

**Protect Your Business:
Resources for Businesses that Sell
Alcohol and Tobacco in
Oak Park Heights
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Provided by the Oak Park Heights Police
Department
651-439-4723



Protect Your Business:

Resources for Businesses that Sell Alcohol and Tobacco in Oak Park Heights

Keeping alcohol and tobacco out of the hands of youth and limiting over serving are important steps to keeping our community safe. Businesses in Oak Park Heights play an important role in this process. *Protect Your Business* was created to clarify the laws and to give ideas on how to assure that your business stays in compliance with alcohol and tobacco sale laws.

Resources to Promote the Safe Sale and Service of Alcohol and Tobacco

Please use the links below for more information and resources to help you stay in compliance with laws related to the sale of alcohol and tobacco:

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This manual can also be found on the Oak Park Heights Police Department Web site at:

www.cityofoakparkheights.com

Thank you for your efforts to reduce youth access to alcohol and tobacco in Oak Park Heights. For questions call the Oak Park Heights Department 651-439-4723.

THE IMPORTANCE OF A POLICY

Every establishment can benefit from having written policies. Written policies can reduce your risk of problems, and your employees will be better able to manage situations that threaten your business (for example, “Excuse me, our policy requires us to see identification”). When employees know their responsibilities, they are less likely to sell alcohol or tobacco to an underage person.

Written policies are an important part of being a responsible licensee. When you have no written policies, each employee may have his or her own idea about what the rules are, what they mean, and when they should be applied. Materials provided will assist you in developing your establishment’s policies. You may want to use the models as they are, or adapt them to fit your needs. In the long term, the responsible establishment will build a strong and loyal customer base.

Here are some suggestions on writing and administering your policies:

- It is always a good idea to obtain ideas from your managers and employees when writing new policies. The employees will be more supportive of new policies they help create.
- Make sure policies are clear and specific.
- Provide all employees with a copy of the policies.
- To ensure that employees understand their responsibilities, have them sign an Employee Agreement Statement. Keep this agreement in each employee’s personnel file.
- Reinforce policies by providing regular training to employees.
- Between trainings, hold regular staff meetings where you discuss the rules, recent problem situations, and ways to prevent those situations from happening again.
- Advise employees that you will spot-check their compliance with the policies and provide them a regular performance review.
- Reward employees who show exceptional performance as responsible alcohol or tobacco sellers.

Remember, written policies, good communication and a supportive environment will go a long way toward protecting your business.

SAMPLE POLICY

EMPLOYEE POLICY ON THE SALE AND SERVICE OF ALCOHOL AND TOBACCO

Our business is committed to the safe sale of alcohol and tobacco. We have developed the following policy to ensure that we never sell alcohol or tobacco to underage or intoxicated customers. Referring to this policy can help you appropriately check identification and refuse service or sale when necessary. Management will support you in checking identification and refusing service or sale. This policy is an important part of protecting yourself and our business. Both the employee and management can be held responsible and punished for illegal sales.

- During their first week of employment, all employees will be provided with a copy of the establishment policies and asked to sign an employee agreement.
- Employees are required to attend a server training provided by this establishment at least once per year: Failure to attend these trainings will result in disciplinary action against the employee.
- It is everyone's responsibility to make sure that customers who buy alcohol or tobacco are of age. We verify that all customers are at least 18 years old for tobacco and 21 years old for alcohol. Therefore, we thoroughly check the age identification of all people who appear younger than 30 years old.
- In Minnesota, acceptable forms of identification include:
 - ✓ Valid driver's license or identification card from any state or province of Canada;
 - ✓ A punched driver's license with current paperwork;
 - ✓ Tribal identification;
 - ✓ Valid United States passport;
 - ✓ Valid military identification card issued by the U.S. Department of Defense;
 - ✓ In the case of foreign nationals, passports with photo from a nation other than Canada are valid;
 - ✓ **Expired driver's licenses are not** valid forms of identification.
- Adequately checking identification means:
 1. Comparing the picture on the identification with the customer;
 2. Checking the birth date;
 3. Examining the card for signs of falsification or tampering; and
 4. Checking the U.S. Driver License Booklet when unsure of the validity of a license.
- Managers will post signs and make materials available (example: US Driver License Booklet) to employees to help them follow the laws.
- We will discourage intoxication, and not serve any person who looks or acts intoxicated, even if he/she is taking a taxicab or has a "designated driver." This includes employees and regular customers.
- When a customer has been refused service or been denied a purchase because he or she is under 18 years old for tobacco and under 21 years of age for alcohol, or appears intoxicated, all employees will help prevent this customer from possessing or consuming any alcoholic beverages.
- Reasonable efforts will be made to prevent a patron who is obviously intoxicated from driving upon leaving our establishment. This may include calling a taxi or finding other transportation. If any

