

Responsible

ALCOHOL

Sales and Service



Agency Liquor Stores

Let's Control It
ALCOHOL RESPONSIBILITY MATTERS

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WHAT IS AN AGENCY LIQUOR STORE?

An agency liquor store is a privately-owned liquor store that is under contract with the State of Montana to sell distilled spirits and wine to the public and liquor licensees.

WHAT ARE THE RULES TO OWNING AN AGENCY LIQUOR STORE?

- Agency liquor stores must be open a minimum of six hours a day between 8 a.m. and 2 a.m.
- Stores must be open Tuesday through Saturday and closed on Sundays, Mondays and all legal holidays.
- Stores may be open on Mondays that are not legal holidays if 51 percent or more of the all-beverage licensees in the immediate market area sign a petition department form.
- Agents order inventory on a department-designated day every week.
- Agents must sell liquor at the state's posted price to all beverage licensees (bars and restaurants).
- The posted price is listed in the most current quarterly price book.
- An agent must give an 8 percent reduction on case lot sales of regular list products to licensees.
- Agents may mark up the price to the general public above the posted price. The price can never be below the posted price when selling to the general public unless the product has been discontinued.



- Agents must pay for all liquor purchased from the liquor warehouse within 60 days of the date on the invoice from the department.
- Agents may not extend credit to a customer for the purchase of liquor. This applies to all customers including all-beverage licensees. All purchases must be paid for on a cash basis upon delivery. The methods of payment are cash, check, or credit card.
- Agents cannot sell beer (which includes malt-based wine coolers). They can sell table wine, purchased from a wine distributor, without having to acquire additional licenses.
- Agents cannot offer samples at an agency liquor store.
- Alcoholic beverages may not be opened or consumed on store premises.
- Agency liquor stores are not required to obtain responsible alcohol training, however, it is strongly recommended. The legal liability applies to agency liquor store employees as it does to bartenders. We encourage agents and their employees to take a training from a state-approved program and renew training every three years. You can find a list of approved training providers at AlcoholServerTraining.mt.gov.

ALCOHOL EDUCATION

Educating sellers of alcohol about Montana's liquor laws helps them understand their legal responsibilities. That understanding can lead to a number of outcomes that improve the public health and safety, including:

- *A reduction in illegal sales to underage youth
- *A reduction in illegal sales to intoxicated individuals
- *The promotion of responsible consumption
- *A reduction in the number of drunk drivers
- *A reduction in alcohol abuse

Training also provides information to employees that may help protect them from third-party liability lawsuits.

Training Can Help Improve
Public Health and Safety

STEPS IN SUCCESSFUL ALCOHOL MANAGEMENT

1. Create an alcohol sales policy.
2. Train employees on your policies and procedures.
3. Provide Responsible Alcohol Server Training.
4. Closely monitor your store to ensure all policies and procedures are being followed.
5. Materials to help you with each of these steps are located at: AlcoholServerTraining.mt.gov

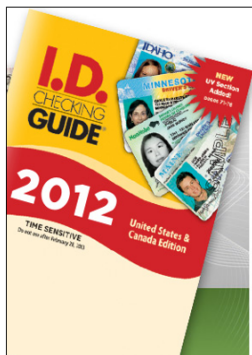
The alcoholic beverage industry is governed by local, state and federal laws and regulations. Responsible alcohol management can help make your store successful.

HELPFUL TOOLS FOR CHECKING IDS

ID checking guides are highly recommended. This is something small that you can keep behind the counter by the cash register. It provides a color and actual size picture of each identification.

www.idcheckingguide.com

(800) 227-8827



A card scanner is also recommended as a verification method to check IDs. Using a card scanner alone is not enough. The most common form of fake identification is not fake at all. It is an ID that is real but belongs to someone else; an older sibling, friend, cousin, etc. Using both a card scanner and visual confirmation is best.



