

We've renamed our Quarterly RVP Tests because they have become more than tests. We also know that not every business reads every one of our (Newsletter) and RVP Tests, so some parts of this Newsletter are similar to our last (Winter 2017-18) Newsletter. This Spring Newsletter has a new, more difficult RVP test that contains questions about the recent changes in Oregon's alcohol and tobacco sales laws, and new procedures for checking ID.

This Newsletter has four parts:

Page 1 - An overview of our **new Version (2) and Revision (01/18) of MATS for Oregon**

Page 2 - An overview of Oregon's new "Acceptable ID" laws

Pages 3-4 - **The Spring 2018 RVP test and answer key**

Pages 5-8 - Contains information and our recommendations for implementing these new laws and **creating house policies** to help your employees minimize problems when checking IDs

Management: Please review the policies and procedures described on pages 5-8 before using them in your store.

Here is an overview of the new Version and Revision of MATS for Oregon:

We released a new Version (2) and Revision (01/18) of MATS for Oregon printed materials in January this year. They include the changes to Oregon's laws. We have introduced new, shorter, easier techniques for checking IDs. We have changed the 6 Step ID Check to the 4 Step ID Check. Works just as well, but is easier to remember and takes less time. There are numerous other changes in the new Version which, we think, will greatly improve our training and help to keep your business up to date with the changes to the ID laws.

As you will see on the next page, the new Oregon ID laws have been rewritten by the OLCC into "Oregon Administrative Rules" which are intended to be easier to understand and follow. But the OAR wording is very redundant and, we think, complicated (so they meet legal requirements).

We have simplified things by making two lists with memory words to help people quickly determine whether an ID is "valid", and acceptable for an alcohol or tobacco purchase.

<p>Characteristics of a VALID ID:</p> <ul style="list-style-type: none"> • It is Legitimate • It Belongs to the person • It is not Expired • It is not Altered • It is Readable <p>Memory aid "Large BEAR"</p>	<p>Items on every VALID ID:</p> <ul style="list-style-type: none"> • (On minor IDs check the Under 21 Until Date first) • Expiration date • Photo of person • Name • Date of Birth 	<p>A "Legitimate" ID"...</p> <p>...is an original document, (not a copy or counterfeit), made by an authorized government agency, and issued to the person who presents it</p>
--	---	---

An overview of the final changes to Oregon's Acceptable ID laws:

Here is the FINAL' Revision of the "Acceptable IDs" OAR published by OLCC on April 19, 2018. This is the wording of the OAR (Oregon Administrative Rule), and therefore the "liquor laws" you must follow when checking IDs for alcohol and tobacco sales.

Note: The new criteria that OLCC has added to make IDs acceptable are in red

Only the following forms of identification are acceptable alone as proof of age:

1. An unexpired and unaltered **and legitimate** driver license issued by a U.S. state or the District of Columbia.
2. An unexpired, unaltered, **and legitimate** identification card or driver license that has a picture of the person, the name of the person, the person's date of birth, and a physical description of the person and is issued by a U.S. state, the District of Columbia, or a territory of the U.S.
3. An unexpired, unaltered, **and legitimate** identification card that that has a picture of the person, the name of the person, the person's date of birth, and a physical description of the person and is issued by a federally recognized Indian tribe.
4. An unexpired, unaltered, **and legitimate** passport or passport card.
5. An unexpired, unaltered **and legitimate** U.S. military identification card.

Instead, use this list of acceptable IDs, and the characteristics and items on page 1:

1. A driver license issued by a U.S. state or the District of Columbia.
2. An identification card or driver license issued by a U.S. state, the District of Columbia, or a territory of the U.S.
3. An identification issued by a federally recognized Indian tribe.
4. A passport or passport card.
5. A U.S. military identification card (usually called a "CAC" or Common Access Card)

Please read the following disclaimer:

We are providing the information, suggestions and recommendations in this Newsletter to help you decide how to adapt your alcohol and tobacco sales procedures to conform to the new laws, and protect your business and your employees from problems that may arise while doing so.

The information, suggestions and recommendations are not offered nor intended as legal advice. They are based on our 27 years of experience producing and distributing OLCC approved training to Oregon businesses who want to sell alcohol legally and responsibly.

