ALCOHOL SERVER KNOWLEDGE BASE

For Georgia On-Site Consumption

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INTRODUCTION

The state of Georgia regulates alcohol from manufacturing to selling to actions resulting from its use. This includes how alcohol is sold, to whom it may be sold, when it may be sold, consequences of violations of its regulations and liability.

Georgia defines its expectations through the O.C.G.A. Title 3. Authority for enforcement of Title 3 rests with the commissioner of the Department of Revenue.

Since those who sell alcohol in Georgia are licensed by the state, it is important that they and their employees are familiar with laws and rules that govern the sale of alcohol.

PURPOSE OF EDUCATIONAL DOCUMENT

The purpose of this document is to serve as basic information for persons who may sell or serve alcohol to consumers or users in Georgia. Although the state of Georgia does not require servers (i.e., bartenders) to be licensed, businesses and even occasional servers (i.e., caterers) are required to be licensed to sell or serve alcohol, and are expected to be familiar with state requirements. This information should be considered in addition to local (city or county) regulations.
Laws related to the selling and serving of alcohol in Georgia are found under Title 3 of the Georgia code. Provisions include:

- Definitions
- Penalties for violations
- Enforcement authority
- Regulation sources
- Prohibited activities, etc.

Under Georgia law, the commissioner of the Department of Revenue is charged with developing rules to enforce the law. These rules are based on the law and carry the force of law.

In addition, Georgia law requires all individuals and businesses selling or serving alcohol to adhere to the laws and ordinances of their local city and/or county and those of the federal government. Therefore, this information is not inclusive of everything a server of alcoholic beverages needs to know, but it provides the more important aspects under Georgia law and regulations.

Rules for the retail sale and consumption of alcohol in Georgia are based on laws passed by the Georgia General Assembly and are established by the Alcohol and Tobacco Tax Division of the Georgia Department of Revenue found in the Rules of Department of Revenue Alcohol and Tobacco Tax Unit, Chapter 560-2-2. In addition to state laws and rules, local (city and/or county) ordinances, which vary by jurisdiction and are locally enforced, control the sale and serving of alcoholic beverages within their borders.

Violators of these rules will be charged with a misdemeanor. If found guilty for knowingly violating the rules, punishment may include fines, seizure of illegal alcohol, suspension of license, loss of license or non-renewal of license to serve or sell alcohol.
Those who serve alcohol are expected to know the laws and rules about serving alcohol and the different beverages regulated under these laws and rules. Those beverages include:

All alcohol, distilled spirits (including any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, such as fortified wine), beer, malt beverage, wine, or fortified wine intended for human consumption.

This includes various types of alcohol products such as bourbon, gin and vodka for distilled spirits, chardonnay and pinot noir for wine and lager and ale for malt beverages.

Hard cider, an alcoholic beverage produced by the fermentation of the juice of apples, containing not more than 6 percent alcohol by volume, including but not limited to flavored or carbonated cider, is also covered. For purposes of this regulation, hard cider shall be deemed a malt beverage. This term does not include sweet cider.

A malt beverage is any alcoholic beverage produced by the fermentation of barley, malt, hops or any other similar product, or combination of such products in water containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. This term does not include sake, known as Japanese rice wine.

Mead wine or honey mead is a fermented alcoholic beverage made from honey that may not contain an alcoholic content of more than 14 percent by volume or total solids content that exceeds specified sugar content.

Wine is any beverage made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. This includes all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, sake and other like products containing not more than 21 percent alcohol by volume.
LICENSING

The business (person or persons) responsible for the sale of alcohol must be licensed to do so. Their applications and licenses must have the same name and address that are provided on the applications to their governing county or city authorities. Applicants must specify the address of the place of business for the license. If a business sells alcohol at different locations and sites, each must have a separate license.

Because any alcoholic beverages kept, stored or found at the licensee’s place of business or warehouse shall be presumed to be the licensee’s property, any illegal beverage found there is a violation of the license.

The license is valid for one calendar year. An application for the renewal of a license is due by November 1 of the active license year.

DISPLAY OF LICENSE

Each place of business where alcohol is served must have a license to sell alcohol. Business licenses to sell alcoholic beverages must be displayed in places that are easily seen by the public.

If there are different service stations or areas on the same premises that cannot be identified as one business under the same license, then each service station or area must have a separate license, even if they have the same trade name, ownership or management.

Additional licenses are not required for service bars or portable bars from which alcoholic beverage drinks are prepared to be served on the licensed premises, that are exclusively used for the purpose of mixing or preparing alcoholic beverage drinks, and that can only be accessed by employees of the licensed business.
HOURS OF OPERATION

Hours of operation must fit within the times determined by the licensing authorities: state or local governments. Businesses serving alcohol may not open in violation of county or municipal laws or ordinances, or in violation of a special order of the commissioner of revenue. Specific times of operation may not be before 8:00 a.m. or after 11:45 p.m.

If county or city laws or ordinances allow for Sunday openings, businesses shall not open before 12:30 p.m. Sunday or remain open after 11:45 p.m. Sunday.

In addition to being open between certain times of the day, no one (owners, employees, or others) is permitted to be in the place of business at any time that is in violation of Georgia or local laws or in violation of a special order of the commissioner of revenue.

Specifically, no one may be in the place of business before 6:00 a.m. or 30 minutes past closing time.

On Sundays, no one may be in the place of business before 10:30 or 30 minutes past the closing time of 11:30 p.m.

There are exceptions that would allow a business to have its employees or agents at the business site outside the permitted times. These exceptions include activities that could not take place during regular business hours, such as:

1. Responding to emergency situation, for example a fire or burglary;
2. Taking inventory;
3. Making repairs; or
4. Renovating.

