The basics of responsible sales every North Carolina ABC permitted operator, owner, and manager needs to know....
ABC Retail Guide About Responsible Sales of Alcohol for North Carolina Permittees

NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL LAWS, RULES AND INFORMATION

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INTRODUCTION

In 1937 the General Assembly enacted legislation to provide for a Control Act. This Act lead to the establishment of the North Carolina Alcoholic Beverage Control (ABC) Commission. The powers and authority of the ABC are contained in the General Statute 18B-203 and in the Commission Rules. These laws and rules are enforced by the Commission.

When you apply for and are issued a permit to sell or serve alcoholic beverages, it is your responsibility to ensure that the Commission’s laws and rules governing the sale, possession, transportation, storage and consumption of all alcoholic beverages on the licensed premises are adhered to by both employees and patrons. As the holder of a permit, you become the permittee. Failure to comply with the statutes or the rules of the Commission by the permittee, employees or by the patrons may result in the suspension or revocation of all ABC permits held by you as the permittee.

This booklet summarizes some of the laws and rules such as employee conduct, hours of sale and consumption, age limits and types of permits. Also, two of our most important alcohol laws are covered. They are: (1) It is illegal to sell or serve alcoholic beverages to anyone who may appear to be impaired; and (2) Prohibits service to anyone under 21 years old.
INTRODUCTION

Facts and tips in this booklet may also answer some of the questions you may have, such as: How to comply with the ABC Commission laws and rules? How to tell when someone has had too much to drink?

Just remember that alcoholic beverage laws and rules are strictly enforced and violations can result in a fine, suspension or even revocation of your privilege to sell alcohol. Because the stakes are high, the ABC Commission strives to help each permittee stay legally protected by providing good information and advice.

Alcoholic beverages sold in North Carolina are strictly regulated by the laws and rules of North Carolina General Statutes, Chapter 18B, and the North Carolina Administrative Code. The laws and rules are the final authority. A copy of the Alcoholic Beverage Control Laws and Rules of North Carolina may be purchased at our office or by mailing the form located on our Web Site at www.ncabc.com. Select Education Division, then Publications, then click on “Order Form for Publications (18B and Retail Guide)” to download. For additional information, please contact the ABC Commission or the local Alcohol Law Enforcement (ALE) office. The addresses and phone numbers for these agencies are located at the back of this booklet.
I. You and the ABC Commission

While the ABC Commission administers and regulates the laws and rules established by the General Assembly, the holding of an ABC permit carries with it a great deal of responsibility on your part too.

Basically, the laws and rules were written with the safety and general welfare of your patron in mind. These laws and rules require the ABC Commission to also track the activities of your permit and to ensure that you are offering only the services allowed under the permit. Failure to follow these laws and rules can result in a violation that may cause suspension or revocation of your permit.

It is also expected by the ABC Commission that, as the permittee, you will voluntarily comply with the laws and rules. Law enforcement agents usually make inspections as a way to prevent permittees from unintentionally violating these laws and rules.
II. Laws and Rules
Applying to All Permit Holders

• Alcohol may *not* be sold or served to persons less than 21 years old.

• Alcohol may *not* be possessed or consumed by persons less than 21 years old. (Regardless of where the alcohol is purchased.)

• Alcohol may *not* be sold or served to any person who is intoxicated.

• Intoxicated persons are *not* allowed to consume alcoholic beverages on the licensed premises.

• **Hours of Sale and Consumption:** In North Carolina, the law allows alcohol to be sold or served between 7 a.m. and 2 a.m., with consumption being allowed until 2:30 a.m. (For On-Premise permittees only.)

• On **SUNDAY** sales and consumption of alcoholic beverages shall *not* be allowed until 12 noon. (Some towns, cities and counties may further restrict Sunday sales.)
Laws and Rules
Applying to All Permit Holders
Continued

• No alcoholic beverage may be removed from the licensed premises at any time that alcohol sales are not allowed by law.

• Alcohol may not be purchased with food stamps.

• **Drinking on the Job:** There can be NO drinking on the job. Employees are not allowed to consume alcoholic beverages on the licensed premises even when the business is closed. For example, drinking a beer while sweeping the floor after the business has closed for the evening is not allowed. Employees who are or have been drinking cannot effectively judge the age or sobriety of customers.

• No controlled substances (drugs) are allowed on the licensed premises.

• No gambling or gambling devices are allowed on the licensed premises.

