

## Operation Safe Prom/Safe Graduation

# Annual TABC Campaign Promotes Alcohol-Free Parties

April marked not only the beginning of Alcohol Awareness Month in Texas, but also the start of prom season and the annual TABC Safe Prom/Safe Graduation Campaign.

These programs remind Texans, especially teenage Texans, of the dangers of underage drinking and the consequences of alcohol abuse.

“The objective of these campaigns is to save lives. We want to increase public

awareness of the harm caused by underage drinking. We also want to provide young people with alternatives to drunken bashes and to ensure that bad choices have immediate legal consequences,” said TABC Chief of Enforcement Greg Hamilton.

During the annual Safe Prom/Safe Graduation Campaign, TABC agents and local officers visit area high schools to discuss the consequences of underage drinking with students and their parents. These representatives also encourage schools and parents to sponsor alcohol-free parties and events as a safe alternative.

Activities coincide with the release of proclamations from the governor, the Legislature, and local government designating April Alcohol Awareness Month and calling on the public to support efforts to reduce underage drinking in Texas.

The campaign relies on the community efforts of local law enforcement authorities, Texas Hotel and Motel Association, and other groups that make a special effort to keep prom and graduation parties safe and alcohol free. This community team aggressively promotes alcohol-free parties and enforcement efforts for the party season.

“Public response has been extremely positive in recent years. We fully expect to expand on that past success during the current year,” Hamilton continued.

In addition to enforcement efforts, TABC works with Texas Safety Network staff to produce Safe Graduation posters. These posters are distributed to high schools statewide.



Photo courtesy of Texas Safety Network [www.texasafetynetwork.com](http://www.texasafetynetwork.com)

## IT'S TAX TIME!

### FEDERAL SPECIAL TAXES DUE JULY 1

By July 1, retailers and wholesalers must pay their annual Federal special tax for each business location that sells alcoholic beverages.

Failure to timely file and pay the tax could result in costly penalties and interest.

Annual tax rates for the special occupation tax are \$250 for retailers and \$500 for wholesalers for *each* business location.

Beverage alcohol includes malt beverages, 3.2 beer, wine or beer coolers, whiskey and mixed drinks. Also included are beverages in all types of containers such as bottles, cans, cases, by the glass, by the pitcher and by the carafe.

The tax applies to all types of sales such as retail, package sales, by the drink sales, on-site and off-site consumption.

Retailers or wholesalers that have never paid the special occupational tax should contact the nearest U.S. Bureau of Alcohol, Tobacco & Firearms (BATF) office.

Businesses that have paid the tax before should receive a preprinted renewal form by mid-June. If not, contact the nearest BATF office.

### FOR TEXAS PACKAGE STORES ONLY

Package stores that sell to clubs and/or restaurants and have applied for a Local Distributor's Permit (LP) must apply for a Wholesaler's Basic Permit under Federal law.

These package stores must pay the annual \$500 special tax as a wholesaler.

For more information, contact the BATF at 1-800-937-8864 or 513-684-2979.

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## Fetal Alcohol Program Warns Women of Alcohol Dangers

Last December, TABC took the lead with other state agencies to educate women on the risks of birth defects from drinking alcoholic beverages during pregnancy.

Fetal Alcohol Syndrome (FAS) causes birth defects in nearly 8,000 infants each year in the United States and is one of the leading causes of preventable mental retardation. Health care costs related to FAS totaled approximately \$3 billion in 1998 according to the *10th Special Report to Congress on Alcohol Health*.

Alcohol seriously effects an unborn baby's developing brain and can cause below average intelligence, learning disabilities, and emotional and behavioral problems. FAS can be prevented by not drinking alcohol during pregnancy.

Congenital birth defects include facial deformations, prenatal and

postnatal growth deficiency, and major organ malformations including the heart, liver and lungs. People with fetal alcohol syndrome can have problems all of their lives and may always need special help, even as adults.

First Lady of Texas Anita Perry spoke at the December news conference in San Antonio where TABC Chairman John Steen unveiled the public information campaign.

Through the support of Gov. Rick Perry, the public information campaign featured the involvement of other state agencies such as the Texas Commission on Alcohol and Drug Abuse (TCADA), Texas Office of Prevention of Developmental Disabilities (TOP), and Texas Department of Mental Health and Mental Retardation (MHMR).

TABC distributed decals, warning of the risks, to every business in Texas licensed to sell alcoholic beverages. In

addition, TABC mailed a brochure on Fetal Alcohol Syndrome and Fetal Alcohol Effect (FAE) produced and co-funded by the Texas Department of Health (TDH).

***TABC strongly encourages license/permit holders to put the decals where they can be seen easily by the public.*** If you need more, contact your local TABC office.

The campaign also included members of the alcoholic beverage industry and other support organizations associated with FAS/FAE initiatives, such as the March of Dimes and the Texas Medical Association.

TABC now requires seller/server schools to offer a mandatory section on FAS/FAE as part of their training on the sale and service of alcoholic beverages.

By providing this important information, the State of Texas safeguards the health of even the youngest Texan.

### AVERT Stings Violators

The Alcohol Violation Enforcement Response Team (AVERT) task force, a pilot project based out of the Longview District Office, recently began a new minor sting project. This program gives retailers with repeat violations for selling to minors a chance to reduce their penalties if they attend TABC education classes.

"This operation has been well received by the permittees. We're hoping the result will be fewer violations through a blending of education and enforcement," said Sgt. Allan Cameron, Longview District Office.

This brainchild of Assistant Chief of Enforcement Sam Smelser has the support of the East Texas Council of Governments.

