



NORTH CAROLINA ALCOHOL LAW ENFORCEMENT

**Be A Responsible Seller/Server (B.A.R.S.)
COVID-19 / Executive Order Instructions
for Phase Three**

Topics To Be Discussed In This Training



- Defining the parameters of Executive Order 169 as it pertains to Phase Three
- Applying Executive Order 169 to locations holding ABC permits in the state, specifically locations holding on-premise ABC permits
- Discuss the procedures for establishing temporary extensions to ABC licensed premises
- Presenting best practices for the responsible sale and service of alcoholic beverages during COVID-19

Parameters of Executive Order 169



- Off-Premise locations will continue to operate as set forth in previous Executive Orders.
- Restaurants will likewise continue to operate as previously set forth, adhering to the following guidelines:
 - Reduced capacity
 - Face coverings for employees when they are within or may be within six feet of patrons. Patrons shall wear face coverings when not seated at tables.
 - Alcohol sales for on-premise consumption must cease between the hours of 11:00 p.m. and 7:00 a.m.

Parameters of Executive Order 169



- Under the Phase Three guidelines set forth by Executive Order 169, certain businesses may open for on-premise consumption in outdoor areas only.
 - This provision applies to bars, lounges in which tobacco or related products are consumed on premises, auditoriums, amphitheaters, nightclubs, music halls and adult entertainment facilities. Note that guests must be seated.
- Bars not using wait staff must designate an ordering area at the bar. This area must allow each guest to wait six feet apart from other guests. If necessary, guests may place their orders by coming inside the bar's building; however, guests must consume their beverage in outdoor seating areas only.

Parameters of Executive Order 169



- Locations utilizing outdoor seating areas must adhere to the following guidelines:
 - The occupancy of the outdoor seating area shall not exceed 30 percent of the stated seating occupancy.
 - If such an area does not have a stated seating occupancy, the occupancy shall not exceed seven patrons for every 1,000 square feet of occupancy. An example of this would be an establishment which secures a temporary extension of their ABC permitted establishment. Procedures for temporary extensions to the ABC permitted premises will be discussed in subsequent slides.
 - Locations which have amenities such as pool or billiard tables shall not allow patrons to utilize such amenities.

Parameters of Executive Order 169



- Pursuant to Executive Order 169, all sales and service of alcoholic beverages for on-premise consumption shall cease between the hours of 11:00 p.m. and 7:00 a.m.
- An establishment may remain open after 11:00 p.m. as long as they comply with provisions previously laid out and the sale and service of alcoholic beverages have ceased.

Parameters of Executive Order 169-Temporary Extensions to Premises



- As previously laid out in Executive Order 141, the ABC Commission has provided updated guidance to temporarily allow On-Premise ABC permit holders to include additional outdoor seating as part of their licensed premises in compliance with the following guidelines:
 - An application for temporary extension of the premises will not need to be submitted to the ABC Commission.
 - The temporary extension must be approved by the appropriate local government entity.
 - If the extension is not covered by a deed or lease, the permittee must obtain written permission of the owner of that property.

Parameters of Executive Order 169-Temporary Extensions to Premises



- The permittee must notify their ALE Agent, the ALE District office or local law enforcement of the temporary extension of premises **prior to** use of the extended area. This includes those who will be temporarily extending their premises onto their own property (yard or parking lot, for example).
- A diagram of the temporary extension must be maintained on the permitted premises indicating the size and location of the temporary extension, the types of barriers to be used, and how many tables and chairs will be placed in the temporary area.

Parameters of Executive Order 169- Temporary Extensions to Premises



- The extension of premises must be adjacent to, abutting, and connected to the primary licensed premises. One of the exterior walls of the licensed premises must be part of the extended area.
- Any temporary extension must comply with ADA accessibility requirements.
- The temporary area must be visibly and vertically marked off so that the average citizen can distinguish between the extended licensed premises and the public walkway.

Parameters of Executive Order 169-Temporary Extensions to Premises



- Consumers will not be allowed to take open containers of alcoholic beverages out of the temporary extension of premises area.
- The temporary extension does not increase an establishment's maximum occupancy as previously established by the fire code.

Is the Executive Order Mandatory or Voluntary?



- **MANDATORY**
- ALE's position is to educate first to encourage voluntary compliance with the Executive Order. ALE is available to answer questions and support local law enforcement in this effort.
- Non-compliance with the Executive Order is a class two misdemeanor.

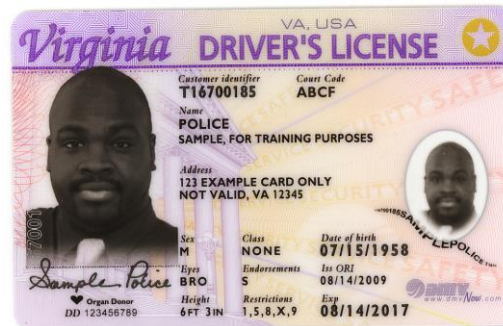


Acceptable Forms of Identification



It shall be the duty of the permittee and his/her employees to determine the age of any person purchasing, consuming, or possessing alcoholic beverages on the licensed premises. Acceptable identification for purposes of determining age shall be:

- A valid driver's license
- A valid special identification card issued by the NC Division of Motor Vehicles
- A military identification card
- A passport



Best Practices for Checking Identifications During COVID-19



- Purchasing age restricted products in North Carolina is not a right, it is a privilege. Retailers are not required to sell these products. NCGS 18B-305 and 18B-129 protect retailers if they choose not to sell such products for legitimate reasons. You cannot base a refusal solely on a patron's race, religion, color, national origin, sex or disability.
- If you are unable to determine the age of a patron wearing a mask, it is recommended you ask them to take two steps back and remove/lower the mask. If they refuse, you may and should refuse the sale.



Alcohol and Intoxicated Individuals: Criminal

- NCGS 18B-305 states it is unlawful for any person to knowingly sell or give an alcoholic beverage to an intoxicated individual or for an individual to knowingly buy alcohol for a person who has been refused the right to purchase such beverage.
- A person charged with selling alcohol to an intoxicated individual is subject to a **\$100** fine plus **\$180** cost of court. This does not include any attorney fees.
- More and more, district attorneys have taken an aggressive stance in cases of providing alcohol to intoxicated and/or underage individuals when it results in serious injury or death. In certain cases, individuals have been charged with homicide or manslaughter-related charges.

Alcohol and Intoxicated Individuals: Civil



- NC ABC Commission: No permittee or employee shall knowingly sell alcoholic beverages to, or allow consumption by, an intoxicated individual.
- Violations of NC ABCC regulations, as well as criminal statutes, are reported to the NC ABCC. These violations put the business' ABC permits at risk (fine, suspension, and revocation).
- These violations also make both the business and the **individual employee** subject to civil suit. Under NC law, an individual may be sued for up to **\$500,000** per occurrence for negligently supplying alcohol.



Signs of Intoxication

- Swaying or staggering
- Stumbling or bumping into things
- Leaning on objects for support
- Red/glassy eyes
- Slurred speech
- Annoying other customers
- Difficulty handling money
- Overlooking identification in wallet



North Carolina Alcoholic Beverage Control Commission



- NC ABCC typically holds their Commission Meetings on the second Wednesday of the month at 10:00 a.m.
- More information can be found at abc.nc.gov or by calling (919) 779-0700

Contact Information



North Carolina Alcohol Law Enforcement

alehq.headquarters@ncdps.gov

(919) 733-4060

When emailing or calling with questions to the above address, please include the county within which the business is located.

It will be forwarded to the appropriate ALE District Office.