VERIFYING IDENTIFICATION

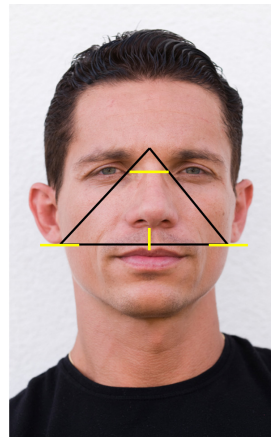
FLAG System

The FLAG system consists of Feel, Look, Ask, Give Back.

Feel: Feel the edge of the photo to try to determine if the picture was pasted on. Flicking the edge of the ID can help reveal any loose or separating laminate which can indicate a fake or alterations.

Look: Look at the picture and then look at the person.

Using the 'facial triangle' may assist you in determining if the person providing the ID is the same person on the ID. Look at where the bottom of the ears line up on the face, the space between the bottom of the nose and the top line of the top lip and the space between the eyes. These features do not change unless a person has had major surgery. By looking at a persons face this way, the focus is on the entire face, not just their hair and eyes.



Ask: Ask questions. Don't assume that the person will answer correctly. In a lot of cases the person will automatically answer with their true birthdate, not the one on the identification.

Give Back: If the identification passes the visual screening, give it back to the customer and continue with the sale or service.

Remember: You can always ask for a second form of identification. It is the job of the customer to provide identification. However, it is the seller's job to ASK for it.

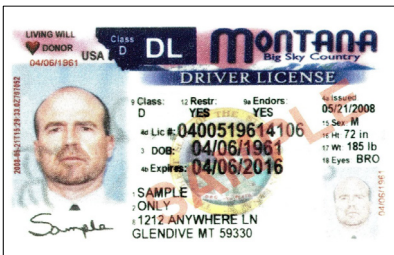
ACCEPTABLE FORMS OF IDENTIFICATION

- Current state or Canadian driver license
- Current state or Canadian identification card
- Current armed service identification card
- Valid passport or passport card
- Montana tribal identification card
- Montana temporary driver license and identification card
- Montana probationary driver license

NEVER sell to a customer who cannot provide a legal form of identification!

Montana Identifications

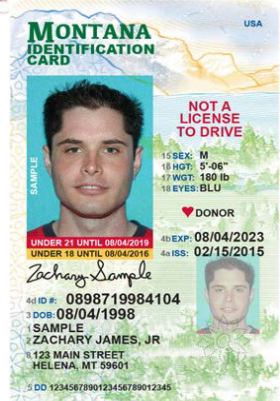
2009 issue: This style is valid until the expiration date.



"Under 18 until..." is added in a yellow bar for tobacco.

"Under 21 until..." is added in a red bar for alcohol.

2016 issue:



SECURITY FEATURES OF THE CURRENT MONTANA LICENSES



2009 Watermark



2009 Ultraviolet



2009 Security laminate



2016 Ultraviolet



2016 Ultraviolet



2016 Back of cards:
ghost photo shows up
under ultraviolet light.

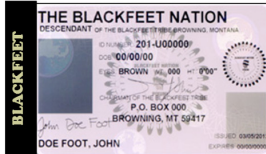
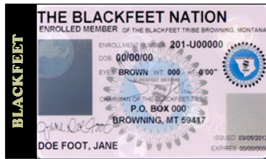


2016 Security laminate:
Tri-color pattern with
ponderosa pine tree,
meadowlark bird and
custom graphic.

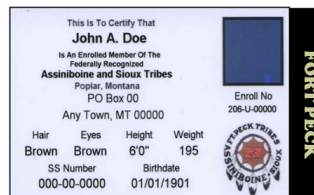
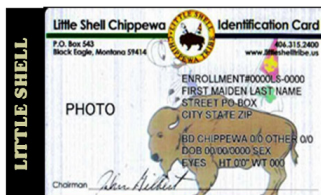
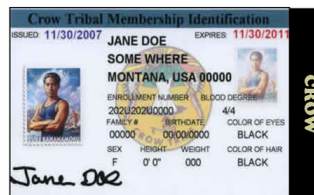
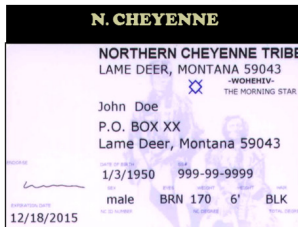
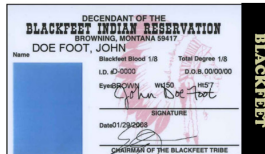
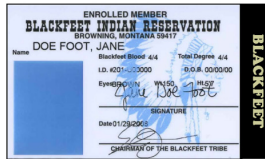
An expired identification is NOT
valid proof of age for the purchase
of alcohol.