• No spirituous liquor is allowed, except where appropriate ABC permits are held.
Laws and Rules
Applying to All Permit Holders
Continued

• Permits are *not* transferrable either person to person or location to location.

• **Customer’s Conduct:** Persons who become loud, boisterous or disorderly *may not* be allowed to remain on the premises. Permittees are responsible for the disorderly conduct of customers anywhere on their property including, parking lots and outdoor service areas.

• **Business Records:** All permittees are required to maintain alcohol invoices and receipts on the premises for three years and make them readily available for inspection. These alcohol invoices and receipts must be kept separate from other invoices or receipts.

• **Remodeling:** If you are making changes to the physical setup of your place of business, the ABC Commission will need to approve the renovations in advance. Call your local ALE agent for review of your proposed changes.
Laws and Rules
Applying to All Permit Holders
Continued

• **Lighting:** There must be sufficient lighting to allow for checking identification cards (IDs) and to avoid safety hazards to patrons and employees.

• **Happy Hours:** Free drinks or reduced price drinks cannot be offered during limited hours. Special prices must be offered to all customers for the entire business day in all areas of the business.

• **Drink Specials:** Certain special promotions are prohibited. “Two for one,” “buy one, get a second for a nickel,” “buy a meal (or anything), get a free drink,” etc., are illegal in North Carolina.

• **Age:** No employee under 18 years old may be left in charge of a business holding beer and wine permits.

All applicants applying for temporary retail ABC permits will be required to provide proof of Responsible Alcohol Seller/Server training **PRIOR** to obtaining a temporary ABC permit. Acceptable training resources can be found at [www.ncabc.com](http://www.ncabc.com)
If you hold the appropriate retail permit, you may sell to ONE person at ONE time:

- No more than 80 liters of malt beverages (beer), other than draft beer in kegs for off-premises consumption:

  80 liters breaks down to 7 cases and 1 can of 16-ounce containers; or, 9 cases and 9 cans of 12-ounce containers.

- Any amount of draft malt beverages (beer) for off-premises consumption.

- Not more than 50 liters of unfortified wine for off-premises consumption.

- Not more than 8 liters of fortified wine for off-premises consumption.

- Not more than ONE regular drink to ONE person at ONE time for their own personal consumption.
• Any location that holds permits for on-premises consumption must have at least two bathrooms in working order.

• Permits for on-premises beer can be issued to any retail business unless beer was voted in under the “Modified Plan.” The Modified Plan restricts on-premise sale to hotels, motels or restaurants. (Check with your local ALE agent or an ABC Commission staff member.)

• Permits for on-premises unfortified wine can be issued to a private club or a location that regularly and customarily sells food primarily to be eaten on the premises. (No percentages are required for this type permit.)

Pursuant to NCGS 18B-1006.1, all holders of on premises malt beverage, on premises unfortified wine, on premises fortified wine and mixed beverages permits must separate, store, and provide for the collection for recycling of all recyclable beverage containers of all beverages sold for consumption on the premises. Additional information can be found at www.ncabc.com.
On-Premises Permits
Beer and Wine
Continued

• Permits for on-premises fortified wine can be issued to restaurants, hotels and private clubs.

• If you hold a permit for on-premise beer or wine, you may also sell beer or wine, to be taken off of the licensed premises, in the manufacturer’s original container.

NEED ADDITIONAL INFORMATION?
Additional information can be found on our Web Site at www.ncabc.com/Permits, or by contacting the ABC Commission, or by calling your local ALE agent at the phone number listed in the back of this booklet. More detailed information can also be found in the latest edition of the book, *Alcoholic Beverage Control Laws and Rules of North Carolina*. This book may be purchased at our office or by mailing the form located on our Web Site at [www.ncabc.com](http://www.ncabc.com). Select Education Division, then Publications, then click on “Order Form for Publications (18B and Retail Guide)” to download.
IV. Off-Premises Permits

Beer and Wine

- Partial bottles of wine may be recorked or recapped and taken off the premises by the customer if during legal hours of sale. (Restaurants and private clubs.)

- Permits for off-premises beer and unfortified wine can be issued to a retail business.

- Permits for off-premises fortified wine can be issued to food businesses (grocery stores that sell or offer for sale staple food items that include: meat, poultry, fruits, vegetables, fish, bread, breadstuffs, cereals, vegetable and fruit juices and dairy products). The following are not staple food items and would not count as food stock: coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments and spices. A minimum of $1,500 of staples is required to qualify.

