

## Responsible Marketing Practices

### On-Premises Promotions

It is illegal to:

- engage in any promotion that would encourage excessive consumption of alcoholic beverages;
- sell, serve or offer to serve more than two drinks to a single consumer at one time.

*Texas Alcoholic Beverage Commission Rule §45.103*

It is legal to:

- sell, serve or deliver alcoholic beverages in pitchers, carafes, buckets or similar containers (bottles) to two or more consumers at one time;
- sell a bottle of liquor to two or more guests, as long as guests don't become intoxicated.

Consider:

- Drink specials that don't include shots, multiple liquors, or specialty drinks containing excessive alcohol.
- Menu ideas that incorporate more mix, less alcohol.
- Offering food and non-alcoholic beverage specials.

### Off-Premises Promotions

- Place alcoholic beverage displays in locations that are conducive to assisting responsible sales.
- Choose promotions that don't specifically target minors.
- Station single boxes and promotions in a location that is easily monitored for shoplifting and loitering by a minor.



## Remember:

- ✓ **Retailers must be able to watch and control the consumption of alcohol by consumers.**
- ✓ **The retailer is responsible for consumer over-consumption.**
- ✓ **Wait staff must monitor customers carefully to prevent excessive consumption.**
- ✓ **Any unconsumed liquor must be destroyed. It can't be re-sold or taken home.**

Have questions or concerns?

[www.tabc.state.tx.us](http://www.tabc.state.tx.us)  
[questions@tabc.state.tx.us](mailto:questions@tabc.state.tx.us)

**Texas Alcoholic Beverage Commission**  
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P.O. Box 13127  
Austin, Texas 78711  
512-206-3333 (Information)  
1-888-THE-TABC (Complaints)  
TDD 512-206-3270  
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05/10

# Sell and Serve Responsibly

*... protect yourself  
... protect your business  
... promote responsible retailing*



# Texas Alcoholic Beverage Commission

## Responsible Service Reminders

The **Texas Alcoholic Beverage Code** requires sellers and servers to refuse alcoholic beverage service to intoxicated persons and minors.

These public safety violations may result in the cancellation or suspension of the establishment's license or permit to sell alcoholic beverages.

You may also be held civilly liable for selling or serving alcoholic beverages to an individual if:

(1) at the time the provision occurred it was apparent to the provider that the individual being sold, served, or provided with an alcoholic beverage was obviously intoxicated to the extent that he presented a clear danger to himself and others; and

(2) the intoxication of the recipient was the proximate cause of the damages suffered.

*Texas Alcoholic Beverage Code §2.02*

## Signs of Intoxication

Slurred speech

Mental confusion

Impaired balance

Impaired motor ability

Bloodshot eyes

Dishevelment

Smell of alcohol

Signs of past or present

incontinence or nausea



[www.tabc.state.tx.us/enforcement/signs\\_of\\_intoxication.asp](http://www.tabc.state.tx.us/enforcement/signs_of_intoxication.asp)

A person commits an offense if the person with criminal negligence sells an alcoholic beverage to an intoxicated person.

*Texas Alcoholic Beverage Code §101.63(a)*

### You could receive up to:

- \$1000 fine; and/or
- One year in jail.

A person commits an offense if the person with criminal negligence sells an alcoholic beverage to a minor.

*Texas Alcoholic Beverage Code §106.03(a)*

### You could receive up to:

- \$4000 fine; and/or
- One year in jail.

## Manager's Awareness Program

This program is taught by TABC staff and serves as a roadmap to deter violations and promote voluntary compliance with the Texas Alcoholic Beverage Code through education and training. It is designed to give managers the knowledge, skills and abilities to help employees provide responsible alcohol sales and service, and to deter violations.

## Seller/Server Training

This program is taught by third party providers that are approved by TABC. It teaches sellers and servers of alcohol how to avoid selling alcoholic beverages to minors, intoxicated persons and to nonmembers of a private club. Once employees become TABC certified through a TABC approved course provider, they will have the background, skills, and awareness to serve alcoholic beverages responsibly.

## Steps to Responsible Alcohol Beverage Service

Be committed to the responsible service of alcoholic beverages.

- Do **NOT** serve an alcoholic beverage to anyone who is intoxicated.
- Do **NOT** serve alcoholic beverages to anyone to the point of intoxication.
- Do **NOT** allow any employee to drink alcoholic beverages while working.
- Do **NOT** serve an alcoholic beverage to anyone under the age of 21 years.
- Carefully check identification of anyone who appears to be **under 30** years of age.
- Urge any intoxicated customer wishing to leave an establishment to use alternative transportation provided by the establishment.
- Always observe the customer and evaluate the sale/service of alcoholic beverages.
- Inform law enforcement authorities when intervention attempts with minors or intoxicated persons fail.