

Key Points

If one of your employees is charged with knowingly selling alcohol to a minor or to an intoxicated person, you could lose your license to sell unless the following six criteria are met:

1. The person selling is not the owner or an officer of the company;
2. The person selling holds a current seller-server training certificate from a TABC approved school;
3. All employees engaged in the sale, service, or delivery of alcoholic beverages, as well as their immediate managers, are certified within 30 days of their hire date;
4. The employer has written policies for responsible alcohol service and ensures that each employee has read and understands these policies;
5. The employer does not directly or indirectly encourage the employee to violate the law; and
6. There are not more than three of these type of violations within a twelve month period.

Meeting all of these criteria is commonly referred to as "safe harbor." If an illegal sale is made, the seller or server might be arrested and fined up to \$4,000 but the company's permit/license may be protected.



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

VIOLATION

If one violation occurs:

- Criminal action may be taken against the employee;
- The owner or manager may be required to complete an affidavit stating that they have met all the requirements;
- The owner or manager will be required to provide the names, social security numbers, and dates of birth of all employees so that the affidavit can be verified;
- TABC will verify the certification of the employees.

TABC Administrative Rules §34.4 and 34.5 explain additional sanctions and penalties.

Have questions or concerns?

Find your local TABC office at:

www.tabc.state.tx.us/contact_us/local_field_office.asp

Seller/Server Training

512-206-3420

Fax: 512-206-3316

seller.training@tabc.state.tx.us

Texas Alcoholic Beverage Commission

5806 Mesa Drive

P.O. Box 13127

Austin, Texas 78711

512-206-3333 (Information)

1-888-THE-TABC (Complaints)

TDD 512-206-3270

www.tabc.state.tx.us

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Safe Harbor

... protect yourself

... protect your business

... protect your community



Texas Alcoholic Beverage Commission



Selling or serving alcoholic beverages to intoxicated persons or minors remains a serious concern. The consumption of alcohol by minors and intoxicated persons frequently leads to dangerous behavior including drunk driving accidents and fatalities.

TABC continues to utilize multiple resources to identify and take action against business owners and employees who are motivated by profit, risking the safety of their patrons and neighbors.

TABC is committed to the continued support of those businesses who appreciate the balance between profit and public safety.

TABC is equally committed to focusing on those businesses who do not prioritize public safety, and taking appropriate action to bring them into compliance.

The Texas Alcoholic Beverage Commission is providing this brochure to clarify the "safe harbor" for licensees and permittees. We are confident that with all interested parties working together and combining our resources, we can make giant strides toward solving the problem of serving or selling to an intoxicated person or a minor and reducing the number of DWI arrests and alcohol-related accidents in Texas.

Thank you for your support.

Sincerely,

*Alan Steen
Administrator*

What is "Safe Harbor"?

If an employee sells or serves alcoholic beverages to a non-member of a private club, a minor or an intoxicated person, the actions of the employee shall not be attributable to the employer if:

- (1) the employer requires its employees to attend a commission-approved seller training program;
- (2) the employee has actually attended such a training program; and
- (3) the employer has not directly or indirectly encouraged the employee to violate such law.

Texas Alcoholic Beverage Code §106.14(a)
See TABC Administrative Rules §34.4 for additional information.

What does this mean?

Requiring employees to be seller/server certified provides "safe harbor" for permittees. If all employees are seller/server certified, the permittee's alcoholic beverage license might be protected from a fine, suspension or cancellation. Other benefits may include:

- lowering liability insurance costs;
- more knowledgeable and responsible employees;
- being a more responsible member of your community.

How do I know if my employees are certified?

Everyone that takes a TABC approved seller training course receives a certificate immediately.

If they do not have a certificate, verify that employees are seller/server certified by checking the TABC website. You will need their social security numbers and dates of birth.

Certified seller training schools have 14 days to upload trainee information into the TABC database. If an employee claims to be certified and is not in the system, contact TABC at 512-206-3420.

How do I get my employees certified?

Contact one of the TABC certified course providers in your area. A list is provided on the TABC website.