

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 a substantial part of this Newsletter is similar to our last (Fall 2017) Newsletter. This Winter 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:

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

**Part 2 (page 2)** Will give managers and trainers an overview of Oregon's new "Acceptable ID" laws

**Part 3 (pages 3-4)** is the RVP test and answer key, with new information about acceptable IDs

**Part 4 (pages 5-8)** contains information and our recommendations for implementing these new laws and **creating house policies** to help your employees check the new IDs legally -

**Please review and approve the policies and procedures in part 4 before using them**

**Part 1 - An overview of the new Version and Revision of MATS for Oregon**

We just released a new Version (2) and Revision (01/18) of MATS for Oregon printed materials. They include the changes to Oregon's laws. There is a new, shorter, simpler technique 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 do. 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 all the changes in the laws.

Because our development, production and printing materials costs have increased substantially, we must increase our prices for MATS for Oregon manuals and tests for only the second time in ten years. We originally intended to implement the price increase at the beginning of the year, but release of the new Version was delayed, so we didn't announce the new Version's availability and price increase as soon as we planned. So we have delayed the price increase one month.

Orders placed for the new MATS for Oregon printed materials before February 1, 2018 will be charged the current price of \$2.50 for workbook/test sets, and \$10 for Master Sets. Effective February 1st, workbook/test sets will be \$3.00 per set, and Master Sets will be \$15 per set. We think the prices for our training are still a great deal, compared to the cost to your business if *one* of your employees, in *one* of your stores, makes *one* mistake selling alcohol or tobacco. *How many of your employees sell alcohol and tobacco products? How many transactions a day?*

Trainers will need to work a little harder when delivering the new version of MATS for Oregon. The new final test is more demanding in terms of knowledge retention. It requires the trainee to recall and write (not just choose between) the SIR and ID checking procedures in the correct order. Additional emphasis on correcting the fill-ins and quiz answers will be needed to ensure that trainees will be prepared to do well on the final test.

There is a new emphasis on the term "valid" for determining the acceptability of an ID. Trainees must demonstrate knowledge and understanding of the four things that make an ID valid, and the four items an ID must contain for it to be valid.

## Part 2 - An overview of the changes to Oregon's Acceptable ID laws

Here is the current Proposed Revision of the "Acceptable IDs" OAR provided by OLCC on 11/6/2017. They said we can use this revision until further notice.

Under Oregon Law only the following forms of identification are acceptable alone as proof of age when purchasing alcohol items:

1. An unexpired and unaltered U.S. state or District of Columbia driver license.  
(Notice it doesn't say anything about a photo)
2. An unexpired and unaltered ID card issued by a U.S. state, District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, United States Virgin Islands, or American Samoa with **photo**, name, date of birth, & physical description.
3. An unexpired and unaltered ID card issued by a federally recognized Indian tribe with **photo**, name, and date of birth.
4. An unexpired and unaltered passport or current and unaltered passport card.  
(All passports and passport cards have a photo)
5. An unexpired and unaltered U.S. military ID card. (All U.S. military ID cards, now called "Common Access Cards" or "CAC" cards, have a photo)

### Before we go further, please read the following disclaimer:

The information, suggestions and recommendations below are provided to help you decide how to adapt your alcohol 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 herein 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 that want to sell alcohol legally and responsibly.

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

(Points)

**A** A **valid** standalone ID must belong to the person who presents it, be unexpired, and be ...

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

**B** How old must a customer be to buy tobacco in Oregon? \_\_\_\_\_ (1)

**C** If an alcohol customer appears to be younger than \_\_\_\_\_, you must check their ID. (1)

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

1. \_\_\_\_\_ (1)
2. \_\_\_\_\_ (1)
3. \_\_\_\_\_ (1)
4. \_\_\_\_\_ (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.

