

# Tennessee Server Permits

## Server Training Program Materials

This program has been certified by the Tennessee Alcoholic Beverage Commission as currently satisfying the requirements of the Alcohol Server Responsibility and Training Act of 1995.

**YOU MUST BE AT LEAST 18 YEARS OLD, AND YOU CANNOT HAVE BEEN CONVICTED OF ANY FELONY IN THE PAST EIGHT YEARS INVOLVING INTOXICATION, THEFT, OR DECEIT, AND YOU CANNOT HAVE BEEN CONVICTED OF ANY STATUTE INVOLVING THE SALE OF ALCOHOLIC BEVERAGES, BEER, OR SCHEDULE I OR II CONTROLLED SUBSTANCES OR ANY SEX-RELATED CRIME OR EMBEZZLEMENT WITHIN THE PREVIOUS EIGHT YEARS. IF ANY OF THESE RESTRICTIONS APPLY TO YOU, YOU DO NOT QUALIFY FOR A SERVER PERMIT, AND WILL BE ISSUED A REFUND FOR ANY PAYMENT YOU HAVE MADE.**

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## History of Alcohol

Alcohol has been apart of human history as long as humans have lived together in communities. Archeological evidence suggests that intentionally fermented beverages have been produced since the Neolithic era, about 10,000 BC. There is evidence of fermented rice beverages in China dating to around 7000 B.C and further evidence of alcohol consumption in ancient Egypt and Babylon dating to around 3000 BC. In pre-Hispanic Central American cultures alcohol production and consumption dates to around 2000 BC. Alcohol's medicinal and destructive properties are mentioned in ancient Hindu texts, Sumerian and Egyptian writings, as well as the Hebrew Bible.

Alcohol was consumed, as part of breakfast in Classical Greece. By the 1st century BC alcohol was part of the daily diet of most Roman citizens. They drank a mostly diluted version of wine. In Europe during the Middle Ages a low strength beer was consumed as an everyday drink for all classes of people, even nuns. An early church document allowed nuns six pints of ale a day. Cider and wine were also widely used in the Middle Ages but mostly among the upper class.

During the Protestant Reformation men like John Calvin and Martin Luther differed with the Catholic Church on many things, but alcohol was not one of them Alcohol was viewed as a gift from God, created to be used for pleasure and health in moderation. Drunkenness was viewed as a sin but Alcohol itself was seen as beneficial thing.

There is no known date for the beginning of distilling spirits. The first written record of whiskey comes from 1405 Ireland with Scotland distilling a form of whiskey from barley in 1494. By the seventeenth Century the English, French, and Dutch were all distilling a drink from juniper berries that would come to be known as gin. In 1685 the English were so enamored with this drink that Parliament passed a law to encourage its production. Encouraged by public policy, Europe was soon awash in cheap hard liquor for the first time in history. Many societal problems arose from the mass availability of cheap liquor and by 1736 England had done a total turnaround. They began passing laws to limit the production and discourage the consumption of alcohol. It was the beginning of what has led you to this class today, the restrictions of alcohol by governments. What is often called "the gin epidemic" was a problem in eighteenth century England. In 1743 a nation of 6.5 million people consumed 18 million gallons of gin. This is not the first time in history people binge drank but the creation of distilled spirits exacerbated the problem.

Alcohol played a prominent role in colonial America. It has been famously noted that the Pilgrims brought more beer than water with them on the Mayflower. Though it should be noted that fermented drinks were often safer than water at the time as water purification methods had yet to be developed. In early colonial societies the creation of alcohol was vital part of every settlement. Ben Franklin once noted, "Beer is proof god loves us and wants us to be happy." Years later Homer Simpson would popularize the saying once again.

As the eighteenth and nineteenth centuries progressed drunkenness became a

more wide spread problem. In 1828 in the United States, Nashvillian Andrew Jackson was elected President. Jackson was seen as the “common mans” President and everyone in the country was invited to the inauguration in Washington. Literally, if you could get there you could go. The White House grounds were open to the public and his inauguration turned into a two day drunken party that never stopped. People were passed out on the White House lawn; people drank from and broke chalices that had been presented to the country as gifts. Drapery and chairs were destroyed. Critics lambasted Jackson and his supporters as nothing but drunks.

