



**TEXAS ALCOHOLIC BEVERAGE COMMISSION
CURRICULUM CHECKLIST MINIMUM PROGRAM CONTENT
REQUIREMENTS
RULE 50 TITLE 16**

VIDEO

1.	TABC video is shown as an introduction to the course	Y	N
50.3(i)(1-2) LAWS PERTAINING TO INTOXICATED PERSONS			
1.	Definition of intoxication for purposes of Seller Training: Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, or a combination of both or having a blood alcohol concentration of 0.08 or more. [Texas Alcoholic Beverage Commission Rules Sec. 50.2]	Y	N
2.	If the person with criminal negligence sells an alcoholic beverage to an intoxicated person or habitual drunkard is a criminal offense. [Texas Alcoholic Beverage Commission Code Sec. 101.63(a)]	Y	N
3.	Definition of Public Intoxication: To appear in a public place under the influence of alcohol or any other substance to the degree that the individual may endanger himself or another is a criminal offense. [Penal Code Sec. 49.02(a)]	Y	N
4.	A person authorized to sell alcoholic beverages at retail that is intoxicated on premise commits a criminal offense. [Texas Alcoholic Beverage Commission Code Sec. 104.01(5) and 11.61(b)(13)]	Y	N
5.	Discussion of Dram Shop Liability: Chapter 2 Alcoholic Beverage Code.	Y	N
	Court Case - El Chico Vs Poole.	Y	N
50.3(i)(3) LAWS PERTAINING TO MINORS			
1.	Definition of Minor: Person under 21 years of age. [Texas Alcoholic Beverage Commission Code Sec. 106.01]	Y	N



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50.3(i)(3) LAWS PERTAINING TO MINORS (cont'd)			
2.	It is a criminal offense for a minor to purchase an alcoholic beverage. (Exception: Minor may purchase an alcoholic beverage under the immediate supervision of a Commissioned Peace Officer engaged in enforcing the provisions of this Code.) [Texas Alcoholic Beverage Commission Code Sec. 106.02]	Y	N
3.	It is a criminal offense for a minor to attempt to purchase an alcoholic beverage. [Texas Alcoholic Beverage Commission Code Sec. 106.025]	Y	N
4.	It is a criminal offense for a minor to consume or possess an alcoholic beverage unless in the presence of his adult guardian, parent, or spouse. (Exception: Minor may possess an alcoholic beverage while in the course and scope of his employment if an employee of a licensee or permittee and if such employment is not prohibited by the Code. A minor may possess an alcoholic beverage under the supervision of a Commissioned Peace Officer engaged in enforcing the provisions of this Code.) [Texas Alcoholic Beverage Commission Code Sec. 106.04 and 106.05]	Y	N
5.	A minor commits an offense if he falsely states he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages. [Texas Alcoholic Beverage Commission Code Sec. 106.07]	Y	N
6.	A person commits an offense if with criminal negligence he sells an alcoholic beverage to a minor. [Texas Alcoholic Beverage Commission Code Sec. 106.03(a)]	Y	N
(a)	A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint. [Penal Code Sec. 6.03(d)]	Y	N



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50.3(i)(3) LAWS PERTAINING TO MINORS (cont'd)			
(b)	No offense if a minor falsely misrepresents his age by presenting an apparently valid Texas Driver's License or Identification Card issued by the Department of Public Safety and the physical description contained therein is consistent with his appearance. [Texas Alcoholic Beverage Commission Code Sec. 106.03(b)]	Y	N
7.	A person commits an offense if he purchases an alcoholic beverage for or with criminal negligence makes available an alcoholic beverage to a minor unless he is that minor's adult parent, guardian, or spouse and he is visibly present when the minor possesses or consumes the alcoholic beverage. [Texas Alcoholic Beverage Commission Code Sec. 106.06] a. Transportation Code Sec. 521.351 – Penalty upon conviction of an offense under Sec. 106.06 Alcoholic Beverage Code b. Sec. 2.02 Causes of Action – Liable for damages caused by the intoxication of a minor under 18.	Y	N
8.	A minor commits an offense if the minor operates a motor vehicle in a public place while having any detectable amount of alcohol in the minor's' system. [Texas Alcoholic Beverage Commission Code Sec. 106.041]	Y	N
9.	Discussion of Dram Shop Liability as it pertains to minors.	Y	N
50.3(i)(4) LAWS CONCERNING PROPER IDENTIFICATION			
1.	A. Proper Identification: “.. an apparently valid Texas Driver's License or Identification Card issued by the Texas Department of Public Safety containing a physical description consistent with [subject's] appearance. [Texas Alcoholic Beverage Commission Code Sec. 106.03(b)] B. Electronically Readable Information [TABC Code Sec. 109.61 (a-e)]	Y	N
2.	All Texas Driver's Licenses and Identification Cards issued by the Department of Public Safety to minors shall indicate “UNDER 21” on the face of the document. [Transportation Code Sec. 521.123 and 521.101]	Y	N