employee feels any patron is unable to drive responsibly, he or she will notify management who may call the police, if necessary.

- Violation of these policies by employees:
 - 1st Violation: Warning and Probation
 - 2nd Violation: Suspension
 - 3rd Violation: Termination
- Management will support every employee's decision to refuse a sale or terminate service to any customer.
- We will actively discourage loitering inside the store or on adjacent property immediately outside the store. This means we will tell loiterers to leave and we will keep signs posted. This will help prevent potential sales to minors.
- We will refuse to sell alcohol or tobacco to any person of legal age if we suspect they are going to furnish them to an underage person.

HOW COMPLIANCE CHECKS ARE CONDUCTED

The sale of alcohol and tobacco to underage persons is a real and growing concern of the citizens and law enforcement in Oak Park Heights. Because of these concerns, we do not enforce alcohol and tobacco compliance based solely on complaints. The Oak Park Heights Police Dept. conducts at least one alcohol and one tobacco compliance check each year and most years we conduct two or more checks. The purpose of these checks is to identify businesses and employees that are in compliance with existing laws and to encourage immediate corrective action and compliance by those who are not.

How are compliance checks done?

- A trained person under age 21 for alcohol or under the age of 18 for tobacco attempts to purchase alcohol or tobacco while a law enforcement officer observes or waits outside the business.
- As part of their training, the underage person is advised to look their age, be honest about their age if asked, not disguised, and not use a fake ID.
- If the young person is able to purchase alcohol or tobacco, the law enforcement officer issues a citation or a formal complaint to the clerk or server and license holder/owner.
- The Oak Park Heights Police Department tracks the results of all compliance checks. These results can be used to enhance penalties to the business for repeated failed compliance checks.

PENALTIES FOR UNDERAGE SALE

Alcohol Sale:

- Seller or server will be charged with a gross misdemeanor criminal citation. This is punishable by imprisonment for no more than 1 year, a fine of no more than \$3,000.00 or both. MN State Statute 340A.503.
- Criminal and civil actions against the owner or operator of a licensed establishment who allows the sale of alcoholic beverages to a minor. These sanctions may include a criminal complaint and/or imposition of a civil fine as well as the suspension and/or revocation of your current liquor license.
- Civil lawsuits are also possible in cases where minors are served and subsequently experience or cause harm, injury or death.

The City of Oak Park Heights has the following resolution #00-07-39 in effect as of the date of this publication 05-01-2012. The civil sanctions the city may impose against the business are as follows:

- 1st Offense – \$500 civil sanction
- 2nd Offense - \$1,000 civil sanction and license revocation. On sale license revocation will be 5 days M-F. Off sale will be 3 days Friday to Sunday.
- 3rd Offense - \$1,500 civil sanction and license revocation. On sale license revocation will be 7 continuous days. Off sale license revocation will be 10 continuous days.
- 4th Offense – Council discretion to include permanent license revocation.

All violations will be considered within a 24 month period.

Tobacco Sale:

- Civil or administrative actions can be brought against the owner or operator of a licensed establishment who allows the sale of tobacco to a minor.
- Sanctions may also include the suspension or revocation of your current tobacco license.
- Criminal citation to the sales person will result in a misdemeanor punishable by fine of \$1,000.00 and up to 90 days in jail. A second violation within 5yrs will result in a gross misdemeanor violation of no more than 1 year in jail and or a \$3,000.00 fine. MN State Statute 609.685.