We recommend that you consult with your legal counsel regarding any decisions you make about implementing Oregon's new laws and creating related house policies for your business.

(Points)

A 1. What is a valid standalone ID? 2. If you can't tell if an ID is valid, what must you do?

1. _____ (1)
2. _____ (1)

B Two types of invalid ID are acceptable as valid ID for buying alcohol if the information on both IDs is exactly the same ___ True ___ False (1)

C Oregon law now requires any person purchasing alcohol or tobacco to be _____ or older. (1)

D List the four characteristics of a standalone ID in order to be valid for an alcohol purchase.

- B _____ (1)
E _____ (1)
A _____ (1)
R _____ (1)

E List three signs that an underage customer may be trying to buy alcohol or tobacco from you.

1. _____ (1)
2. _____ (1)
3. _____ (1)

F "MAAM" helps you to remember what to do if you've decided not to sell alcohol to a customer. Write below what the letters in MAAM stand for.

- M _____ (1)
A _____ (1)
A _____ (1)
M _____ (1)

G List the five types of standalone ID that you can accept for alcohol or tobacco purchases.

1. _____ (1)
2. _____ (1)
3. _____ (1)
4. _____ (1)
5. _____ (1)

H Write four things that must be on a standalone ID to be valid for an alcohol purchase:

- E _____ (1)
P _____ (1)
N _____ (1)
D _____ (1)

I Oregon law requires you to check the ID of an alcohol customer who appears to be younger than _____ (1)

Scoring Subtract 4 from 100 for each wrong answer. For example, if there are 2 wrong answers, subtract 2 X 4 (8) from 100... 100-8 = 92 **Review the answers *immediately* if possible and correct mistakes. This can double the training value of the RVP test.**

Answers

Don't forget to file your tests!

- A** (1) Can be accepted by itself (2) Explain to customer that you can't validate it and refuse sale
- B** False
- C** 21
- D** **B**elongs to the person who presents it, not **E**xpired, not **A**ltered and it must be **R**eadable
- E** (1) Young people loitering outside or near beer or wine display, (2) whispering between adult and young person, (3) exchange of money, (4) nervous adult customer, (5) young person watching someone buying alcohol, etc. (Give extra points if person lists more than three)
- F** **MAAM** - **M**ove the alcohol away, **A**ssert the law, keep a firm, fair and friendly **A**ttitude, **M**ove on to other customers or work, or call your **M**anager (Don't turn your back to the customer)
- G** (1) U.S. state or District of Columbia driver license, (2) U.S state, District of Columbia, or U.S. Territory-issued ID card or driver license, (3) Federally recognized Indian tribal ID card, (4) passport or passport card, (5) valid US military ID card (CAC or Common Access Card)
- H** **E**xpiration date, **P**icture, **N**ame, **D**ate of birth **O**n minor Oregon IDs check "Under 21 Until" date first
- I** 26

Suggestions for successful training

Instructor—please take this test yourself, check the answers, then discuss everything on the test with your class **before giving them the test**. Make sure all topics in the test are covered before testing, especially the new IDs and how to deal with pushback about the new age requirement for tobacco sales. Allow ample time for discussion about the new types of acceptable IDs. Focus on the types of IDs you are most likely to see in your store.

Talking about checking IDs and *showing someone how* can be helpful, but if you *really* want a person to be able to check IDs quickly and accurately, they need to actually practice it, again and again, until they are comfortable and confident. Only then will they actually check IDs consistently, without supervision.

Practice the 4 Step ID Check yourself until you feel very comfortable, confident and fast. Only then demonstrate the correct technique for checking IDs to your class. Have *everyone* actually go through the steps, *slowly at first*. The key to successful ID checking is being *systematic and consistent*. *Always* check *every* ID the *same way every* time. Their speed will improve as they check IDs every day. Have trainees practice "interviewing" each other using their real IDs.

Most minors don't try to use altered IDs. They use a fake ID purchased online, or someone else's card. The interview, when done well, can prevent most illegal sales.

Make sure your trainees know what to do when an unfamiliar ID is presented. Refusals must be phrased carefully to avoid giving the impression of discrimination. Review your house policies about the types of IDs you can't validate, and therefore can't accept.

