

SERVICES

CONTROL AND SALE OF ALCOHOLIC BEVERAGES/DRAM SHOP THEORY

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This Operating Instruction (OI) establishes procedures to control selling and serving alcoholic beverages in the club and to prohibit serving alcoholic beverages to those who appear to be near the point of intoxication and not in complete control of their faculties.

1. **REFERENCE:** AFI 34-219
2. **RESPONSIBILITIES:** It is the responsibility of the club manager and club employees involved in selling and serving alcoholic beverages to insure that the policies of this OI are strictly enforced to protect the assets and interests of Services and the United States Air Force. The provisions of this operating instruction are applicable to **ALL EMPLOYEES** involved in dispensing alcoholic beverages to customers.
3. **POLICIES:** The "Dram Shop" theory is a legal theory of liability, created either by statute or court decision, which imposes upon the owner, operator, and/or employees of an establishment serving alcoholic beverages the duty to refuse to serve additional alcoholic beverages to a customer who reaches or appears to be reaching the point of intoxication. When an establishment continues to sell alcoholic beverages to such a customer and the customer subsequently departs and causes harm to himself or to others, the owner, operator, and/or employees of the establishment can be held liable for damages. Also a person may be held liable who buys a drink for an already intoxicated person. Air Force Services facilities selling beverages are subject to liability claims under this theory. Each responsible person must comply with the intent of the Dram Shop Theory, not only to prevent a claim against the Air Force and themselves, but more importantly, to prevent an unnecessary injury or loss of life.

All personnel involved with the control and serving of alcoholic beverages must receive annual dram shop training to be familiar with Air Force drinking policies and will acknowledge the reading and understanding of this OI and sign the following statement on their AF Form 971 (Supervisor's Record of Employee):

"I understand my responsibility under the Dram Shop Theory not to sell or serve alcoholic beverages to persons that appear to be intoxicated and not in complete control of their faculties." In addition, the following will be complied with:

- 3.1. All personnel employed by Services to sell or serve alcoholic beverages must be in compliance with the state law concerning age requirements.
- 3.2. Packaged beer, wine coolers, and other commercially packaged alcoholic beverages with less than 7 percent alcoholic content by volume may be sold for off-premises consumption when approved by the installation commander and AAFES facilities are not open.

3.3. Under no circumstances will alcohol be sold by the bottle, except wine and champagnes, which are listed on the dining room wine list. Clubs may not set up separate rooms to display and sell for off-premise consumption. Prices must be uniform with AAFES.

4. All personnel involved with the control and serving of alcoholic beverages will comply with the below listed rules for the serving of alcoholic beverages.

4.1. All members, family members and guests consuming alcoholic beverages must be at least 21 years of age. This age limit is consistent with local law, which requires a 21-year age limit for establishments of this type. If in doubt as to the correct age of a customer, the manager on duty will, prior to serving a customer, require full identification.

4.2. At no time will any individual be permitted to become intoxicated to a point of loss of self-control. Services' personnel have a direct and important obligation to the individual and the Air Force to insure proper conduct and atmosphere in the facility. If a patron appears to be intoxicated or approaching intoxication, it is management's responsibility to refuse further service of alcoholic beverages. If necessary, the duty manager will contact the Security Forces Control Center as circumstances dictate.

4.3. Scheduled social hours will be strictly followed. Keep designated periods to 10 hours or fewer per week and no more than 2 hours per day.

4.4. Food must be served at all times alcoholic beverages are served.

4.5. No drinking contests are permitted and no "last calls" or any other type of count down is permitted by facility personnel or customers.

4.6. Establish a standard pour. Do not free pour.

4.7. Do not serve two-for-one drinks.

4.8. Do not reduce prices more than 50 percent except for beverages offered as complimentary with a meal.

5. Safeguards for intoxicated persons:

5.1. The Enlisted Club offers a designated driver program to assist the membership. Any member identified as a designated driver will be served free non-alcoholic beverages all evening.

5.2. Bartenders and Cocktail waitresses will immediately stop serving anyone who is, or appears to be, reaching the state of intoxication. Some indications of intoxication are: bloodshot eyes, alcoholic breath, slurred speech, stumbling, staggering, radical personality changes (loud, angry, defensive, belligerent, quiet, and crying).

5.3. Club personnel will do everything possible to assist the intoxicated patron to regain his faculties (i.e. serve coffee, soft drinks, food, etc.).

5.4. Club personnel will insist that the patron remain at the facility until someone can escort them to their quarters. At no time should a patron be allowed to drive if they are intoxicated.

5.5. The Enlisted Club has a taxi program to assist patrons who are unable to drive. Procedures for using this program are as follows:

5.6. The duty manager will call a taxi from the company which the club has a Blanket Purchase Agreement with (currently A-1 Taxi). The fare will be charged to the club. The club will later recoup the fare by charging it to the member's club card.

6. Incidents and Reporting:

6.1. Any member, family member or guest who creates an incident that is considered unfavorable in nature as a result of being intoxicated will be immediately reported to the club manager.

6.2. If the incident cannot be handled quietly and diplomatically or could cause harm to other patrons, call the Security Forces Control Center. The club manager will be notified immediately anytime that the police are called.

6.3. The club manager will report promptly any incident that may result in a claim, and any actual claim based on the Dram Shop Theory (for any type of liability claim) to the squadron commander.

I certify that I have read, understand and will comply with the terms of this OI.

Printed Name

Signature

Date

Print this form, sign this page and the first page and bring it to the Eglin Yacht Club Manager.