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50.3(i)(4) LAWS CONCERNING PROPER IDENTIFICATION (cont'd)			
3.	It is an offense for a person under the age of 21 to possess with the intent to represent that the person is 21 years of age or older, a document that is deceptively similar to a Texas Driver's License or Identification Card unless the document displays diagonally printed on both front and back the words "Not a Government Document" in solid red letters at least 1/4" in height. [Transportation Code Sec. 521.453]	Y	N
4.	(a) It is a felony to manufacture or produce with the intent to sell, distribute or deliver any counterfeit or forged Texas Driver's License or Identification Card.	Y	N
	(b) A person commits a Class A Misdemeanor if the person possesses with the intent to sell, distribute, or deliver a forged or counterfeit Texas Driver's License or Identification Card.	Y	N
	(c) A person commits a Class C Misdemeanor if the person possesses with the intent to use, circulate, or pass a forged or counterfeit Texas Driver's License or Identification Card. [Transportation Code Sec. 521.456]	Y	N
5.	It is an offense to :		
	(a) Display or possess a Texas Driver's License or Identification Card that you know to be altered, fictitious, or otherwise invalid.	Y	N
	(b) Lend or knowingly permit the use of your Texas Driver's License or Identification Card by another party.	Y	N
	(c) Possess more than one currently valid Texas Driver's License or more than one currently valid Identification Card.	Y	N
	(d) To give fictitious information or use bogus documents when applying for an original, renewal, or duplicate Texas Driver's License or Identification Card. [Transportation Code Sec. 521.451]	Y	N



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50.3(i)(5) DETECTION OF INTOXICATION			
1.	Common Indicators:		
(a)	Slurred speech.	Y	N
(b)	Mental confusion.	Y	N
(c)	Impaired balance.	Y	N
(d)	Impaired motor ability.	Y	N
(e)	Bloodshot eyes.	Y	N
(f)	Smell of alcohol on breath.	Y	N
(g)	Dishevelment.	Y	N
(h)	Signs of past or present incontinence or nausea.	Y	N
2.	The atypical intoxicated person:		
(a)	Some intoxicated people display none of the common indicators.	Y	N
(b)	Detection of the atypical intoxicated person – conversation calculated to reveal emotional liability and hidden common indicators.	Y	N
3.	Illness masquerading as intoxication.		
(a)	Need for awareness of problem.	Y	N
(b)	Recognition and significance of Medic-alert bracelet and necklace emblems.	Y	N



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50.3(i)(6) MONITORING CUSTOMER BEHAVIOR			
1.	Need for timely intervention.	Y	N
2.	Techniques for monitoring customer behavior.		
	(a) Observation of customer response during the conversation with seller.	Y	N
	(b) Observation of customer interaction with third parties.	Y	N
	(c) Observation of customer's initial mood and general conduct.	Y	N
	(d) Observation of behavioral changes.	Y	N
3.	Warning signs of illegal intoxication.		
	(a) Appearance of common indicators.	Y	N
	(b) Any continuing argument or physical confrontation.	Y	N
	(c) Any rapid or pronounced change in mood or emotional state such as excessive euphoria, sadness, confusion, excitability or aggressiveness.	Y	N



