

A Signed Declaration Of Age Card Is Not The Only Defense To Prosecution For Selling Alcoholic Beverages To A Minor

Articles March 29, 2016

The verification process of having purchasers complete a declaration of age card is overly burdensome on the licensee, especially at busy nightclubs, taverns, and restaurants. The licensee must weigh valid customer demands and satisfaction against compliance with that state's liquor laws. The procedure of requiring every purchaser who is requested to produce identification to complete a declaration of age card is unreasonable and impractical in light of the present day-to-day operation of licensees.

Most state's liquor codes provide other defenses for licensees to raise when defending a citation for serving alcoholic beverages to a minor. Some codes provide that a licensee may offer as a defense in all civil and criminal prosecutions for serving alcoholic beverages to a minor a photograph or photocopy or other visual or video presentation of the identification card...in the possession of a licensee or an employee@ of the licensee. These laws further provides that no penalty will be imposed if the administrative law judge or courts are satisfied that the licensee or its employee acted in good faith.

Another option for licensees is to purchase a Minor Checker System, which is a device that allows a licensee to determine the authenticity of an identification card. A green light indicates that the card is valid, while a red light suggests that the card may be fraudulent or expired. This device also prints out declaration of age cards for purchasers to sign. The cost of such a device varies and may seem expensive until the licensee considers the cost of defending a citation for serving alcoholic beverages to a minor and the penalty for such a citation.

Licensees should take advantage of the defenses afforded to them by their liquor code because it is the responsibility of the licensee and its employee to prevent minors from purchasing alcoholic beverages. Licensees who do not keep declaration of age cards on file should either install security cameras which would film employees selling alcoholic beverages to patrons or purchase a computer scanning device. Otherwise, a licensee faced with a citation of selling alcoholic beverages to a minor will be defenseless without a signed declaration of age card.

For additional information please contact a member of our Hospitality Practice Group.