Post signage near your POS(s) explaining your house policies regarding acceptable IDs and what your employees must do if they can't **validate** an ID. This can be very helpful to your front end employees.

Information, policies and recommendations for checking IDs

We believe that is not discriminatory to have house policies that help you make sure that your business complies with the **legal requirement** that you **only accept valid IDs for alcohol sales**.

What is a "valid ID"? A valid ID is one of the five "Acceptable IDs" identified in the current Oregon statute and Oregon Administrative Rule that **has the following characteristics**:

- (1) It is **L**egitimate (see page 1)
- (2) **B**elongs to the person who presents it (without a photo it is not possible to know that)
- (3) is not **E**xpired (all acceptable IDs must have an expiration date)
- (4) has not been **A**ltered (nothing on the ID has been changed since the ID was made)
- (5) is **R**eadable (if there is information on the ID you must read but can't, it is not readable)

The memory aid "**Large BEAR**" can help people remember these characteristics of valid IDs.

Valid IDs must have the following items on them, and they should be checked in this order every time:

- A. an **E**xpiration date - See (3) above
(On a **minor ID**, check the "**Under 21 Until Date**" first)
- B. a **P**hoto that matches the person who presents the ID - See (2) above
- C. the person's **N**ame
- D. the person's **D**ate of birth – See (2) above (if it's not their ID the DOB is meaningless)

The memory aid **Every Person Needs a Dog** can help people remember these 4 necessary items

We recommend that your business consider adopting House Policies about Acceptable ID for alcohol and tobacco sales. The examples below may be helpful.

- **All types of acceptable IDs, whether specifically stated or implied, require a photo**
- **Do not accept any ID that does not match all of the requirements listed above**
- **Do not accept any ID that you haven't seen before and cannot validate. (see below)**

It is legal for house policies to be more strict than the law, as long as the policy is applied uniformly to all customers, is not discriminatory, and doesn't conflict with the law.

Validating a federally recognized tribal ID for an alcohol sale can be more complicated.

Current Oregon law says you can accept federally recognized tribal IDs, but:

There are 562 federally recognized Indian tribes in the U.S. Many people who sell and serve alcohol have not seen a tribal ID before. What are the characteristics of each tribe's IDs?

If you don't know what a tribal ID looks like, how can you tell if it is real, no less valid?

If you want to see an image of tribal ID of the Coquille Indian, where can you find it?

We haven't been able to find an authoritative print publication that lists the characteristics and shows images of all 562 "federally recognized tribe" IDs. The images of many tribal IDs can be found online, but the search can take a long time, **if** you have internet access at the point of sale, and **if** you can find the one you're looking for, and **if** you can see it clearly on a screen. We think that's unlikely to happen most of the time in the normal course of business.

In the past you may have had only a few customers offer tribal IDs, but now that the new law specifically allows it, and once the word gets out that you can use a tribal ID to get alcohol or tobacco, there's probably going to be quite a few new "native Americans" who make or buy some nice looking tribal IDs to try on you. You may be tempted to just say "we don't accept tribal IDs".

But the law says you *can* accept tribal IDs, your business can get income from sales to native Americans, and you have to be careful not to say anything or act in any way that gives a customer a reason to think you are discriminating against them. Lawsuits have been filed and won by native Americans who felt they were discriminated against because a business would not accept their valid tribal ID as proof of age for an alcohol sale.

For those of you who are near Oregon's borders, or whose clientele includes native Americans, you can go online and look up and print photos and information about the IDs of tribes in Oregon and the bordering states you are most likely to serve.

Recommended ID checking procedures (If your business uses different procedures, follow the procedures given to you by your manager)

When you first see an unfamiliar tribal ID, start by asking yourself if the ID has security features and the required information comparable to a state driver license:

- Is it made of durable plastic?
- Does it have a laminate that covers one or both sides?
- Does it have a hologram?
- Does it have an expiration date, photo, name and date of birth on it?
- Does it have a signature? (although not included in the descriptions of "acceptable ID"s, most valid IDs have a signature)
- Does it look very new or does it show normal signs of wear?
- Is the photo clear, or is it dark, mottled, fuzzy or hard to see?

If you can find pictures of the IDs of tribes in your area, print them and keep copies near each POS. Washington has a very good publication you can print from the internet. Go to https://lcb.wa.gov/rules/tribal-id-cards-identification#nez_perce_tribe.

