of beer or 5 oz. of table wine=1 drink.

<b>ALCOHOL IMPAIRMENT CHART</b>										
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	0	.00	.00	.00	.00	.00	.00	.00	.00	ONLY SAFE DRIVING LIMIT
	1	.03	.02	.02	.02	.02	.02	.01	.01	Impairment Begins Driving Skills Affected Possible Criminal Penalties
	2	.05	.05	.04	.04	.03	.03	.02	.02	
	3	.08	.07	.06	.06	.05	.05	.04	.04	
	4	.11	.09	.08	.08	.07	.06	.06	.05	Legally Intoxicated Criminal Penalties
	5	.13	.12	.11	.09	.09	.08	.08	.07	
	6	.16	.14	.13	.11	.10	.09	.09	.09	
	7	.19	.16	.15	.13	.12	.11	.11	.10	
	8	.21	.19	.18	.17	.15	.13	.13	.12	
	9	.24	.21	.20	.19	.17	.16	.15	.14	
	10	.27	.23	.21	.19	.17	.16	.16	.15	

Your body can get rid of one drink per hour.  
Each 1.5 oz. of 80 proof liquor, 12 oz. of beer or 5 oz. of table wine=1 drink.

## **(TOPIC): TOLERANCE**

This topic must be covered with content of your choice.

## **(Topic): ALCOHOL AND THE BRAIN**

Alcohol affects the way the brain works by impairing mental and physical functions. Impairment increases as the amount of alcohol in the blood (or BAC) rises. Different areas of the brain control different behaviors. As alcohol affects the major areas of the brain, certain changes occur, such as relaxed inhibitions, impaired judgment, slowed reactions and impaired coordination.

- **Relaxed inhibitions** - A person will say or do things they normally would not
- **Impaired Judgment** - A person's ability to make sound decisions diminishes
- **Slowed reactions** - A person's ability to respond and react diminishes
- **Impaired coordination** - A person's motor skills will be affected

## **(Topic): VISIBLE INTOXICATION DEFINED**

You just learned that BAC is the legal standard police and courts use to determine levels of intoxication. As a server, you are not expected to know a customer's BAC as determined by a breathalyzer test, however, you are expected to recognize visible intoxication. "Visible intoxication" is a level of impairment that is evident upon common observation such as a person's behavior or appearance. This is the standard servers should use to decide if a customer is intoxicated. It is illegal for a licensee or any employee, servant or agent of the licensee or any other person, to sell, furnish or give any alcoholic beverages or permit any alcohol to be sold, furnished or given, to any person visibly intoxicated. Once it is determined that a customer is visibly intoxicated, alcohol service must be stopped immediately.

### **What are some common signs of impairment?**

*Note: There is no single indicator that will specifically identify visible intoxication.*

**KEY FACT: It is illegal to serve alcohol to a visibly intoxicated person.**

Please note it is also important to monitor patrons who have been flagged to make sure that no one else is providing them with any alcohol while on your licensed premises, as you will be held liable.

## **(TOPIC): PREVENTING INTOXICATION**

This topic must be covered with content of your choice.

## **(TOPIC): REFUSING SERVICE**

As a server, you have the right to refuse alcohol to anyone, as long as you don't violate the Pennsylvania Human Relations Act.

### **KEY FACT:**

**The Pennsylvania Human Relations Act prohibits discrimination based on factors like race, gender, and ethnicity. You must make sure to not unlawfully discriminate in choosing who you refuse to serve or bar from the premises.**

## (Topic): MINORS

It is illegal for anyone under the age of 21 to attempt to purchase, purchase, possess, consume or knowingly and intentionally transport alcoholic beverages. It is illegal for a licensee or any employee, servant or agent of the licensee or any other person to sell, furnish or give any alcoholic beverages or permit any alcohol to be sold, furnished or given to any minor. When the laws regarding minors are violated, you, the server, may be held liable for the minor's actions.

## (TOPIC): WHO AND WHEN TO CARD

We know it is not always easy to identify a minor. A person's physical characteristics, mannerisms, clothing, facial features and cosmetics can be very misleading and give the impression of a much older and mature individual. For these reasons, it is recommended that anyone who appears to be under the age of 35 be considered a potential minor and should be asked to provide proper identification, and the licensee should document it.