Questions? If you have any questions, please contact an ABC Commission staff member or your local Alcohol Law Enforcement (ALE) agent. They will assist you with your questions.
• If a store has a good stock of milk, bread and eggs, that will suffice, but if a store only carries candy, chips and soft drinks, no matter how large the stock, the ABC Commission does not consider it a food business.

• Food inventory must be maintained on the licensed premises. Food may not be stored elsewhere.

NEED ADDITIONAL INFORMATION?

Additional information can be found on our Web Site at www.ncabc.com, or by contacting the ABC Commission, or by calling your local ALE agent at the phone number listed in the back of this booklet. More detailed information can also be found in the latest edition of the book, *Alcoholic Beverage Control Laws and Rules of North Carolina*. This book may be purchased at our office or by mailing the form located on our Web Site at www.ncabc.com. Select Education Division, then Publications, then click on “Order Form for Publications (18B and Retail Guide)” to download.
V. Mixed Beverages

General Information

• Spirituous liquor sold in mixed beverage outlets must be purchased from a designated ABC store in your area.

• Any spirituous liquor that does not have a mixed beverage tax stamp on it is strictly prohibited on the licensed premises.

• Refilling of any mixed beverage containers is strictly prohibited.

• Bartenders must be 21 years old to mix drinks containing liquor, and a staff waiter or waitress must be 18 years old to serve drinks containing liquor.

• Pre-mixing of mixed beverages may be permitted upon ABC Commission approval.

• A mixed drink must contain at least one ounce of liquor unless the customer requests less.
Mixed Beverages

General Information
Continued

• All mixed beverage permittees must submit financial and liquor inventory reports to the ABC Commission, ATTN: Audit Division, on a schedule set by the Commission.

• Mixed beverages must be consumed on the licensed premises. (No “to go” sales are allowed by the drink or by the bottle.)

• Mixed beverage tax stamps must be defaced immediately upon the bottle being emptied and the bottle must be disposed of.

• All permits for mixed beverage must be renewed by April 30th of each year.

• No person under 21 years old may be left in charge of a business with any type of spirituous liquor permit.
Mixed Beverage

PRIVATE CLUBS

• New members must submit a written application for membership.

• A membership roster with all members’ names and addresses in alphabetical order must be kept on the premises at all times.

• The business must be open only to members and their guests.

• Proof of membership (membership card) must be issued to the member and kept in his or her possession when on the licensed premises.

• Management and employees cannot solicit members to sponsor non-members who arrive at the door.

• House guests are NOT allowed.
Mixed Beverages

RESTAURANTS

• Food sales must be at least 30% of total food and alcohol (beer, wine and mixed beverage) sales.

• Food must be kept available during all hours that business is open. A limited menu is allowed during non-dining hours.

Pursuant to NCGS 18B-1006.1, all holders of on premises malt beverage, on premises unfortified wine, on premises fortified wine and mixed beverages permits must separate, store, and provide for the collection for recycling of all recyclable beverage containers of all beverages sold for consumption on the premises. Additional information can be found at www.ncabc.com
Mixed Beverages

HOTELS/RESTAURANTS

• The hotel must have a restaurant on or near the premises.

• Room service of mixed beverages is permissible. A buyer and/or receiver of a mixed beverage must be at least 21 years old.

• **For Hotels Only**: Receipts from lodging must be greater than the receipts from alcohol sales.

• **For Restaurants and Hotels**: Receipts for food and lodging must be greater than the receipts from alcohol sales.

• **For Restaurants**: The food must be available during all hours that alcoholic beverages are sold or served. A limited menu is allowed during nondining hours.

• Lodging receipts do not apply if the restaurant is separately owned or operated.
VI. Employees Prohibited From Working With Alcoholic Beverages

The permittee shall not allow any employee to become involved in the sale, distribution, or dispensing of any alcoholic beverage who has been convicted of:

- A felony within the preceding three years;
- An alcoholic beverage or controlled substances offense within the preceding two years. A charge of Driving While Impaired (DWI) is a traffic violation not an ABC offense.

The permittee is responsible for any actions committed by any employee during their hours of employment.