Next, hold the ID and feel it with the pads and nails of your fingers. Feel for anything unusual on the laminated surface of the card – raised areas, cracks, splits, tears, holes or depressions. If anything feels unusual, look closely at the card to see if it has been altered in some way.

Look closely at the card for changes in the type, especially the last two digits of years. Do the numbers of the DOB, expiration and issue date **years** all appear to be *exactly* same typeface?

Apply what you have learned in our MATS or AST training about confirming that the ID actually belongs to the person who presents it. Size them up, Interview them and listen for quick and confident answers. Ask them if they can show you another ID with the same name on it. Rate them as OK or not OK for the sale.

Recommended procedures for refusing an alcohol sale due to an invalid tribal ID

NOTE: The examples below are policies businesses have used successfully. Do not use ANY of the policies or procedures described in this newsletter without first discussing them with your management and getting specific approval to use them.

Legally, you have the right to refuse any sale *without explaining why*, as long as you have a legitimate reason to believe that the person's ID isn't legally acceptable, and you are not doing so for discriminatory reasons.

If you must refuse a sale based on an invalid tribal ID, we suggest that you give your customer clear, honest and legal reasons for the refusal with a firm, fair and friendly attitude.

Show that you have made a sincere effort to validate their ID, and that you want to accept it. Explain that you must refuse the sale because **you can't validate their ID here and now.**

We encourage all employees who sell or serve alcohol learn to use these specific procedures, words and phrases. *Make it clear* that you are not refusing **all** tribal IDs, you cannot accept **their** ID. **Then show them the reason(s) why.**

Be specific. Make it clear that you know what you are doing, and that you have no choice but to refuse the ID. The policies, words and phrases you use should be placed on signs near all points of sale in your business, so you can show them to customers when you must refuse a sale.

We recommend that you also have **printed copies (handouts) of your house policies about tribal IDs** at every point of sale. Use them to explain to customers **the specific reason(s) that you must refuse the alcohol sale.**

We recommend that you follow up the explanation by asking them if they have any of the other types of acceptable ID with them. You can **offer to give them the handout** or point to the sign and say "It's not my choice, it's the law and our house policy".

If your customer is a regular, ask if you can write down some information about their ID so you can look it up online and be ready to validate their ID on their next visit.

Tobacco Sales - In Oregon the required minimum age for a person to legally buy or obtain tobacco products, inhalant delivery systems, and tobacco product devices is 21.

To ensure compliance with the law, post signs prohibiting sales of tobacco products and inhalant delivery systems to persons under the age of 21.

Useful links (You may have to cut and paste these links into your browser):

<http://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/retailcompliance.aspx>

<http://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/retailenvironment.aspx>

<http://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCOPREVENTION/Pages/retailcompliance.aspx#education>

Acceptable ID for tobacco sales

We cannot find a clear definition of “acceptable IDs” for tobacco purchases in the literature we have searched, including the actual statute (SB 754). It is reasonable to assume that any ID acceptable for purchasing alcohol is acceptable for tobacco purchases.

We recommend that retailers create a policy listing specific items you require to be on every ID presented for the purpose of purchasing tobacco products, inhalant delivery systems and tobacco product devices. Print and post the list near every point of sale. An ID that does not contain all the items on that list is not acceptable for tobacco purchases in your store.

If you refuse a tobacco sale because it doesn't meet these requirements, point to the sign and say “This is our house policy. If I don't follow it I could lose my job.”

If we find more specific information we'll publish it as soon as we can confirm it.

Summary:

It is not discriminatory to refuse an ID if the reason for doing so is that you cannot **validate the ID as legal, which, by law, you are required to do**. For an ID to be legal you must be sure that it is an original, unexpired, unaltered document, legally issued by the government authority shown on the ID, and belongs to the person who presents the ID for the purpose of buying alcohol or tobacco. It must meet all of the criteria listed on page 3.

IDs that do not meet these criteria include:

1. An ID that does not contain a photo that matches the person who presents it
2. An ID that does not have all of the information that is required in order to be valid
3. An ID that cannot be validated during the normal course of business, using officially recognized authoritative information about that specific ID and a picture of it