America in the 1830’s was a time of great change. Jackson arrived at the White House in a horse and carriage and he left 8 years later on a railroad train. The 1830’s were in many ways like the 1960’s as new ideas and ways of living became popular. Ideas like vegetarianism, abolitionism, and transcendentalism were sweeping the county as a new generation of Americans took control of society. One of these new ideas was that of alcoholism and the idea that its use and production needed to be restricted for the good of society.

William Lloyd Garrison is famous for his advocacy of the abolition of slavery. His newspaper, The Liberator, was also one of the first American publications to call for “temperance” in the use of Alcohol. The next 60 years saw a steady growth of public support for this position. By the 1890’s Groups like the Anti-Saloon League and Women’s Christian Temperance Union boasted memberships in the thousands and public support for the prohibition of Alcohol was growing.

In 1919 the 18th Amendment to the Constitution was ratified and the Prohibition of Alcohol went into effect in the United States. The move led to a rise in organized crime and made criminals out of otherwise law-abiding citizens as the nation’s desire for alcohol never abated. All through the 1920’s America’s politicians were known as either “wets” or “dry’s” and the issue continued to arouse passions on each side of the debate.

In 1933 the 21st Amendment to the Constitution was ratified, effectively repealing the 18th Amendment. For the last 80 years, alcohol has been legal in the United States but the Amendment allows for the continued prohibition under state or local law. As a result the laws governing the production, consumption and distribution of alcohol were largely left up to states and local municipalities over the course of the twentieth century. There are 3,142 counties, parishes, and boroughs in the United States today and over 500 of them remain dry.

## SECTION 1: INTOXICATION & THE EFFECT OF ALCOHOL ON THE BODY

- Alcohol affects multiple systems of the brain
- Alcohol is classified as a depressant, but it can have stimulating effects on the brain and body as well
- The main interactions between alcohol and the body are ABSORPTION and METABOLISM
- Knowing how alcohol affects the body is crucial to preventing overconsumption and intoxication

### BLOOD ALCOHOL CONTENT

- Blood alcohol content is, like it sounds, the amount of alcohol in the bloodstream.
- Tolerance does not affect BAC levels
- Time is the only thing that reduce a person's BAC. Nothing else can reduce a person's BAC.
- There are many misconceptions about other ways to reduce BAC; but the liver can only work so fast in reducing BAC.

### TOLERANCE

- Tolerance is a decrease in the bodies sensitivity to alcohol
- Tolerance is something that evolves over time in a person and everyone will experience it a little different
- It is important to recognize guest with high tolerance because tolerance has no effect on B.A.C

### ALCOHOL ABSORPTION

- Alcohol is absorbed, not digested
- 20% of all alcohol is absorbed immediately through the mouth, throat, and stomach
- The remaining 80% is absorbed through the small intestines
- Food in the stomach can slow the absorption of alcohol by up to three times slower than an empty stomach
- Carbonation mixed with alcohol can speed absorption by stimulating the villi in your stomach and intestines.

### ALCOHOL METABOLISM

- Once alcohol is absorbed, the body begins the process of metabolism
- 90% of metabolism occurs in the liver
- 10% is metabolized through the skin, kidneys, and lungs
- The liver uses various enzymes to break alcohol down from ethanol to water and carbon dioxide
- This process cannot be sped up by outside substances or stimulation

## FACTORS THAT AFFECT BLOOD ALCOHOL

- Food
- Type of Drink Consumed
- Size of a Person
- Fat vs Muscle content
- Rate of consumption
- Drugs or medications
- Emotional Condition
- Gender
- Expectations

## SIGNS OF INTOXICATION

**As a guest drinks they will begin to display signs of intoxication. It is up to you as the server to pay attention to the guest and to note changes in their physical and behavioral characteristics.**

## PHYSICAL CHARACTERISTICS

### •Coordination

•A customer's motor skills may be affected by alcohol. This can be noticeable when they have trouble walking, sitting, or standing, or if they have trouble handling their wallet or phone.