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50.3(i)(7) PHYSIOLOGICAL EFFECTS OF ALCOHOL			
1.	Human physiological reaction to ingestion of alcohol.		
	(a) Absorption.	Y	N
	(b) Elimination.	Y	N
2.	Impact of variables of physiological reaction.		
	(a) Body weight and type.	Y	N
	(b) Gender.	Y	N
	(c) Muscle/fat ratio.	Y	N
	(d) Type and timing of food consumption.	Y	N
	(e) Fatigue.	Y	N
	(f) Common diseases and disorders.	Y	N
	(g) Interaction with other drugs.	Y	N



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50.3(i)(7) PHYSIOLOGICAL EFFECTS OF ALCOHOL (cont'd)			
3.	Types and amounts of social costs caused by alcohol abuse. <i>Must include Alcohol-Related Birth Defects exactly as stated in the write-up supplied by TABC Seller Training.</i>	Y	N
4.	Alcohol Poisoning as a danger.	Y	N
5.	"Know your limits" program (and cards).	Y	N
50.3(i)(8) DETECTION OF MINORS			
1.	Physical characteristics of minors.		
	Lack of physical maturity.	Y	N
2.	Unreliability of physical appearance as a means of detection (physical maturity does not always equal legal majority).	Y	N
3.	Conduct and mannerisms of minors.		
	(a) Description of current and classic fads and fashions in clothing, accessories and grooming among minors.	Y	N
	(b) Authoritative description of behavior pattern characteristics of minors.	Y	N



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50.3(i)(8) DETECTION OF MINORS (cont'd)				
	(c)	Suspicious behavior typical of minors attempting an illegal purchase.	Y	N
	(1)	A group of young appearing persons pooling funds and giving it to the oldest appearing member.	Y	N
	(2)	A minor waiting in the background away from point of purchase while an adult obtains more than one serving.	Y	N
	(3)	Prior observation that a particular adult has purchased for a young appearing person.	Y	N
50.3(i)(9) DETECTION OF INVALID IDENTIFICATION CARD (cont'd)				
1.		Proper format, content, and appearance of valid Texas Driver's License or Identification Cards issued by the Department of Public Safety.	Y	N
2.		Common types of bogus Identification Cards deceptively similar to official documents.	Y	N
3.		Warning signs of altered or counterfeit Identification Cards.		
	(a)	Erasures.	Y	N
	(b)	Cut and paste numerals.	Y	N
	(c)	Substandard or too perfect graphics.	Y	N
	(d)	Substandard lamination.	Y	N



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50.3(i)(10) INTERVENTION PERTAINING TO MINORS			
1.	Intervention techniques.		
	(a) Proper demeanor of seller while intervening (amicable, but firm).	Y	N
	(b) Removal of alcoholic beverage from reach or sight of offender.	Y	N
	(c) Specific examples of words and conduct to use in an attempt to avoid or terminate illegal activity amicably.	Y	N
2.	Obligation of seller to notify law enforcement authorities when intervention attempts fail.	Y	N

50.3(i)(11) INTERVENTION PERTAINING TO INTOXICATED PERSONS			
1.	Intervention Techniques.		
	(a) Proper demeanor of seller during interventions (amicable, caring, but firm).	Y	N
	(b) Removal of alcoholic beverage from reach or sight of offender.	Y	N
	(c) Service slow down.	Y	N
	(d) Serving food or snacks.	Y	N



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50.3(i)(11) INTERVENTION PERTAINING TO INTOXICATED PERSONS (cont'd)			
(1)	Types of food most likely to slow or reduce intoxication.	Y	N
(2)	Caffeine products and intoxication (a mask, not a cure).	Y	N
(e)	Designated – Driver Programs and special services and courtesies for designated drivers.	Y	N
(f)	Examples of words and conduct to use in an attempt to avoid or terminate illegal activity.	Y	N
2.	Obligation of seller to inform law enforcement authorities when intervention attempts fails.	Y	N
3.	Sanctions for employee violations. (Texas Alcoholic Beverage Commission Rules Sec. 50.9)	Y	N
4.	Definition of Employee. [Texas Alcoholic Beverage Commission Rules Sec. 50.2 (4)] Employee – One who sell, serves, dispenses, or delivers alcoholic beverages under the authority of a license or permit, including persons who immediately manage, direct, supervise, or control the sale or service of alcoholic beverages. Employee does not include officers of a corporate permittee/licensee who do not manage, direct, supervise, or control the sale or service of alcoholic beverages.	Y	N
INTERVENTION PERTAINING TO PRIVATE CLUB NON-MEMBERS			
1.	Non-member services.		
(a)	Sales, service, dispensing, consumption or delivery of alcoholic beverages.	Y	N
2.	Other Topics.	Y	N
OTHER CONTENT			
1.	Trainee Certification.		
(a)	Each certificate valid for two (2) years.	Y	N
(b)	Certificates not renewable. Trainees must attend and successfully complete another approved program.	Y	N