The ABC Commission may grant special permission for an employee convicted of any of the above to continue employment. A written request to the Commission by the permittee must describe circumstances of undue hardship.
VII. Retailers and Wholesalers

A Controlled Relationship

The laws in North Carolina were designed to protect fair commercial competition between manufacturers of alcoholic beverages. Relationships between wholesalers and retailers that result in special prices, gifts or agreements to sell only particular brands, are strictly prohibited. The following are important rules to remember:

- Beer and/or wine permittees must purchase alcoholic beverages only from North Carolina licensed wholesalers.

- Mixed beverage permittees must purchase spirituous liquor used in mixed beverage sales from an assigned ABC store. A mixed beverage tax will be charged on each container purchased for use in mixed beverage sales.

- Retail permittees may not accept or seek any discounts, gifts, loans, rebates or entertainment from any manufacturer or wholesaler of alcoholic beverages.
Retailers and Wholesalers

A Controlled Relationship
Continued

• Retail permittees may not buy alcoholic beverages on credit. They must pay on delivery.

• Retail permittees may not have any financial or wholesale business association with any spirituous liquor, beer, wine wholesaler or importer or manufacturer or vice versa.

• Retail permittees may not enter into any agreement to sell any particular brand(s) of alcoholic beverages to the exclusion of another brand.

• Malt beverage and wine wholesalers may not give, lend, or rent any fixtures, equipment or supplies to retail permittees. However, they may sell certain supplies on a cash basis at fair market value.

• Wholesalers may build, rotate and restock displays and price products for the retailer of their own brands only. They may not handle other wholesalers products.
Retailers and Wholesalers

A Controlled Relationship
Continued

- Manufacturers and wholesalers may not make any sale of an alcoholic beverage dependent upon the purchase of any other product.

- Retail permittees may sell or use novelties advertising the trade name of an alcoholic beverage (such as T-shirts or hats), but must buy them at the prevailing market price.

- Retail permittees must keep alcoholic beverage invoices for at least three years. These records must be kept separate from other invoices.

- Wholesalers may provide point of sale advertising materials or brand signs to the retailer, as long as they have no value other than advertising. They cannot be customized for the retailer. Usable items, such as novelties, must be sold to the retailer.
VIII. Legal Age

Employees

- Brownbagging, Mixed Beverage or Special Occasion permittees shall have a person at least 21 years old in charge at all times.

- Beer, unfortified wine or fortified wine permittees shall have a person at least 18 years old in charge at all times.

- No person less than 21 years old may mix drinks containing spirituous liquor.

- Persons (waiters or waitresses) connected with the preparation, serving, selling or delivering of alcoholic beverages for on-premise sale or consumption must be at least 18 years old.

- Minors, 16 and 17 years old, may be employed if they do not prepare, sell, serve or deliver alcoholic beverages at on-premises establishments.

- Minors may work at off-premise establishments (beer and/or wine) in any capacity, subject to the rules of the Wage and Hour Division of the North Carolina Department of Labor.
Legal Age

Selling or Serving
(purchasing or consuming)

In North Carolina, it is illegal to sell or serve alcoholic beverages to anyone under 21 years old. Whether you work in a tavern, restaurant or store that sells alcoholic beverages, it is important that you know how to check age identification.

Also, in North Carolina, there are only four acceptable forms of identification you can use to buy alcoholic beverages. If a customer appears to be less than 21 years old you must ask for one of the following forms of identification (ID):

1. A driver’s license with a photograph of the person making the purchase.

2. A U.S. Military Identification. These identifications are white, tan or blue with a photograph of the individual.

3. A State identification card. An official State of North Carolina Special Identification (ID) card that has a photograph issued to a person who does not drive.

4. An official passport issued by any nation.
Legal Age

Selling or Serving (purchasing or consuming)
Continued

How you can spot a fake identification (ID) card:

Check the photograph and physical description.
- Is this the person standing in front of you?
- Does the identification (ID) card have a hologram or watermark?

Check for tampering.
- Ask for the customer’s identification (ID) and feel its surface for any unnatural thickness or cuts in the plastic surface.
- Look for press-on lettering or uneven photo edges.
- You may even ask for a second form of identification.

**WHEN IN DOUBT - DON’T SELL!**

Questions? If you have any questions, please contact an ABC Commission staff member or your local Alcohol Law Enforcement (ALE) agent. They will assist you with your questions.
Dram Shop Liability

As part of the Safe Roads Act of 1983, the Legislature enacted a provision imposing “Dram Shop” liability upon vendors for serving underage minors. This law provides for compensation to aggrieved parties for injuries caused by sales of alcohol to underage persons.