### •Reaction Time

•Slowed reaction or response time is another physical sign of intoxication. If guest appears tired, or they can't keep their train of thought, or they become forgetful, these are signs alcohol may be affecting a guest.

## BEHAVIORAL CHARACTERISTICS

### •Judgement

•Alcohol is notorious for making bad decisions sound like good ones. If a guest is being argumentative, making inappropriate comments, or irrational statements these are signs alcohol is negatively affecting their judgement.

### •Lowered Inhibitions

•When a guest becomes more extroverted – speaking loudly, singing, being overly flirtatious or affectionate, this could be a result of alcohol consumption affecting a guest's inhibition and restraint.

## COUNTING DRINKS

- It is critical you pay attention to how much alcohol your guest has consumed. The number of drinks a guest consumes on your watch is the only thing you can know for sure.
- Beer, Wine, and Liquor are the three main categories of alcoholic beverages and all have different concentrations of alcohol
- Proof: The proof of an alcohol is a term used to show the percentage of pure alcohol in a liquor. Divide the proof in half to find ABV content (example, Jack Daniels is 80 proof meaning it contains 40% pure alcohol).

A drink is not a menu item – there is a big difference in a Bud Light and a Martini. A drink is defined by the amount of pure alcohol it contains.

- .05oz is considered one drink
- 12oz beer = 5 OZ wine = 1oz 100 proof = 1.25oz 80 proof = one drink (0.5oz pure alcohol)
- Of course, not all beers or wines have the same concentrations of alcohol
- And not all liquors are exactly 80-proof or 100-proof
- It is critical that you pay attention to drink recipes, serving/bottle sizes, and alcohol contents at your establishment

## Section 2: The Law of Alcohol

•As a professional server of alcohol, it is imperative that you understand your legal responsibilities. The consequences of not understanding and thus acting outside of the law could be anything from losing your job to civil judgements and criminal penalties. As a server you are required to make reasonable efforts to prevent intoxication and other illegal sales of alcohol.

### Examples of reasonable efforts:

- Cutting a guest off
- Offering non-alcoholic beverages
- Getting help from your co-workers
- Checking id's regularly and consistently
- Offer food at all times
- Offer to call a cab
- Calling the police as a last resort

### CRIMINAL LIABILITY

As a server of alcohol you may face criminal charges if you break state, county or local laws.

Some examples of Tennessee laws that could result in criminal prosecution if broken...

- serving alcohol to an underage guest
- Serving a guest who is visibly intoxicated
- Serving someone mentally impaired
- Serving a guest under the influence of mind altering medications or drugs
- Serving a known alcoholic or problem drinker

### CIVIL LIABILITY

- Civil legal actions are between private parties, where criminal actions are between the government and a suspect
- Sometimes bartenders or servers will be sued privately for recklessly or negligently serving alcohol illegally
- Negligence – A common civil cause of action, based on a standard of reasonable care. You have a duty to exercise the reasonable judgement of a professionally certified alcohol server
- Recklessness – Transcends negligence, conduct demonstrates indifference to the consequences of breaching a duty owed

## DRAM SHOP LAWS

- Dram Shop Liability – Refers to laws that allow an establishment, including the owners, managers, and servers, to be held liable for damage or injury proximately caused by illegal service of alcohol.
- Tennessee is one of the Jurisdictions that has Dram Shop Laws and holds establishments accountable for the actions of their intoxicated patrons