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OTHER CONTENT

2.	Program schedule indicating time allotted each section. Adequate breaks.	Y	N
3.	Trainer development program.	Y	N

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**Alcohol-Related Birth Defects
Fetal Alcohol Syndrome and Fetal Alcohol Effects**

One social consequence of alcohol consumption is alcohol related birth defects. These birth defects are commonly referred to FAS (Fetal Alcohol Syndrome). FAS may be seen in babies whose mothers drink during pregnancy, especially those who drink heavily. FAS is the leading known cause of preventable birth defects.

Persons suffering from Fetal Alcohol Syndrome often experience mental health problems, disrupted school experience, inappropriate sexual behavior, trouble with the law, alcohol and drug problems, difficulty caring for themselves and their children, and homelessness. FAS is characterized by a number of congenital (born with) birth defects that include prenatal and postnatal growth deficiency, facial deformations, and varying degrees of major organ system malfunctions affecting, among others, the heart, liver, and lungs.

The 10th Special Report to Congress on Alcohol Health estimated the annual health care costs associated with Fetal Alcohol Syndrome to be \$2.8 billion in 1998. In 2000, approximately 400 Texas children were born with FAS and almost 4000 were born with some type of alcohol-related condition.

The harmful effects of prenatal exposure to alcohol exist on a continuum or scale, ranging from full-blown Fetal Alcohol Syndrome to mild Fetal Alcohol Effects (FAE). FAE is characterized by milder or less frequent signs of FAS and believed caused by mild to moderate drinking during pregnancy.

Summary

- There is no known safe amount or safe period during pregnancy to drink.
- Birth defects associated with prenatal alcohol exposure can occur in the first 3 to 8 weeks of pregnancy, before a woman knows she is pregnant.
- Fetal Alcohol Syndrome and other alcohol-related birth defects are permanent. Some aspects can be helped, but they cannot be cured and children do not outgrow them.
- Higher Blood Alcohol Count (BAC) of the mother leads to dangerous BAC levels of the fetus and increased chances for developmental problems.
- Frequent drinking by the mother increases her unborn baby's exposure to alcohol, thus increasing the child's chances for having alcohol-related problems.
- FAS and other Alcohol-Related Birth Defects are 100% preventable by a woman abstaining from drinking alcohol if she is pregnant or thinks she may be pregnant.
- These conditions have great costs to the individual, their family, and to society.

Additional TABC required seller-training curriculum effective September 1, 2003:

Private Club membership:

- A private club is an association of persons, whether unincorporated or incorporated under the laws of this state, for the promotion of some common object.
- It is illegal for a private club to operate as an "open saloon".



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Private Club membership (cont'd):