## (TOPIC): LEGALLY ACCEPTABLE ID

Under the Pennsylvania Liquor Code, the only legally acceptable forms of identification are:

- A valid photo driver's license issued by the Pennsylvania Department of Transportation or any state
- A valid photo identification card issued by the Pennsylvania Department of Transportation or any state
- A Canadian driver's license or other bona fide Canadian identification, such as a Canadian-issued passport that contains a photograph
- A valid United States Armed Forces ID card that contains the holder's photograph
- A valid passport, passport card or travel visa that contains the holder's photograph

Although these are all acceptable forms of identification, you do not have to accept all of them and may refuse service if you are uncertain or uncomfortable with the ID presented to you.

### KEY FACT:

All of these IDs must contain a photograph and cannot be expired.

## (TOPIC): HOW TO CARD

To effectively identify ID fraud, IDs should be checked under good lighting. Some of the most common alterations are not always obvious. A lit magnifying glass can be extremely beneficial in uncovering discrepancies. When checking IDs, it is important to follow an established routine. Memorize the steps and use them, in order, every time you check an ID. An example of a routine approach called FEAR (Feel, Examine, Ask, and Return) is:

- First, **FEEL** for pin holes, bumpy surfaces, glue lines, rough edges. RAMP recommends that you hold the card until the carding process has been completed.
- Next, **EXAMINE** the photo, DOB, expiration date, consistency of font, hologram, state logo, reverse side, UV feature.
- Then, **ASK** the DOB, person's age, ZIP code, zodiac sign, middle name, second form of ID.
- Last, **RETURN or REFUSE**. At no time should the licensee willingly confiscate a suspected fraudulent ID.



*The Server/Licensee then should fill in the:*

- 6.) Current date
- 7.) Name of establishment
- 8.) Serial number of the ID card presented by the customer
- 9.) Witness-licensee/server name and address
- 10.) Type of ID shown
- 11.) Signature compared-check YES or NO

*If sale is refused, enter a physical description of the customer to include:*

- 12.) race, sex, complexion, hair color, approximate weight, height, and distinguishing features
- 13.) code requested-what they purchased to go
- 14.) Reason refused

**Photograph** – Many licensees take a photograph of the ID. With a digital camera, you can store many pictures on one memory card.

**Photocopy** - Many licensees take a photocopy of the ID and have the patron sign next to the copy to verify the signature.

**Transaction scan device** – Use the FEAR method first. Make sure the scanner stores the information. You may want to invest in a scanner that reads both bar codes and magnetic strips. \*An establishment with a wine expanded permit must use a transaction scan device when the purchaser appears under age 35.

**Other visual or video presentation of the identification card presented** – Make sure the camera is positioned in a manner to clearly capture the ID that you are looking at, not just video surveillance.

*Note: One of these methods should be used each time you card someone, not just when you are suspicious of the ID.*

Section 4-495(e) of the Liquor Code states that no penalty shall be imposed on a licensee or employee for serving alcohol to a minor if the licensee or employee can establish that the minor was required to produce a valid form of identification, and that one of the forms of documentation were used and relied upon in good faith. See the section entitled “Legally Acceptable Forms of Identification” for such forms of identification.

**KEY FACT:**

**All documentation must be kept for at least two years.**

**(TOPIC): MINORS FREQUENTING**

Not only is it illegal to sell or furnish alcohol to minors, it is generally unlawful for any hotel, restaurant or club licensee or any retail dispenser licensee or their servants, agents or employees to permit minors to be present on or frequent the licensed premises for any reason whatsoever. The exceptions to this general rule are:

A. Minors may be permitted on the premises of a hotel, restaurant, club or any retail dispenser if the minor is in the company of: a parent, a court appointed legal guardian or under proper supervision.

1. **A parent** - a parent is a parent.

Ex. A 21-year-old parent can come into an establishment with their 2-year-old child and sit wherever they like and consume alcohol, simply because they are the parent. Keep in mind; if smoking is permitted in your establishment, this would not be permissible.

**2. A court-appointed legal guardian** – is an individual who has been granted authority by the court to care for a minor.

Ex. A grandmother gets legal custody of their grandchild because the child’s parents are deceased.

**Is a spouse considered a legal guardian?**

NO, a spouse is not considered a legal guardian.