## CHECKING IDs

- In Tennessee, there is no identification requirement for on-premise, liquor-by-the-drink, sales of alcohol
- Tennessee requires ID for off-premise sales, like in grocery stores, liquor stores, or gas stations
- You are not allowed to sell or serve alcohol to anyone under the age of 21
- Your establishment may require you to card everyone, and you should follow your establishment's policy
- If you serve an underage person, you could be held liable criminally or civilly
- Law enforcement officials often send underage people into establishments undercover to sting servers and establishments serving those underage
- The penalty for serving an underage guest can be up to \$1500 and a loss of your server permit in Tennessee

## PROBLEMATIC IDs

There are 3 main categories of bad ID's:

- Fake IDs: Forgeries that were never valid government IDs
- Altered IDs: IDs that were valid before they were altered
- Borrowed IDs: IDs that would be valid, if the true owner of the ID was presenting it

## ACCEPTABLE IDs

In Tennessee, there are a variety of IDs that are considered acceptable

- Driver's License
- State-issued ID card
- Active or retired Military ID
- Valid photo passport
- Resident Green Card
- TN Handgun Permit
- TN State Prison ID



## ID SECURITY FEATURES

- Photograph
  - Owner's Signature
  - Ghost Image
  - Hologram
  - UV Images
  - Microprint
  - Barcodes
- 
- Raised Print
  - Perforated Image
  - Soundex System

## ID CHECKING PROCEDURE

- First, ask the guest to remove their ID from their wallet
- Next, check the expiration date – expired IDs are more likely to be borrowed
- Check the Birthdate – TODAY's DATE 21 YEARS AGO
- Then, Look at the back of the ID for irregularities
- Verify the security features and their locations
- Check the physical description – Especially the Height
- Ask for another ID – just something else with their name on it is helpful
- Ask Questions – Address, High School Graduation year, Zodiac sign, etc...
- REJECT ANY QUESTIONABLE IDs!*

ORDER AND BECOME FAMILIAR WITH THE **ID CHECKING GUIDE** AT 800-227-8827

## UNDERAGE DRINKERS

Some signs of underage guests:

- do they get upset or nervous when you ask for id?
- do they avoid eye contact?
- do they mention being a regular or friend of an employee or the owner?
- does one person from a suspicious group order all of the drinks?
- do they refuse to remove their id from their wallet?

## DOCUMENTING INCIDENTS

**Documenting incidents is essential in showing the reasonable efforts made by you and your establishment to prevent intoxication-related incidents.**

When should you document an incident?

- If you have to cut a guest off
- If you have to procure alternative transportation for a guest
- If a manager has to get involved
- If someone is hurt
- If police or ambulance have to be called
- If a fight breaks out

Basically, any time there is an occurrence that is out of the ordinary and involving alcohol, you should document the incident any way you can to aid in any subsequent investigation.

How should I document an incident?

- Video Surveillance
- Employee handbook
- Establishment policies
- POS system
- Incident reports
  - Who
  - What
  - When
  - Where
  - Attach a copy of the check or cc receipt

## TENNESSEE LAWS

- Dram Shop Liability: YES
- Legal Drinking Age: 21
- Minimum Age to Pour and Serve Alcohol: 18
- Acceptable Forms of ID: State-issued ID, Driver's License, Passport, and Military ID, Resident Green Card
- Mandatory Carding Policy: NO. It is establishment policy, except in off-premise sales, like in convenience stores or grocery stores.
- BAC level for presumption of intoxication for DUI: 0.08
- Can parents/guardians buy alcohol for minors in an establishment?: NO. **Texas, Ohio, Montana, South Dakota, Louisiana, Wisconsin**
- Penalty for serving a minor: \$1500 and loss of server permit.
- Confiscation: You cannot take an ID, but you are encouraged to contact your local police or local TABC Agent, in addition to your manager.
- Mandatory server training: YES. You're doing it. Every server, bartender, and manager is required to obtain a license from the TABC within 61 days of their hire date. Servers must pass a certified alcohol awareness class, have not been convicted of a felony in the last eight years dealing with intoxication, theft, or deceit, or be convicted of any crime related to the service of alcohol or sale of drugs. The permit is \$20, and it lasts five years.
- TABC phone number: (615)741.7545; (615)741.1602
- Drink Limitations: Before 10PM, 2-for-1's are allowed. You cannot serve anyone too intoxicated. After 10PM, you can serve one drink at a time. This is for liquor by the drink; beer is regulated locally, not by the state.
- Serving hours: Monday – Saturday: 8AM – 3AM; Sunday: 10AM – 3AM or 12PM – 3AM (depends on the local government)
- Mandatory signs: The Pregnancy sign is mandatory, the gun sign is optional.
- Serving pregnant guest: Required (to the point of any other customer)
- Happy Hour: Allowed until 10PM (Liquor by the drink)
- Alcohol to go: The only time a guest can consume alcohol off-premises is the case of an unsealed package of wine in connection with a food purchase. The customer must consume a portion of the wine on the premises, and it must be sealed when taken from the premises.
- Other prohibitions: No free drinks, No set price for all-you-can-drink, minors can't pay tabs, establishments can't offer drinks as prizes. Employees can't dance with guests, sit with guests on the licensed premises, nor shall any customer be permitted to purchase food or drinks for employees on the premises.