North Carolina law allows an aggrieved party to obtain damages against a permittee or local Alcoholic Beverage Control Board if:

- The permittee or his agent or employee or the local board or its agent or employee negligently sold or furnished an alcoholic beverage to an underage person; and

- The consumption of the alcoholic beverage that was sold or furnished to an underage person caused
or contributed to, in whole or in part, an underage driver being subject to an impairing substance within the meaning of G.S. 20-138.1, at the time of the injury; and

- The injury that resulted was proximately caused by the underage person, as defined, without request for justification shall be admissible as evidence of negligence.

Proof of the sale or furnishing of the alcoholic beverage to an underage person, as defined, without request for identification shall be admissible as evidence of negligence.

**DAMAGES**

North Carolina law allows total damages in the amount of $500,000 per occurrence.

There is no monetary limit for damages under common law.
Legal Age

Selling or Serving
(purchasing or consuming)
Continued

Dram Shop Liability - Continued

DEFENSE

Proof of good practices (including, but not limited to, instruction of employees as to laws regarding the sale of alcoholic beverages, training of employees, enforcement techniques, admonishment to patrons concerning laws regarding the purchase or furnishings of alcoholic beverages, or detention of a person’s identification documents in accordance with G.S. 18B-129, and inquiry about the age or degree of intoxication of the person,) evidence that an underage person misrepresented their age or that the sale or furnishing was under duress is admissible as evidence that the permittee was not negligent.
Legal Age

Selling or Serving
(purchasing or consuming)
Continued

Acceptable Forms of Identification
(ID) Cards

Official forms of identification must have these three features or they may not be used:

1. A photograph of the individual.
2. A date of birth.
3. A written or electronic signature.

Watch for unacceptable forms of identification, such as birth certificates, school or work identifications, Social Security cards, or professionally printed identification cards. These are not legal to prove age in North Carolina.

The driver’s license is probably the most common form of identification you will be shown. The North Carolina license is a plastic laminated card with some special features you should watch for.
Legal Age

Selling or Serving
(purchasing or consuming)
Continued

Examples of Acceptable Forms of Identification (ID) Cards
Using the “READ” method of checking a customer’s identification (ID)

- Remove the ID card from the wallet holder.
- Examine the ID card closely for changes.
- Acceptable form of ID in North Carolina?
- Does today’s date minus the birthdate equal 21 or more?

**NC Driver’s License**

**Red Border** - Under 18 years
NO ALCOHOL

**Yellow Border** - Under 21 years
NO ALCOHOL

**Green Border** - 21 years and over
Legal Age

Selling or Serving
(purchasing or consuming)
Continued

The Customer Isn’t Always Right!

It is not legal for a minor to drink alcohol at your restaurant even if it is given to them by parents or other adults who are with them.

Any store clerk can refuse to sell beer or wine to an adult whom they suspect is buying for minors waiting outside.

Any employee can refuse to sell alcoholic beverages to any person. If you’re unsure of their age, level of intoxication, etc., you do not have to sell.

There is no legal recourse by a customer who you have refused a sale.

WHEN IN DOUBT - DON’T SELL!
IX. The Impaired Customer

It is illegal to serve or sell an alcoholic beverage to anyone who is impaired. How can you be sure that a customer has had too much to drink?

You need to know the signs of impairment, whether you work in a tavern, a restaurant or a store that sells alcoholic beverages. It is against the law to sell to anyone who appears to be impaired.

Alcohol affects everyone differently. What’s more, the same customer can react differently at different times to the same number of drinks. A customer’s reactions to alcohol can depend on how fast they are drinking, the amount of food they have consumed, their mood, or even the type of mixer used.

So, it may be difficult to decide when it is time to refuse service, and even more difficult to carry out your decision, especially when you are saying “No” to a good customer. Many times you will have to rely on your own good judgment. The key is to observe your customer carefully.

WHEN IN DOUBT - DON’T SERVE!
The Impaired Customer
Continued

Here are some signs to watch for:

Physical Coordination

The Drink Spiller: Spilling drinks can be a sign of impairment, especially if it happens more than once. This may show that your customer has lost muscle control. Watch to see if the customer’s mouth misses the glass.

The Money Fumbler: Carelessness or clumsiness with money also can be a warning sign. Watch to see if your customer is dropping cash on the floor, has trouble picking it up or can’t count out the right amount to pay for a drink.