**3. Under “proper supervision”** - a person who is 25 years of age or older who is directly responsible for the care and conduct of the minor(s) while on the licensed premises, and who keeps the minor(s) within his/her sight or hearing at all times. If the licensee or employee is acting as proper supervision, then that person may not perform any other employment-related duties.

Ex: I am 26 years old and I am watching my 3-year-old niece. I can enter a licensed establishment, sit wherever I choose and consume alcohol, providing I am in a non-smoking establishment. If smoking were permitted, I could not enter with the 3-year-old.

Ex: I am 30 years old and coach Little League. After the championship game, my assistant coach, who is 35, and I take the team to eat. There are 23 players on the team and 2 coaches over age 25. It would be permissible for us to enter a licensed establishment to eat, as long as we are not in Philadelphia. In Philadelphia, 5 supervisors would be required.

**Can a bartender provide proper supervision while tending bar?**

No. If the licensee or employee is acting as proper supervision, then that person may not perform any other employment-related duties.

**What is the ratio of supervisors to minors?**

- A. General rule: 1 supervisor per 20 minors
- B. Philadelphia: 1 supervisor per 5 minors
- C. School-endorsed function: 1 supervisor per 50 minors

**KEY FACT:**

**Minors frequenting does not apply to:**

- **Limited Wineries**
- **Distributors**
- **Importing Distributors**
- **Public Venues**
- **Performing Art Facilities**
- **Unlicensed areas of a golf course**
- **Unlicensed areas of bowling alleys**
- **Ski Resorts**
- **Casino License Holders**

Please note, the provisions of the Clean Indoor Air Act must also be observed. If an establishment permits smoking, individuals under the age of 18 years of age are not permitted on the licensed premises or in the enclosed bar area at any time or for any reason. The establishment must post signage at all entrances to the enclosed bar area stating “No one under the age of 18 permitted”. If the officers of a Club licensee vote to allow smoking, the provisions do not restrict minors under 18 from being in the club while smoking is occurring, except when the club is open to the public through general advertisement for a club-sponsored event or when the club is leased or used for a private event which is not club-sponsored.

B. Another exception is limited to restaurant, hotel or retail dispenser licensees only (not clubs). It is often referred to as the **Pizza Hut Exception**. This exception allows minors to frequent a licensed premises for the purpose of eating food or drinking non-alcoholic beverages without needing any supervision. All of the following conditions must be met:

1. The licensee must be able to demonstrate that 50 percent or more of its total gross sales is food and non-alcoholic beverages.
  - This demonstration is based on overall sales over extended periods of time.
2. The minors must not be seated at the bar section of the establishment.

Ex: Two 19-year-olds enter a chain restaurant for dinner. The bar area is clearly separated from the dining area. The patrons may be seated at a table or booth in the bar section as long as they are not seated at the bar.

3. Alcoholic beverages may not be served at the table or booth at which the minor is seated unless the minor is with a parent, court-appointed legal guardian or under “proper supervision” as previously defined.

Ex: Three people enter a restaurant. One orders water, one orders a soda and one orders a beer. You card the one who ordered alcohol and he/she is 24. Can you serve that person? In this situation, you would have to card everyone sitting at the table to see how old the non-alcoholic drinkers are. If they are both over 21, then you can serve the 24-year-old. If they are under 21, you can only serve alcohol at that table if there is a parent, court-appointed legal guardian or proper supervisor sitting at that table.

**KEY FACT:**

**The Pizza Hut Exception does not apply to Club licensees. Minors must always be properly supervised when frequenting a private club.**

C. The final exception to the prohibition of minors frequenting is applicable to hotel, restaurant, retail dispenser or club licensees for a “**social gathering**”, even if the gathering is exclusively for minors. In order to permit such conduct, ALL of the following must apply:

1. No alcohol may be served anywhere on the licensed premises.
2. All alcohol must either be removed from the premises or secured under lock and key during the social gathering.
3. Written notice must be provided to the Pennsylvania State Police, Bureau of Liquor Control Enforcement, at least 48 hours in advance of the event.
  - Most licensees do not have what constitutes a social gathering because it means that no alcohol can be served anywhere on the licensed premises during the gathering.