## DRUGS AND MEDICATIONS

Alcohol is classified as a depressant, but it can have stimulating effects on different brain systems. Alcohol is not like other drugs in this way. The brain is incredibly complicated, and different drugs can affect different brains in different ways. Even drugs and medications that are not designed to affect mood or behavior should never be mixed with alcohol. Allergy medicines like antihistamines or sleep aids can have dangerous consequences when mixed with alcohol.

IT IS NEARLY IMPOSSIBLE TO PREDICT HOW COMBINING DRUGS OR MEDICATIONS WITH ALCOHOL WILL AFFECT A PERSON. DO NOT COMBINE ALCOHOL AND OTHER DRUGS, AND DO NOT SERVE SOMEONE THAT YOU REASONABLY BELIEVE IS TAKING MEDICATIONS OR USING RECREATIONAL DRUGS.

## PROBLEM DRINKERS/MENTAL ILLNESS

In Tennessee, it is illegal to serve a known alcoholic or problem drinker.

- It is illegal to serve someone who has a mental disability. This is not to say that people who have certain conditions, like Down's Syndrome, autism, epilepsy, dystonia, or other *impairments* fall into this category. In the context of alcohol service, a mental disability would be more akin to dementia, delusions, schizophrenia, or paranoia.
- When trying to identify persons that may fall into this category, the most important thing you can do as a server is to communicate with the person early and pay close attention to their behavior. Are they talking to themselves (or at least not to anyone you can see)? Are they shifty and jittery? Are they alone?
- **PEOPLE WHO CONVEY SYMPTOMS OF MENTAL ILLNESS CAN BE ESPECIALLY DIFFICULT TO DEAL WITH. GET HELP FROM A MANAGER, SECURITY PERSONNEL, OR A CO-WORKER.**

## SECTION 3: STRATEGIES, TECHNIQUES AND APPLICATIONS

### HIGH RISK DRINKERS

- Drinking alone
- Rowdy drinkers
- Depressed
- Angry
- Fighting couple

### HIGH RISK ENVIRONMENTS

- Happy Hour
- Late night
- Young Drinkers
- Special Events/Holidays

### CUTTING A GUEST OFF

- Communication is key, between you and the guest AND with your coworkers
- DON'T JUST SAY NO!
- Avoid confrontation as much as absolutely possible.
- Do not make things personal ("You are drunk")

### MORE TECHNIQUES

- Pay attention to the tone of your voice; do not use confrontational language.
- Keep the conversation private.
- Stick to your guns.

### BEING PROACTIVE

- Offer Food
- Pre Bus
- Offer Water to Moderate the Pace of Drinking
- Don't Push Drinks – UPSELL!
- Communicate with you Co-Workers
- Measure Pours
- Evaluate all your guests for Risk Factors and Indications of Inebriation

**THANK YOU FOR CHOOSING OUR CLASS!  
GOOD LUCK IN ALL YOU DO!**