However, all door entrances to the place of business must have a posted sign that reads:

CLOSED, NO CUSTOMERS ALLOWED ON PREMISES.
**AGE OF EMPLOYEES**

A person must be 18 years of age or older to be employed in a retail package store, regardless of the tasks assigned. Managers and licensees must be 21 years of age or older. There is no minimum age in regards to convenient stores and grocery stores. Local licensing jurisdictions may have stricter ordinances.

**AGE OF CUSTOMERS**

The legal drinking age is 21. No one under the age of 21 may be sold or served alcohol.

**DRAM SHOP ACT: STATE OF GEORGIA (LIQUOR LIABILITY)**

**SERVING INTOXICATED PERSONS**

The term "dram shop" historically referred to places of business that sold alcoholic beverages such as bars, taverns and saloons. In the past, dram shops were not held responsible for the actions of customers who consumed alcoholic beverages, and upon leaving the premises, became involved in an accident or altercation. Today, however, many states including Georgia, have imposed some form of responsibility on dram shops and other establishments that serve alcohol. The server of alcohol may be held liable for the actions of an intoxicated customer under certain conditions.

In layman’s terms, Georgia dram shop laws provide that generally, the use of alcohol (not the sale of or providing of) is the normal cause of injury, death, or property damage caused by an intoxicated person to him or herself, or another person. The alcohol server is not liable for the actions of a person, 21 years of age or older, who becomes drunk.

Liability may occur if the server knows that the visibly intoxicated person will be operating a motor vehicle after alcohol use, if that person is involved in an accident or altercation resulting in injury, death or property damage. Server liability also may occur if a person sells or provides alcohol to any person that is under the legal drinking age of 21. Liability may not occur if it is determined that the sale of alcohol to an individual was done because that individual provided a fake I.D. to state that he or she was above the legal drinking age. This shall serve as proof that the person serving the alcohol only provided the alcohol after following the legal procedure of identifying the customer as being of the legal drinking age, and did not provide alcohol to an underage person knowingly, willfully and unlawfully.

In addition, if the owner’s properties do not regularly serve or sell alcohol, and the owner does not give permission for a persons to consume alcohol on the property, such owners shall not be held responsible for the actions (including injury, death or property damage) caused by intoxicated individuals.

It is important for the server to establish that a person is of legal age to be served alcohol. It is also important that the server knows the signs of intoxication.

**INTOXICATION**

In Georgia, alcohol intoxication is legally defined as a blood alcohol level above the stated legal limit. That limit is a blood alcohol content (BAC) of .08% for general drivers at least 21 years of age, .04% for commercial vehicle operators, and .02% for drivers less than 21 years of age.
In order to keep alcohol out of the hands of individuals who are not allowed, by law, access to alcoholic beverages, wait staff, bartenders, servers, and any other person engaged in the sale or distribution of alcoholic beverages should at all times request from the customer or individual seeking to purchase or consume alcoholic products a valid I.D. that validates the current age of consumer or customer. The legal age for alcohol consumption in the state of Georgia is 21. In Georgia, the only legal forms of identification include: valid state driver’s license, valid state I.D., valid military I.D., or valid passport. [All accepted forms of I.D. should contain a picture of the individual requesting purchase.] Failure to verify age by valid identification could result in fines for the server, restaurant or establishment providing alcohol. Criminal charges can be made against an individual or establishment that provides alcohol without engaging in proper age verification. An establishment may also lose its liquor license.

NOTE: After 2009, any Georgia driver’s license or state I.D. for anyone under the age of 21 will be printed in a vertical format instead of the normal horizontal, “credit card” style format.

It is law to verify age by I.D.;
The I.D. must have a photograph of the person attempting to purchase alcohol;
The I.D. must be of a form legally valid in the state of Georgia. This includes:

- Driver’s license with photograph and date of birth, issued by any state or United States Territory;
- State I.D. with photograph and date of birth, issued by any state or United States Territory;
- State of Georgia interim driver’s license or state I.D. with photograph;
- Military I.D.; or
- Passport

Any Georgia resident under the age of 21 will have a vertical I.D.

Compare facial features: height, eye shape, ear and nose shape or placement (ignore weight, hair and makeup as these can change);

Take note of date of birth and expiration date on I.D.;

Pay attention to the customer for actions that may indicate that the customer is being dishonest. (Facial expressions, eye movements and body language can often be indicators that the customer is being less than truthful about his or her age.);

If you come across a fake I.D., immediately alert your supervisor and law enforcement if present. Also, make a notation in the business log under the date and time that the customer presented the fake I.D.
Servers may not offer a coupon or rebate that would change the price of alcoholic beverages. Nor may they accept coupons or rebates from their suppliers that would decrease the cost of alcohol to the business.
In Georgia, it is illegal to serve alcohol to any person under the age of 21. Georgia law states:

“No Licensee, employee of such Licensee, or any person acting on behalf of, or with the knowledge of such Licensee, shall give, sell, offer to sell, furnish, cause to be furnished, or offer to furnish any Alcoholic Beverage to any person who is under the lawful drinking age as established by Georgia law.”

[Georgia Composite Regulation 560-2-2-.25.]

The penalties for serving or providing alcohol to anyone under the age of 21 can range from criminal charges to the permanent loss of liquor license for the offending establishment.

- It is illegal for adults to provide alcohol to minors. The adult will typically be charged with contributing to the delinquency of a minor. If convicted, the adult faces a $1,000 fine and up to 12 months in jail.

- Selling alcohol to minors is also a serious offense, carrying with it up to 12 months in jail and a $1,000 fine.

- Parents may file a civil suit against an adult who supplied their minor child with alcohol.
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