1. M \_\_\_\_\_ (1)
2. A \_\_\_\_\_ (1)
3. A \_\_\_\_\_ (1)
4. M \_\_\_\_\_ (1)

**G** List the five types of "stand alone" ID that you can accept for alcohol or tobacco purchases.

1. \_\_\_\_\_ (1)
2. \_\_\_\_\_ (1)
3. \_\_\_\_\_ (1)
4. \_\_\_\_\_ (1)
5. \_\_\_\_\_ (1)

**H** Write the four steps you must do to check an ID when think the ID may be borrowed.

1. \_\_\_\_\_ (1)
2. \_\_\_\_\_ (1)
3. \_\_\_\_\_ (1)
4. \_\_\_\_\_ (1)

**I** It's legal to sell alcohol to a visibly intoxicated customer if they are not driving.

True    False    (circle one)    (1)

**Scoring** Subtract 4 from 100 for each wrong answer.  
For example: two wrong answers - subtract 2 X 4 (8) from 100 = 92  
Review the answers *immediately* if possible, correct mistakes, and file the tests.

## Answers

**A** (1) unaltered (2) be readable

**B** 21

**C** 26

**D** (1) Expiration date, (2) **P**hoto, (3) **N**ame, (4) **D**ate of Birth (Memory aid— **E**very **P**erson **N**eeds a **D**og)

**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) Valid U.S. state or District of Columbia driver license, (2) valid U.S. state, District of Columbia, or U.S. Territory-issued ID card, (3) Federally recognized Indian tribal ID card, (4) valid passport or passport card, (5) valid US military ID card (CAC or Common Access Card)

**H** (1) Feel the ID with your fingers and nails for indications the ID may be altered, (2) Read the ID, (3) Interview the customer, looking for signs of uncertainty or nervousness, start by asking their "How old are you?"\* listen for knowledge and confidence, (4) As a last resort ask for another ID with the same name on it as the first ID presented

\*Minor decoys in stings can't lie about their age

**I** False - It is never legal to sell alcohol to a visibly intoxicated person (VIP)

## 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.

Make sure your trainees know what to do when an unfamiliar ID is presented. (Please read Part 4 of this Newsletter, especially the information about creating house policies)

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.

## Part 4 - Information, policies and recommendations for checking IDs

We believe that is not discriminatory to have house policies that help you ensure 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 “Acceptable IDs” identified in the current Oregon statute and Oregon Administrative Rule that:

- (1) belongs to the person who presents it (without a photo it is not possible to know that)
- (2) is not expired (all acceptable IDs must have an expiration date)
- (3) has not been altered (nothing on the ID has been changed since the ID was made)
- (4) is readable (if there is information on the ID you must read but can't, it is not readable)

### Valid IDs have:

- A. an expiration date - See (2) above
- B. a photo that matches the person who presents the ID - See (1) above
- C. the person's name – See (1) above
- D. the person's date of birth – See (1) above (if it's not their ID the DOB is meaningless)

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

- **An ID that does not have a photo of the person is invalid.**
- **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.**

We do not believe that requiring a photo on an ID conflicts with the **intent** of the law. **Note that all types of currently acceptable IDs, whether specifically stated or implied, require a photo.**

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**Validating a federally recognized tribal ID for an alcohol sale is more complicated.**

**The new law says you can accept federally recognized tribal IDs, but:**

1. There are 562 federally recognized Indian tribes in the U.S.
2. Many people who sell and serve alcohol have not seen a tribal ID before
3. What are the characteristics of each tribe's IDs?
4. If you don't know what a tribal ID looks like, how can you tell if it is real, no less valid?
5. If you want to see what a tribal ID of, say, the Coquille Indian Tribe looks like, where do you find it?

**Can you validate a tribal ID in a reasonable time during normal business transactions?**

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 derive 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 a list with pictures of the IDs of tribes in your state, look the ID up in the publication and print it. 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 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 shown here without first discussing them with your manager and getting their 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** - Effective January 1, 2018 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 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