The Absent-Minded Smoker: Cigarette handling can be a tip-off. Is your customer lighting more than one cigarette at a time, or lighting the wrong end? Look for cigarettes left forgotten and burning in ashtrays. This can be a clue to the customer’s general state of awareness.

The Stumbler: Unsteady walking is an obvious sign that your customer has had too much to drink. Watch for customers who are bumping into tables or into other customers.
The Impaired Customer
Continued

Behavior Changes

The Agitator: You don’t have to watch closely to recognize loud and angry behavior as a sign of impairment. Some customers who have had too much to drink will become loud, pick fights and swear. Some will complain about your service, the cost of your drinks, or the way they were mixed.

The Entertainer: On the other hand, some customers become very friendly when they are drinking. But a person who becomes unusually entertaining and boisterous can be just as intoxicated as someone who is causing trouble. Watch for customers who are buying rounds of drinks for strangers. Excessive bragging may also be a give away.

The Loner: Too many drinks can make some people sullen and withdrawn. Keep an eye out for customers who lose their concentration and train of thought during conversation. They will often avoid eye contact, too. Look for signs of depression or fatigue, such as a bobbing head or drooping eyelids. This could signal illness or that the customer is on medication.

WHEN IN DOUBT - DON’T SERVE!
The Impaired Customer
Continued

Speech Patterns

Talk with your customers. If you don’t already know them, it will help you to recognize any changes in their speech as they are drinking. Watch for these symptoms of intoxication:

- Loud Talking
- Bragging
- Arguing
- Swearing
- Complaining
- Slurred Speech

REMEMBER:

State law says you cannot serve alcohol to anyone who is impaired. However, North Carolina laws state that you can allow impaired customers to stay at your place, as long as they are not consuming alcoholic beverages or being disorderly. Invite them to remain and to eat something.
Refusing Service to a Customer

Refusing to serve a customer can be very difficult. Even your regular customers whose business is important to you can become intoxicated. Remember how dangerous an intoxicated customer can become once behind the wheel of a vehicle. Your decision could not only save someone’s life, but also your ABC permit.

Delivering Tactics

Early action on your part may prevent the customer from becoming a problem. Keep note of how many drinks your customers have had as it takes about one hour to take the effects of one drink away. Always be on the lookout for early signs of intoxication. There are various methods of dealing with an intoxicated person:

- **Slow Service Down.** Casually avoid the customer’s table. Delay ordering and serving drinks by busying yourself with other chores.
Refusing Service to a Customer

- **Suggest Food.** Encourage the customer to eat food. Eating slows down absorption of alcohol into the body. You may suggest foods such as meat, nuts or cheese while avoiding salty food.

- **Suggest Non-alcoholic Drinks.** Encourage the customer to drink a soft drink, juice and/or coffee. Be friendly and try not to offend your customer.

- **Gather Support from Others.** Talk with others who may be along with the customer to gather support and cooperation. If the customer is alone, you may wish to inform your manager or fellow server to assist with the customer.

**WHEN IN DOUBT - DON’T SERVE!**
Refusing Service to a Customer

Refusing service to a customer who may be impaired can be a delicate issue. The permittee should establish management policy to assist in dealing with an impaired customer. Train each of your servers when they are hired and update them periodically of changes or updates to your management policies. Don’t wait until an incident occurs. You may wish to consider ideas, such as:

- **Establishing Management Policy.** Support your servers by providing training in methods of dealing with an intoxicated customer and what the management’s policy is in dealing with an intoxicated or unruly customer. After you have trained your servers, give them your support when the need arises. Encourage your servers to inform the management as soon as possible when problems arise and always be there to support them.
Refusing Service to a Customer

• **Handling an Intoxicated or Unruly Customer.** Often dealing with an intoxicated or unruly customer can be difficult, at best. Be courteous and friendly, but firm and don’t back down once you have made a decision with the customer.

• **Being Honest With the Customer.** Let the customer know immediately that your permit to sell alcoholic beverages and even your job are at risk. Don’t provoke or embarrass them by making statements which may offend them.

• **Transportation Home.** Management policy should provide for safe transportation home. Ask the customer’s friends to provide a ride home. Offer a free ride home or call a cab. Don’t let the customer try to drive home if they are intoxicated. If the customer becomes unruly, call the local police or sheriff.
Alcohol In The Bloodstream - What’s Legal?