**KEY FACT:**

**If a minor is attending a social gathering as defined, then no other adult supervision is required for the event.**

## APPENDIX A

### Contact Reference Guide

#### Pennsylvania Liquor Control Board

Website: <http://www.lcb.pa.gov>

#### BUREAU OF ALCOHOL EDUCATION Responsible Alcohol Management Program

Toll Free.....1-866-275-8237  
Eastern Region .....610-940-1217.....FAX Number - 610-943-5620  
Central Region .....717-558-2160.....FAX Number - 717-558-2718  
Western Region .....412-723-0109.....FAX Number - 412-723-0113  
Email: RA-LBRamp@pa.gov

#### OFFICE OF CHIEF COUNSEL

Harrisburg ..... 717-783-9454.....FAX Number – 717-787-8820  
Email: RA-LBLegal@pa.gov

#### BUREAU OF LICENSING

Licensing Information Center .....717-783-8250.....FAX Number - 717-772-2165  
Email: RA-LBLicensing@pa.gov

#### OFFICE OF ADMINISTRATIVE LAW JUDGE

Philadelphia District .....610-832-1743  
Harrisburg District .....717-540-5038  
Pittsburgh District .....412-920-2007

#### PENNSYLVANIA STATE POLICE - BUREAU OF LIQUOR CONTROL ENFORCEMENT

Philadelphia .....	215-726-6200	Allentown .....	484-519-4500
Wilkes-Barre .....	570-826-2370	Williamsport .....	570-433-3959
Harrisburg .....	717-541-7961	Altoona .....	814-693-6200
Punxsutawney .....	814-938-0565	Pittsburgh .....	412-548-2050
Erie .....	814-217-0001		

#### DEPARTMENT OF LABOR & INDUSTRY

Harrisburg.....717-214-2991

#### DEPARTMENT OF REVENUE

Harrisburg.....717-425-7700

#### DEPARTMENT OF HEALTH

Harrisburg.....877-835-9535

## APPENDIX B

### How to Obtain a Legal Advisory Opinion

The Board has been authorized by the Legislature to issue advisory opinions interpreting the Liquor Code and Board's Regulations which are binding on the Pennsylvania State Police, Bureau of Liquor Control Enforcement. These opinions are a form of protection for licensees. Those licensees who have questions must submit a written request for an advisory opinion by mail, via fax, or email. All requests should be addressed to:

Pennsylvania Liquor Control Board  
Office of Chief Counsel  
401 Northwest Office Building  
Harrisburg, PA 17124-0001  
OR

Fax your request to 717.787.8820

Email your request to: [ra-lblegal@pa.gov](mailto:ra-lblegal@pa.gov)

#### **Requests should contain the following information:**

- Name, address and phone # of the requesting Licensee
- Type of license and License number
- Legal questions
- Facts and details needed to understand the question such as who, what, where, why and when

The Office of Chief Counsel will attempt to respond to your request as soon as possible. If you are requesting an opinion as to the legality of a scheduled event or promotion, please you're your request more than three weeks prior to the event date, and clearly indicate the date of the scheduled event.

Visit: [www.lcb.state.pa.us](http://www.lcb.state.pa.us) for advisory opinions that have been previously issued to licensees. Click on For Licensees, Legal Issues, and Legal Advisory Search.

## **APPENDIX C**

### **Clean Indoor Air Act**

On June 13, 2008, the Governor signed into law Senate Bill 246 (now known as Act 27 of 2008, entitled the "Clean Indoor Air Act" (the "Act"). The Act went into effect on September 11, 2008.

Generally, the Act prohibits smoking in a "public place," defined as an enclosed area which serves as a workplace, commercial establishment or an area where the public is invited or permitted. There are various exceptions to the general prohibition, including certain exemptions which may apply to various licensees of the Pennsylvania Liquor Control Board ("Board"). One such exemption relates to licensed establishments whose total annual food sales are not more than twenty percent (20%) of the establishment's total annual sales.

Be advised that the Board is not responsible for implementing or administering the Act. Specific questions related to the Act and any specific exemptions to the smoking ban should be directed to the Pennsylvania Department of Health ("DOH").

Please be further advised that there are no statutory requirements that require the Board's retail licensees to provide revenue data to qualify and be issued a Sunday sales permit by the Board. Questions related to what information a Board licensee is required to provide to the DOH for a specific exemption from the Act should be directed to the DOH.

To learn more about the Act go to [www.health.pa.gov](http://www.health.pa.gov) or call 877-835-9535. Further, business owners can go to [www.pactonline.org](http://www.pactonline.org) for assistance in preparing to comply with the terms of the new law.