For tobacco vendors in the city that fall under Oak Park Heights resolution #01-02-13, the civil sanctions the city may impose are:

- 1st Offense - \$500 civil sanction
- 2nd Offense - \$1,000 civil sanction and a 5 day license suspension of M-F.
- 3rd Offense - \$1,500 civil sanction and a 10 day license suspension.
- 4th Offense – Council discretion to include permanent license revocation.

All violations within a 24 month period will be considered.

EMPLOYEE TRAINING TIPS

- Issue a written policy that explains to all managers and employees that your establishment will not sell alcohol to anyone who is under 21 years old or sell tobacco to anyone who is under 18 years old. Explain that your establishment has an obligation to obey the federal, state and local age-of-sale laws.
- Provide each employee with a summary of the laws regarding alcohol and tobacco sales. Review the law and your establishment's policy with all of your employees.
- Require employees to sign an employee agreement (included) stating that they understand the store's policy and the laws regarding alcohol and tobacco sales to minors.
- Inform your employees that any illegal sale to minors will result in disciplinary action and penalties.
- Tell the employees that they must request photo identification from anyone buying alcohol or tobacco who is not obviously over 30 years of age. Make it clear that your policy is to refuse to sell without proof of age.
- Teach employees how to read birth dates to determine if a person is of legal age to purchase the product. Post a sticker or calendar on the cash register stating "Selling alcohol or tobacco only to those born on or before today's date, 19xx."
- Practice with your employee's ways to check IDs of customers and how to refuse sales to those under age.
- As the law requires, post signs visible to the public stating that it is illegal to sell alcohol or tobacco to anyone under age.
- Instruct employees on the health and safety risks associated with alcohol and tobacco use. Underage persons who use alcohol are more likely to have a car crash, get into a fight, have unsafe sex, or experience problems in school than those who don't use alcohol. Underage persons using tobacco are at risk for other drug and alcohol use.
- Periodically remind employees of the law and your policy.

SAMPLE AGREEMENT – SALE OF ALCOHOL

EMPLOYEE AGREEMENT FOR SALE OF ALCOHOL

I understand that Minnesota State law prohibits the sale of alcoholic beverages to minors under the age of twenty-one (21) years of age and to obviously intoxicated individuals. Selling alcoholic beverages to a person under the age of 21 or to an intoxicated person may result in the suspension or loss of the establishment’s license to sell alcoholic beverages.

By signing this form I agree to the following statements:

1. I understand that our store/restaurant/bar is dedicated to the safe and responsible sale of alcoholic beverages.
2. I have read the materials distributed by my manager related to the sale of alcoholic beverages to minors and intoxicated persons and understand their requirements.
3. I understand that it is against the law to sell alcoholic beverages to any person under the age of 21.
4. I understand that if a younger person gives me a form of identification, I must carefully check to determine if he or she is 21 years of age or older. I must refuse to sell alcoholic beverages to anyone under the age of 21.
5. I will discourage intoxication, and not serve any person who looks or acts intoxicated, even if they are taking a taxicab or have a designated driver. This includes employees and regular customers.

Employee Signature

Date

Store Manager Signature

Date

EIGHT STEPS TO SAFE SALE OF ALCOHOL

1. Be polite, but firm. Explain that you will get into serious trouble if you don't check everyone's ID.
2. Know how to read birth dates to determine if a person is 21 or older.
3. Make sure the picture on the ID matches the person.
4. Don't fall for any excuses, such as "I left my license at home."
5. Co-workers can help each other. We all get forgetful, so remind each other about checking IDs.
6. If persons over the age of 21 in your place of business attempt to share their alcoholic drinks with minors, you can ask them to stop or leave your premises. This includes the parking lot.
7. If a customer gives you a hard time, offer to let them speak to the owner or manager.
8. If you are confused about your store's policy or you come across a difficult situation, ask your supervisor to explain what he or she expects of you.