In North Carolina, a Blood Alcohol Concentration (BAC) level of .08% or greater is all that is necessary to be convicted of Driving While Impaired (DWI). Effective July 1, 2000, the new law establishes a BAC of 0.04% for those who have been convicted of DWI and have had their license reinstated.

Alcohol affects individuals differently. The blood alcohol level may be affected by age, gender, physical condition, amount of food consumed as well as any drugs or medication the person may be taking. In addition, different drinks may contain different amounts of alcohol, so it’s important to know how much and the concentration of alcohol consumed.

A woman drinking an equal amount of alcohol in the same period of time as a man of an equivalent weight may have a higher blood alcohol level than a man.
The two Alcohol Impairment Charts shown below represent the approximate blood alcohol percentages by body weight for men and for women. Alcohol is burned by the body at .015% per hour and affects individuals differently.

**ALCOHOL IMPAIRMENT CHARTS**

Your body can get rid of approximately one drink per hour.

1 drink = 1.5 oz. shot of hard liquor=12 oz. of beer= 5 oz. of table wine.

### ALCOHOL IMPAIRMENT CHART

<table>
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<th>Drinks</th>
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**APPROXIMATE BLOOD ALCOHOL PERCENTAGE**

- **ONLY SAFE DRIVING LIMIT**
- **Impairment Begins**
- **Driving Skills Significantly Affected**
- **Legally Intoxicated**
- **Criminal Penalties**

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<table>
<thead>
<tr>
<th>Drinks</th>
<th>Body Weight in Pounds</th>
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**APPROXIMATE BLOOD ALCOHOL PERCENTAGE**

- **ONLY SAFE DRIVING LIMIT**
- **Impairment Begins**
- **Driving Skills Significantly Affected**
- **Legally Intoxicated**
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1 drink = 1.5 oz. shot of hard liquor=12 oz. of beer= 5 oz. of table wine.
The Impaired Customer
Continued

It is important to remember that one’s blood alcohol level may be affected by age, gender, physical condition, amount of food consumed and any drugs or medications being used. In addition, different drinks may contain different amounts of alcohol, so it is important to know how much and the concentration of alcohol consumed.

These charts are to be used as a guideline only. The actual effect of alcoholic beverages a person may consume vary and depend on many factors, including:

- How much food has been eaten
- Time of day
- The person’s mood
- Mixer used in the drink
- Drugs in the bloodstream (prescription or non-prescription)

DON’T DRINK AND DRIVE!
Today, as the public becomes more concerned about drinking and driving and its effects, businesses that sell and serve alcoholic beverages must become more aware of their responsibilities. In some cases, permittees may even face costly civil suits and penalties when they serve customers who are intoxicated and may later become involved in a serious automobile accident. Selling alcoholic beverages to a minor bears the same responsibilities.

Use sensible guidelines to protect yourself and your business, examples could include:

- Your business should have written rules for dealing with intoxicated customers, for checking identification cards (IDs) and other important service issues.
- Provide training regularly to your employees so they understand your policies, how they are to carry them out, and to whom they are to report problems, etc. (NCABC provides free Responsible Alcohol Seller/Server Programs (RASP). Additional acceptable training resources can be found on our web site www.ncabc.com)

All applicants applying for temporary retail ABC permits will be required to provide proof of Responsible Alcohol Seller/Server training PRIOR to obtaining a temporary ABC permit.
Protecting Your Permit
Continued

- Have the employees sign a copy of your written policies certifying that they have read and understand them. Provide answers to any questions the employee may have and always encourage your employees to discuss problems that may arise in their work day.

- Always support your employee’s decision to refuse service to an intoxicated customer.

- If your business serves drinks, provide free snacks and non-alcoholic beverages to your customers. Provide other activities to your customer besides alcoholic beverages, such as computer or video game or pool.

- Provide free or low-cost transportation to intoxicated customers who should not drive.

No advertising bearing an alcoholic beverage brand name may be displayed outside your business or in the window of your licensed premises. Some of the words that are permissible are “Beer,” “Cold Beer,” “Draft Beer,” or “Wine.”

North Carolina law requires you to display your ABC permit at your business at all times.
XI. Alcohol Law Enforcement (ALE)

The Alcohol Law Enforcement (ALE), a division of the Department of Crime Control and Public Safety is responsible for the enforcement of the ABC Laws and Rules and conducts investigations. ALE consists of nine districts with the Headquarters office being in Raleigh. Located at the back of this booklet is a listing of the ALE Offices. If you have any questions please call the office nearest you.

