

LOBSTER POT

"A Provincetown Tradition"



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Alcoholic Beverage Service Policy

updated 2019

Alcohol Service Policy of the Lobster Pot

The service of alcohol is a licensed privilege that requires responsible practices from the restaurant management, the bartenders, the servers and any other staff indirectly involved with the service of alcohol. Our Alcohol Service Policy affects our hiring, training and service policies.

This pamphlet is intended to provide you with a basic understanding of your responsibilities and the policies of the Lobster Pot. It is not intended as a substitute for the TIPS program that offers professional training, testing and certification.

The information contained is presented as educational material and should not be relied on to constitute legal advice. Readers of this material are urged to consult with counsel or local and state officials for appropriate and specific advice concerning current law.

Hiring:

- Experience with alcohol service
- Conscientious and responsible.
- Willingness to learn.
- Capable of being managed and adhering to policy and procedure.
- TIP training for Bartenders required

Training:

This Policy Statement will provide you basic information that you need for responsible service of alcohol. If at any time you cannot handle a situation or are unsure of how to proceed, you should immediately consult a manager.

- TIPS Certification is required of all bartenders.
- All servers are encouraged to take TIPS training.
- TIPS is a 3 – 4 hours training course devoted to responsible sale, service and use of alcohol. Upon course completion an exam is taken. Certification is valid for 3 years.
- TIPS training records are often used in court, by liquor boards and for insurance discount.
- TIPS has grown to include recognition of consumer responsibility offering TIPS for Universities, TIPS for Workplace, TIPS for Seniors. This training focuses on how to intervene with peers and colleagues.

TIPS Training is designed:

- Educate you on Identification procedures for legal alcohol service.
- Educate you on basic laws of alcohol service.
- Educate you on the effects of alcohol on the body.
- Educate you to recognize those effects.
- Educate you to intervene to prevent intoxication.
- Educate you to intervene after stopping service to prevent injury or harm.
- Educate you to follow established procedures and involve management.

Who is Responsible?

Legal responsibilities for the service of alcohol are placed on the business, Clambake, Inc. and the individual who serves alcohol. These responsibilities fall into the categories of Service to Minors and Service to Intoxicated Persons. Both criminal and civil statutes apply to both the business and the individual bartender or server. Serving an intoxicated person is punishable by a fine and/or imprisonment. Additionally, if you serve an

intoxicated person who leaves the restaurant and harms themselves or others in an automobile or any other way directly connected to alcohol, the business and the bartender/server may be financially responsible.

Service of Alcohol Sequence

Initial acknowledgement of guest to assess any warning signs of intoxication

ID check for underage drinking

Service: awareness of number of drinks served

- drinks served directly to guest

- no underage drinking

- awareness of how fast/slow drinking occurs

- observe behavior for signs of intoxication

- slow down service to prevent intoxication

- offer food, water, coffee to prevent intoxication

- refuse service to prevent intoxication

- help to arrange alternate transportation for intoxicated guest

- document incident

If any uncertainty, question or issue arises during any of these steps, the server or bartender should immediately alert the manager.

Refusal of Service: Intoxication

Responsible service begins by refusing to serve a guest who appears to be under the influence of alcohol. It does not matter if the guest was drinking prior to arrival or in the restaurant; if you observe signs of intoxication you must refuse service. If you have any doubt about giving service or any issue once you have stopped service consult a manager. The signs of intoxication and suggestions of how to stop service are addressed later in this pamphlet.

Identification

The next step in responsible service is proper identification of a guest.

Do not be concerned about offending a guest.

Do not be swayed if a guest threatens to leave.

If the guest tells you they were served in another restaurant or bar without an ID, simply tell them that we follow the law of alcohol service.

If a guest tells you they left their ID in their hotel or car, suggest they make a habit of carrying their ID in town if they want to drink. Do not permit them to drink and return later with their ID for verification.

If you ask for an ID and they do not have one, you cannot serve them.

If other guests vouch for the guest you still cannot serve alcohol without seeing the ID.

You need to calmly explain you are doing your job and following the law. If a guest has a problem with that, get a manager.

Alert the manager and other servers and bartenders that the guest is being refused service for lack of ID.

Acceptable forms of ID:

Massachusetts driver's license

Massachusetts Registry of Motor Vehicles liquor identification card

Massachusetts Identification card

United States Passport or passport issued by a country recognized by United States

Valid Military Identification card

A duplicate driver's license must be accompanied by two additional valid identifications (time sensitive and not expired) such a social security card, credit card, etc.

