



Our Quarterly RVP Tests have become more than tests, so we are calling it a Newsletter. Some business owners and trainers aren't able to read every one of our Newsletters, so parts of this Newsletter are similar to our last (Spring 2018) Newsletter. This Summer 2018 Newsletter has a **new RVP test** that contains questions about the recent changes in Oregon's alcohol and tobacco sales laws, and new procedures for checking ID.

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

**Pages 5-8** - Contain information and our recommendations for implementing the new laws and **creating house policies** to help 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 page 2, the new Oregon ID laws have been rewritten by the OLCC into "Oregon Administrative Rules" which are intended to be easier to understand, follow and enforce. But the OAR wording is too redundant and, we think, in order to meet legal requirements, still too complicated.

**We have simplified things by using two sets of memory words to help cashiers quickly determine whether an ID is "valid" and acceptable for an alcohol or tobacco purchase.**

#### Characteristics of a VALID ID:

- It is "Legitimate"
- It **B**elongs to the person
- It is not **E**xpired
- It is not **A**ltered
- It is **R**eadable

Memory aid "Large **BEAR**"

#### Items on every VALID ID:

- (On **minor IDs** check the **Under 21 Until Date first**)
  - Expiration date
  - Photo of person
  - Name
  - Date of Birth
- (Every Person Needs a Dog)

#### A "Legitimate" ID"

...is an original document, (not a copy or counterfeit), made by an authorized government agency, and issued to the person who presents it. - It "conforms to the law or the rules".

## **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 OLCC has added the word "legitimate" to all of these acceptable IDs.**

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 photo 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.

**We recommend that you use the simplified list of acceptable IDs below *and* use the memory words listed at the bottom of page 1 to help you check every ID**

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 card 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. Use them to 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.

**A** List two things about a customer's appearance or behavior that could indicate they might be trying to buy alcohol or a tobacco product for an underage person (a second party sale).

1. \_\_\_\_\_ (1)
2. \_\_\_\_\_ (1)

**B** The first item you should check on a minor ID is the \_\_\_\_\_ (1)

**C** Oregon law requires any person purchasing alcohol or tobacco to be \_\_\_\_\_ or older. (1)

**D** List four items that must be on every ID in order for the ID to be valid for an alcohol sale.

- E \_\_\_\_\_ (1)  
P \_\_\_\_\_ (1)  
N \_\_\_\_\_ (1)  
D \_\_\_\_\_ (1)

**E** 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)

**F** The memory aid "SIR" helps you remember to...

- S \_\_\_\_\_ (1)  
I \_\_\_\_\_ (1)  
R \_\_\_\_\_ (1)

**G** "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)

**H** A valid ID must be "legitimate", and have the following four characteristics - it must:

- B \_\_\_\_\_ (1)  
Not be E \_\_\_\_\_ (1)  
Not be A \_\_\_\_\_ (1)  
Be R \_\_\_\_\_ (1)

**I** What should you do if you have decided not to sell alcohol to a customer because you cannot validate their ID ? \_\_\_\_\_ and \_\_\_\_\_ (2)

**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) Nervous customer (2) saw "shoulder tapping", young people loitering, watching customer, etc.
- B** The "Under 21 Until" date in the top red border of the big picture on the ID
- C** 21
- D** Expiration date, **P**icture, **N**ame, and **D**ate of birth
- E** (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)
- F** **S**ize up the customer, **I**nterview the customer, and **R**ate the customer as OK or not OK for the sale
- G** **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)
- H** **B**elong to the customer, not be **E**xpired, not be **A**ltered, and be **R**eadable
- I** Refuse the sale and politely explain why you must do so

## Suggestions for successful training

**Instructor** - please take this test yourself, and check your answers (in the *Guide*). Be sure to discuss every topic on the test with your class **before giving them the test**. Make sure all topics in the test are understood before testing, especially questions about the new types of acceptable IDs.

Allow ample time to describe **how to explain why you can't accept an ID that you cannot validate**. Use actual IDs if you have them, show specific examples, and 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 become comfortable and confident. Only then will they actually check IDs consistently, without supervision.

Practice the 4 Step ID Check yourself until you feel comfortable, confident and fast. Only after you have done that will you be able to demonstrate the correct technique for checking IDs to your class. Have every trainee actually go through the steps, *slowly at first*. Speed will increase naturally with practice. The key to successful ID checking is being *systematic and consistent*. **Make sure that every trainee checks every ID the same way every time**. 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 to people who are using a borrowed ID.

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. Emphasize the importance of *polite explanations*.

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, house 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 (page 2) 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**) (In top red border of picture)
- 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 require a photo of the person on it**
- **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 difficult.**

**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 the tribal ID of the Coquille Tribe, where can you find it?

We haven't been able to find an authoritative print or online publication that shows images of all 562 "federally recognized tribe" IDs and lists their characteristics. The images of many tribal IDs *can* be found online, but the search can take a long time. Even **if** you have internet access at the point of sale, and **if** you can find the ID you're looking for, and **if** you can see it clearly on a screen, we still think it's unrealistic to be able to do that 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.

If your business is near the state border, or if your clientele includes native Americans, we recommend that you go online 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 read?

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](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 training about confirming that the ID actually belongs to the person who presents it. Use **SIR** - Size them up, Interview them and listen for quick and confident answers. If you are “still not sure”, ask them to 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 some 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. Some of these procedures may not be applicable or appropriate in your store.**

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 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