The responsibility for complying with ABC laws and rules lies strictly with the permittee. The Alcohol Law Enforcement (ALE) agents are available to answer your questions and provide helpful information. For this reason ALE usually treats inspections and other enforcement activities as ways to prevent permittees from unintentionally violating ABC laws and rules.

**REMEMBER**

ALE agents provide up-to-date information on the ABC laws and rules and assist you with any special questions your business may have.
ALE agents have rights of inspection that your business may be interested in knowing about:

- They may inspect licensed premises, or any premises that are in any way connected, physically or otherwise, to the licensed premises.

- They may take any enforcement action that is necessary (criminal or administrative with ABC) for illegal activities on the licensed premises.

- They may examine your books and records.

**REMEMBER**

Become acquainted with your local ALE agent when you receive an ABC permit. They will be able to assist you with your business by briefing you on the ABC laws and rules as well as by providing printed materials covering important laws and rules. You will also have the opportunity to watch an audiovisual program.
<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
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<tbody>
<tr>
<td>Headquarters</td>
<td>430 North Salisbury Street</td>
<td>919-733-4060</td>
<td>919-733-8002</td>
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<tr>
<td></td>
<td>mail: 4704 Mail Service Center</td>
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<td></td>
<td>Raleigh NC 27699-4704</td>
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<tr>
<td>District I</td>
<td>106 Tarheel Court</td>
<td>252-335-2357</td>
<td>252-335-4867</td>
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<td>Elizabeth City NC 27909</td>
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<tr>
<td>District II</td>
<td>1289 Colony Drive</td>
<td>252-514-4720</td>
<td>252-514-4884</td>
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<td>108-I North Kerr Avenue</td>
<td>910-395-3902</td>
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<tr>
<td>District IV</td>
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<td>919-250-5934</td>
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<tr>
<td>District V</td>
<td>420 Chicago Drive, Fayetteville NC 28306</td>
<td>910-486-1124</td>
<td>910-486-1748</td>
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<tr>
<td>District VI</td>
<td>2606 Phonenix Drive, Suite 502, Greensboro NC 27406</td>
<td>336-315-7070</td>
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<td>828-466-5550</td>
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ALCOHOL LAW ENFORCEMENT
Office Locations

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<tr>
<th>District</th>
<th>Address</th>
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<tr>
<td>District VIII</td>
<td>5501 Seventy-Seven Center Drive&lt;br&gt;Suite 150&lt;br&gt;Charlotte NC 28217&lt;br&gt;704-527-3062&lt;br&gt;704-527-3095 (FAX)</td>
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<tr>
<td>District IX</td>
<td>#5 Barbetta Drive&lt;br&gt;Asheville NC 28806&lt;br&gt;828-670-5055&lt;br&gt;828-670-5059 (FAX)</td>
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NORTH CAROLINA
ABC COMMISSION

Physical Location:  3322 Garner Road
Raleigh NC  27610
919-779-0700
919-662-3583  (FAX)

Mailing Address:     4307 Mail Service Center
Raleigh NC  27699-4307

The ABC Commission is divided into several divisions to serve the needs of the permittees. Following is a list of the divisions which may be reached at the above location or mailing address and/or by phone or fax numbers:

Audit Division
Education and Training Division
Internal Audit and Pricing Division
Legal Division
Permit & Product Compliance Division
LEARN MORE ABOUT THE ABC COMMISSION

Learn more about the ABC Commission by logging on to our Web Site at www.ncabc.com and learn:

• Information about the ABC Commission, its establishment by the Legislature as a control state and the laws and rules that govern how alcoholic beverages are bought and sold.

• Other information that may be of interest includes - how to qualify for a permit to sell alcoholic beverages, your responsibilities as a permittee, how long your permit lasts, when to renew, etc. The Education Page has interesting information for children, teens, college students and adults. Additionally, our Reports section provides information about other areas of the Commission.

• You may also wish to download forms and other information to assist you in the permit application process. The forms tab is located within each specific location, i.e., Retail Permits, Audit, Local ABC boards, etc.

We hope this information is helpful in preparing your application for a permit or in learning more about the ABC Commission. If you have further questions, please do not hesitate to contact us at www.ncabc.com.