Out of state driver's license should be checked against the ID Checking Guide at the bar. The guide contains photos of every state's driver license. If you have any doubts about authenticity consult a manager. If the manager makes a judgment call that the ID is valid they should photocopy the ID and have the guest sign it. The manager can then compare signatures for validation as well as save the photocopy as proof that we did use proper identification process.

A Valid ID contains: birth date, name, expiration date, photo, signature, state logo, clear lettering, consistent typeset, no indication of tampering.

Refusal of Service: Minor

If you determine an ID is not valid, if the guest does not have one, or if the ID is valid and the guest is not of drinking age, you cannot serve them alcohol. Be firm, but express regret. Don't embarrass the guest. Here are some suggestions: "I'm sorry, but it's illegal to serve a minor. Can I get you one of our special non-alcoholic beverages?"

"I'm sorry, but I can't serve you without a valid ID."

"I'm sorry, but I'm sure you understand our liquor license is dependent on following the law."

Know the Law

The next step in responsible service is knowing the law.

- Age to Consume: 21
- Age to Serve: 18
- Age to Pour: 18
- Minors are permitted in the restaurant provided no alcohol is consumed by the minor
- It is unlawful for parents to serve or sell alcohol to anyone under the age of 21
- Penalties to serving a minor are up to \$2,000 fine and/or up to 1 year imprisonment.
- Serving non-alcoholic beer and wine to a minor is prohibited.
- Multiple drinks cannot be served to a table where a minor is present. You are accountable to whom every drink is being served.
- If you witness an adult sharing an alcoholic drink with a minor, intervene and get a manager.
- You cannot deliver more than two drinks to one person at a time.
- You cannot increase the volume of alcohol in a drink without increasing the price. Doubles must be twice the price of singles.
- No free drinks may be served, including tastes left over from blender drinks. A manager may buy a drink for a guest as appreciation, to compensate for a problem with a meal or service, etc., but it must be clear that the drink is being bought.
- No games or contests that involve drinking are permitted.
- You cannot serve a pitcher of beer or mixed drinks to a single person; there must be at least two or more people.
- You are allowed to serve one bottle of wine to a single person.
- No guests or employees can leave the restaurant with alcoholic beverages, except for wine meeting the cork and carry wine to go law. This law allows a guest to leave with a single unfinished bottle of wine. The wine must be corked, placed in a transparent, single use, tamper-proof sealable bag, with a copy of the meal receipt visible. The service bar stocks these wine to go bags. The guest must have ordered and eaten food.
- BYOB is not permitted in an alcohol licensed restaurant.
- Additional information is available at each bar.

Blood Alcohol Content (BAC)

BAC is the legal measurement of alcohol in a person's blood, stated as a percentage.

A BAC of **.10** means there is one drop of alcohol for every 1,000 drops of blood in the bloodstream.

While the restaurant and bartender/server cannot know a guest's BAC we do need a general understanding of it for responsible alcohol service.

Driving with a BAC of **.08** or higher is against the law in all 50 states (DWI). Additionally some states have penalties for driving under the influence at lower rates (DUI).

So how do we know the relationship between the amount of alcohol we're serving and BAC? Here's a guide:

A 150 pound male drinking for one hour on an empty stomach would likely have the following BAC levels:

2 drinks = .05 BAC

4 drinks = .10 BAC

8 drinks = .20 BAC

12 drinks = .30 BAC

A BAC of **.30** or higher can lead to coma or death.

As the general rule 1 ounce of 100 proof spirits, 5 ounces of wine, and 12 ounces of beer are equal in alcohol content and meet the definition of 1 drink.

All our liquors and wine are free poured into the proper glass.

The higher the BAC level the more behavioral cues of intoxication are likely.

Tolerance has no impact on BAC. It just means the guest has learned how to control or hide intoxicated behavior.

Time is the only element that can lower BAC.

BAC is effected by:

- amount of alcohol consumed
- rate at which alcohol is consumed,
- body size,
- body fat,
- gender,
- age,
- emotional stress,
- medications, both legal and illegal drugs
- food (slows absorption),
- carbonation (accelerates absorption).

Assessing Intoxication

Be aware of the number of drinks you serve a guest.

Behavioral Cues:

- Relaxed Inhibitions: talkative, loud, over-friendly, mean, argumentative, boisterous,
- Impaired Judgment: fast drinking, complain about strength of drink, irrational, careless with money
- Slowed Reactions: talk or move slowly, no eye contact, glassy or unfocused eyes, forgetful, lose train of thought
- Impaired Motor Coordination: stagger, sway, weave, stumble, fall, bump into objects, drop objects, spill drinks, slur speech, etc.