- The members own all alcoholic beverages of a private club. Therefore, alcoholic beverages are not “sold” to the members since the members already “own” them. The price paid for the alcoholic beverages is for the “service” of the beverage.
- As provided in the Alcoholic Beverage Code, §32.01, alcoholic beverages owned by members of a private club may be served only to and consumed only by a member, a member’s family, or their guests.
- The word “member” means a person who has been admitted to membership. Members of the club must be passed on and elected by a committee or board made up of members of the club, and no employee of the club shall be eligible to serve on the membership committee or board.
- No application for membership may be approved until the application has been filed with the chairman of the membership committee or board and approved by the chairman. The committee or board may authorize the chairman or a designate agent to issue preliminary memberships without the approval of the committee or board for a period not exceeding three days on the request of an applicant for membership. A preliminary member has all of the privileges of membership in the club for a period of three (3) days.
- The term “member’s family” means the spouse, parents, and adult children of the member.
- The word “guest” means an individual who is personally known by the member or one of the member’s family and who is admitted to the club premises by personal introduction of, or in the physical company of, the member or one of the member’s family.
- Except as provided for hotel guests, no guest shall be permitted to pay, by cash or otherwise, for any service of alcoholic beverages. Any charge for a service rendered to a guest by the club must be billed by the club to the member or temporary member sponsoring the guest. A club shall bill a member other than a temporary member for the service of guests in the club’s regular billing cycle or at the time of service.
- Exception for hotels: the manager of a hotel who is a member of a private club located within the hotel building may issue a guest card to a patron of the hotel who is staying in the hotel overnight or longer. The holder of the guest card may be served alcoholic beverages in the club or the holder’s hotel room. The guest may not be allowed to pay, by cash or otherwise, at the time of service in the private club. The charge for service shall be billed to the hotel manager’s account in the hotel and shall be collected by the hotel manager along with other hotel charges, including the charge for using the hotel room, when the patron leaves the hotel. The hotel records shall be available for inspection at the request of the commission.



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Temporary Membership:

- A temporary member may enjoy the club's services and privileges for a period of not more than three (3) days per invitation. A temporary member may bring not more than three (3) guests to the club and must remain in their presence while they are at the club.
- A holder of a private club registration permit shall issue a temporary membership card to any person who intends to be served alcoholic beverages on its licensed premises, except a person who is a member of the club, or a guest of a member of the club, a preliminary member, or, if the club is located in a hotel, a patron of the hotel who is at the hotel for overnight lodging and is a guest of the hotel manager who is a member of the club.
- A holder of a private club registration permit shall not serve an alcoholic beverage to a person who holds a temporary membership card, unless the temporary card is as follows:
 - Issued by the commission to the club;
 - Issued by the manager of the club, or other person in charge of the premises of the club, to the temporary member;
 - The blanks, except signature blanks, on the temporary membership card have been properly filled by use of a typewrite or by printing in ink;
 - Signed at the time of issuance by the manager of the club or other person in charge of the licensed premises; and
 - In possession of the temporary member to who issued.

How to verify membership in a private club:

- Ask if the individual is a member of the club or in a member's family,

If the answer is YES, verify membership by:

- Viewing and verifying the individual's club membership card which shows valid dates; or
- Viewing and verifying the individual's valid temporary membership card; or
- Referencing a current, up-to-date listing of the club members; or
- If the club is utilizing an electronic membership system, verify membership through the electronic business machine.

If any of the above procedures verifies that the individual is a current club member or family member, the alcoholic beverage may be served, and payment of the service of the beverage may be accepted from the member.

If any of the above procedures indicates the individual is NOT a current club member, service and payment for an alcoholic beverage cannot be made.

How to verify membership in a private club:

Depending on the private club's policies any of the following procedures may next take place:

- Ask if the individual is a guest of a member:
 - If yes, verify this with the member and once again, verify the current status of member's membership.



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How to verify membership in a private club (cont'd):

- If the individual is not a member or a guest, the club's policy may be not to serve the individual. If allowed, by club policy a temporary membership card may be issued or the individual may complete a preliminary membership application for regular club membership to obtain service.

REMEMBER: NO GUEST MAY PAY, BY CASH OR OTHERWISE, FOR THE SERVICE OF ALCOHOLIC BEVERAGES. PAYMENT MAY BE ACCEPTED ONLY FROM THE MEMBER.

- If the individual is not a member, a member's family, a guest, a temporary member, or preliminary member, or is under the age of 21, or is intoxicated, an alcoholic beverage must not be served.
- Payment for alcoholic beverage services may be accepted only from a club member. Do not accept payment for alcoholic beverage services from a non-member.

Attention: School Administrator or Trainer

If you have any questions about private club membership, please contact a local TABC Compliance Officer or call Linda Ahrens, Seller Training Coordinator at (512) 206-3331 or email at .