If you are still in doubt, refuse to sell

SAMPLE AGREEMENT – SALE OF TOBACCO

EMPLOYEE AGREEMENT FOR SALE OF TOBACCO

I understand that Minnesota State law prohibits the sale of tobacco to anyone under the age of 18. Selling tobacco to a person under the age of 18 may result in a fine and the suspension or loss of the establishment’s license to sell tobacco.

By signing this form I agree to the following statements:

1. I understand that our store is dedicated to the responsible sale of tobacco.
2. I have read the materials distributed by my manager related to the sale of tobacco and understand their requirements.
3. I understand that it is against the law to sell tobacco to any person under the age of 18.
4. I understand that I must ask for an ID from everyone looking younger than 30. When a person gives me a form of identification, I must carefully check to determine if he or she is 18 years of age or older. This information is clearly stated on the license.
5. I understand that I must refuse to sell tobacco to anyone under the age of 18 or I may lose my job.

Employee Signature

Date

Store Manager Signature

Date

EIGHT STEPS TO SAFE SALE OF TOBACCO

1. Be polite, but firm. Explain that you will get into serious trouble if you don't check everyone's ID.
2. Know how to read the license and birth dates to determine if a person is 18 or older.
3. Make sure the picture on the ID matches the person.
4. Don't fall for any excuses, such as "I left my license at home."
5. Co-workers can help each other. We all get forgetful, so remind each other about checking IDs.
6. If a person over the age of 18 attempts to buy tobacco for someone else, you can ask them to stop or leave your premises. This includes the parking lot.
7. If a customer gives you a hard time, offer to let them speak to the owner or manager.
8. If you are confused about your store's policy or you come across a difficult situation, ask your supervisor to explain what he or she expects of you.

If you are still in doubt, refuse to sell

EMPLOYEE TRAINING RESOURCES

The Oak Park Heights Department and Washington County Public Health and Environment hold free server trainings annually. Check out the following website for more information:

http://www.co.washington.mn.us/info_for_residents/public_health/alcohol_tobacco_vendor_resources/

ALCOHOL:

Alcohol server training benefits licensees considerably, by reducing the chances that incidents might result and liability lawsuits might occur. Also, **many liquor liability insurance companies offer substantial premium discounts to insured's that have such training.**

Alcohol Server Training Programs available:

Minnesota Department of Public Safety: Alcohol and Gambling Enforcement Division Server Training, Brian Kringen, office: 651-201-7509, Brian.Kringen@state.mn.us

Online Training and Resources

<http://shows.implex.tv/mlba/> Minnesota Licensed Beverage Association, 651-289-5602 (MLBA)

<http://www.servsafe.com/alcohol/> Serve Safe Alcohol

<http://tipsalcohol.com/> TIPS Alcohol Training

http://www.servingalcohol.com/minnesota_alcohol_server_training.html#tobj3616 Serving Alcohol.com

<http://www.tamusa.org/OnlineTraining/tabid/61/Default.aspx> Techniques of Alcohol Management

Quick Links for Alcohol Information:

University of Minnesota Alcohol Epidemiology Program

<http://www.epi.umn.edu/alcohol/facts/factsale.shtm>

TOBACCO:

Training clerks on how to correctly sell tobacco and tobacco-related products is essential to preventing underage youth from purchasing these products, which will help decrease the use of tobacco and protect your business from any violation fines.

Training and Resources:

We Card – materials and training

<http://www.wecard.org/>

http://wecard.org/index.php?option=com_content&task=view&id=12&Itemid=26

http://wecard.org/index.php?option=com_content&task=view&id=154&Itemid=638

Quick Links for Tobacco Information:

Tobacco Modernization and Compliance Act 2010 –

<http://publichealthlawcenter.org/content/passage-tobacco-modernization-and-compliance-act-2010>

Tobacco Law Information - <http://www.health.state.mn.us/divs/hpcd/tpc/legal.html>

Minding the Store -

http://www.health.state.mn.us/divs/hpcd/tpc/youth/documents/tlp_minding_the_store.pdf

Purchasing Tobacco on the Web -

<http://www.health.state.mn.us/divs/hpcd/tpc/youth/smokeontheweb.pdf>