Guests who have developed tolerance, which is the ability to handle effects without showing the usual signs, are difficult to assess. Be cautious with regulars. You can become used to their drinking habits and tolerance, and not aware they are leaving with a high BAC.

Be cautious with inexperienced drinkers who may show signs after a small amount of alcohol.

Remember, a guest may arrive having had a few drinks elsewhere or under the influence of legal or illegal drugs and may give no behavioral indication. One drink can have a fast and big effect.

Engaging with a guest in light conversation will give you an opportunity to gauge sobriety.

Preventing Intoxication

You can help guests avoid intoxication by:

- Not over-pouring
- Not serving more than one drink at a time
- Slowing alcohol service.
- Offering water

If you see the beginning signs of intoxication you can help by:

- Not serving alcohol
- Offering food: those high in fat or protein work best like fried fish. Avoid foods high in carbohydrates or sugar like bread that is easily digestible.

Managing Intoxication: On Arrival

- If a guest is clearly intoxicated on arrival immediately alert the manager.
- The manager should try to suggest they return another time.
- If leaving and driving, the manager will try to arrange alternate transportation.
- If they choose to stay, the manager will offer food service, but refuse alcohol service.
- The manager will communicate to all staff that the guest can not be served alcohol.

Managing Intoxication: During Service

- If a guest has already had a number of drinks and is showing signs of intoxication stop service.
- Alert the manager
- Tell the guest you are stopping service in a non-judgment or threatening manner. I'm sorry, it's against the law for me to serve you any more alcohol."
"I'm sorry but we would be responsible if something happened to you."
- Express concern and let the guest know you want them to get home safely and return another time.

- Be considerate. Let them know you understand they are upset, frustrated, etc.
- Be firm when they ask for just one more.
- Offer non-alcoholic beverages.
- If the guest steps away ask the other guests to help.
- Once you have stopped service and informed the manager, it's your responsibility the guest does not get alcohol from a friend, another server or the bartender.

Leaving the Restaurant

- Try to convince the guest not to drive.
- You can ask for their keys, but you cannot take them.
- Express concern.
- Tell them you will call the police because you are concerned for their safety.
- Arrange for transportation with a sober companion, a friend, a taxi.
- Don't kick out an intoxicated guest. Explain you cannot serve them any more alcohol, Ask them if they want you to call a taxi, or someone to pick them up.
- If a guest leaves intoxicated with the intention of driving, alert with police.

Document Incident

The manager will assist you in completing the Incident report. You will need to supply a copy of the guest service check.

Staff Drinking in the Workplace

Staff is allowed to drink alcohol if they are dining as a guest or after their shift.

The same laws of alcohol service apply to staff as to guests.

All alcohol served to staff should be prepared by a bartender.

Bartenders should be aware of the number of drinks they are serving to a staff member.

If any staff member shows a sign of intoxication, alcohol service must be stopped immediately.

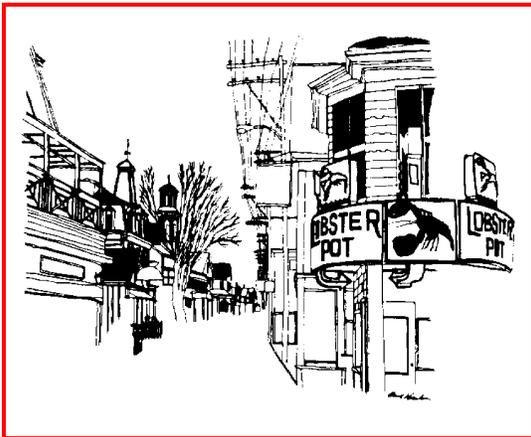
If any staff member is intoxicated and leaving the building, they should be advised not to drive and offered alternative transportation.

If any staff member arrives at work appearing to be under the influence of alcohol or smelling of alcohol they will be sent home, given a written warning and not permitted to return to work until having met with a manager.

If you witness any alcohol abuse by a staff member, please communicate to a manager.

If management deems it necessary, they may prohibit a staff member from drinking in the building. Bartenders will be told not to serve that staff.

All incidents of staff intoxication will be documented.



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Alcoholic Beverage Acknowledgement Form

I have read and understand the Lobster Pot's Service of Alcohol Policy. By signing below and returning this form to the manager, I acknowledge my responsibility to comply with this policy and to enforce it. I am retaining my copy of the written policy for reference.

Print Name: _____

Sign Name: _____

Date: _____

Manager: _____