MONTANA TRIBAL IDENTIFICATIONS

New Cards



Previous Cards



TECHNIQUES TO REMEMBER:

SIR

Size up the customer

Interview the customer

Rate the customer



MAAM

Move the alcohol out of reach

Attitude-- Be friendly but firm

Assert the law and company policy

Move on to other customers or work



STOP

Stay in your establishment

Temper control

Observe important details

Post details/Phone law enforcement

When checking identifications look for features that are the

SAME, *not* different.

This makes the oddities stand out more.

PREVENTING SALES TO UNDERAGE PERSONS

There are many signs that may indicate someone is not of legal age to purchase. They may:

- Avoid eye contact
- Appear nervous
- Act overly confident
- Pool their money
- Lack physical maturity
- Come in groups

Identifying an underage person is only half the battle. It is also important to know the strategies that are also commonly used:

- Using a fake identification
- Using a real identification from a friend or relative
- Flirting or making friends with the seller
- Bribing the seller
- Trying to look older

Promote a **SAFE** and **RESPONSIBLE** Store!

PREVENTING SALES TO INTOXICATED PERSONS

It is illegal to sell alcohol to anyone who is actually, apparently or obviously intoxicated.

Evaluate your customer, physical signs may indicate someone is intoxicated. The signs include:

- Slurred speech
- Drowsiness
- Odor of alcohol
- Stumbling
- Lack of Coordination
- Difficulty standing
- Profuse sweating
- Bloodshot eyes

“An ounce of prevention is worth a pound of cure.”

–Benjamin Franklin

CIVIL/DRAM SHOP LAW

This law allows for owners, managers and employees to be held financially liable if alcohol is sold to a customer who subsequently injures someone or causes property damage. This type of liability can apply to owners and employees.

CRIMINAL LIABILITY

This type of liability addresses the legal responsibility for one's acts or omissions. Failure of a person or entity to meet that responsibility leaves that person or entity open to a lawsuit for any resulting damages.

For sales to underage and intoxicated persons, this type of liability typically applies to the person who made the sale . The outcome of a criminal suit is not necessarily dependent on the outcome of the civil/dram shop suit for the same incident. Both cases could be tried and resolved independently.

The criminal penalties for the person who makes a sale to an underage person are:

First offense:

- Up to a \$500 fine and/or up to six months in jail

Second offense:

- Up to a \$1,000 fine and/or up to six months in jail

The criminal penalty for the person who sells to an intoxicated person is:

- Up to a \$500 fine and/or up to six months in jail

MONTANA LAW:

No alcohol sales to persons under 21:

It is illegal for any licensee, a licensee's employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away alcohol to any person under 21 years of age.
16-3-301(4)(a), MCA

No sales to intoxicated persons:

It is illegal for any licensee, a licensee's employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away alcohol to any person who is actually, apparently or obviously intoxicated.
16-3-301(4)(b), MCA

Agency liquor store employees must be 18 years old to conduct sales. An underage person is not allowed to participate in the transaction of sales, but can stock shelves and perform similar duties.

Privileges/Responsibilities:

Consumer: A person must be 21 years of age to legally purchase alcohol.



Department of Revenue

Liquor Control Division
2517 Airport Road
P.O. Box 1712
Helena, MT 59624

Phone: (406) 444-6900
Fax: (406) 444-0718
Website: revenue.mt.gov

For more information on Agency Liquor Stores contact:

Mickey Carlson (406) 444-0724
MiCarlson@mt.gov

For information on responsible alcohol server/seller training visit:
AlcoholServerTraining.mt.gov

Cost Disclosure Here