"We're completing phase one, which is the enforcement phase. Then, we'll begin the education phase. After that, we'll conduct another minor sting operation on the locations that were in violation," said Sgt. Cameron.

### Aransas County Sheriff Wins 2002 Bert Ford Award

TABC awarded Aransas County Sheriff Mark Gilliam with the *2002 Bert Ford Commendation* for a Texas sheriff. Gilliam received special recognition last December during a meeting with the Aransas County Commissioners.

"Sheriff Gilliam has been a true friend of the TABC. He has been a strong supporter of alcohol education and awareness programs and is committed to curbing illegal underage drinking in Aransas County.

"He also works closely with our agents to conduct minor sting operations, investigations and inspections of licensed premises for compliance of TABC laws. Mark has been an advocate of our efforts targeting underage drinking and has worked tirelessly to let young people and their parents know of the dangers of underage drinking and driving," said TABC Lt. Chris Champion, Corpus Christi District Office.

The Bert Ford Commendation recipient receives a handgun suitable for routine duties and a personalized plaque. In addition, Gilliam's name was added to a plaque displayed at the Sheriff's Association of Texas headquarters that identifies each Bert Ford Commendation recipient.



*TABC Lieutenant Chris Champion (left) awards Sheriff Mark Gilliam (center) with a service revolver. Gilliam holds the 2002 Bert Ford commemorative plaque presented to him by TABC Enforcement Chief Greg Hamilton (right).*

## Grant Funds Symposium to Combat Illegal Drinking

In May, TABC hosted a two-day symposium and team training for college officials and community leaders.

The symposium presented programs to combat campus drinking issues.

Teams included the dean of students, alcohol and other drug coordinators, police chief, student representative, and a community member.

Made possible by a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) *Enforcing the Underage Drinking Laws* Block Grant Program, the symposium covered topics on:

- program development and evaluations
- strategic planning
- building and maintaining campus-community coalitions
- prosecuting underage drinking violations

TABC provided technical assistance to these college teams to help them plan strategically to meet campus needs and to evaluate program progress.

Based on the availability of funding, annual training will be offered through this initiative to provide additional resources for participants to build on the progress made in the previous year and to encourage other colleges to participate.

This TABC symposium represents a continuation of the commitment made to address illegal alcohol use on college campuses at both state and local levels.

Last year, TABC joined the Governor's Office, Texans Standing Tall (TST) and the Texas Department of Health (TDH) to host two statewide meetings for college and university officials to discuss underage drinking and binge drinking on campuses.

In the first meeting, *Texas College Presidents' Forum on Campus Drinking: A Think Tank*, college and university presidents from across the state discussed strategies to improve public health on their campuses.

The second meeting, *Judicial Think Tank*, included a group of college and university judicial officials, law enforcement, and local prosecutors who attended brainstorming sessions to develop creative solutions for enhancing enforcement and prosecution of underage drinking violations.

From these initial meetings, TABC learned college and university officials wanted more training and educational workshops on campus drinking issues.

Previous university participants include Texas A&M, UT, Texas Tech, Stephen F. Austin, SWTSU, Sul Ross, and University of Incarnate Word.

## College Students Suffer Consequences of Drinking

According to the 2002 report from the National Institute on Alcohol Abuse and Alcoholism (NIAAA), each year college drinking causes 1,400 student deaths, 500,000 accidental injuries, 600,000 assaults, and 70,000 sexual assaults or acquaintance rapes.

Other factors of college drinking are:

- 2.1 million students drive while under the influence
- 400,000 have unprotected sex
- 150,000 students develop alcohol-related health problems
- 25% of students report these academic consequences
  - lower grades
  - poor performance on tests
  - missing class
  - getting behind in class

A report issued by the Texas Commission on Alcohol and Drug

Abuse (TCADA) stated Texas colleges are not immune from the problems caused by underage drinking. *The Texas Survey of Substance Use Among University Students* (1999) found:

- alcohol is the most popular substance students report using
- 88% have tried alcohol
- 82% have used it in the past year
- 69% have used it in the past month

Although the legal drinking age in Texas is 21, 60 percent of students aged 18-20 reported drinking alcohol in the past month, and most underage college students report getting alcohol from someone 21 or older.

Almost 30 percent of college students reported bingeing on alcohol, and students who bingeed during their last year in high school were more likely to be binge drinkers in college.

## Cowboys Tackle TABC Message

If you listened to radio broadcasts of Dallas Cowboy football games during the 2002 NFL season, you may have heard a TABC public service announcement (PSA) on underage drinking.

The PSAs were produced and aired thanks to the combined efforts of the Texas Package Store Association, Dallas Cow-boys Radio Network, and TABC.

Although some might consider these groups unlikely partners, TABC Commissioner Gail Madden expressed the opposite view.

"We all serve the same public and all live in the same communities. The alcoholic beverage industry, broadcast media, and alcohol regulators have worked together for years and nothing is of greater interest to us than the safety of our young people," Madden said.

When asked if the public could expect to see similar partnerships in the future, Madden answered, "Yes. Coming together and pooling our resources on issues such as this is nothing more than an exercise in good sense."

## TABC & Local Law Enforcement Let Good Times Roll Safely

TABC supervisors in Galveston and South Texas declared enforcement efforts “highly successful during 2003 Mardi Gras celebrations in Galveston and Spring Break activities on South Padre Island. They attribute this success to months of planning, more than 4,400 work hours by agency personnel, and tight coordination with local authorities.

Supervisors cited an \$82,000 grant from the governor’s Criminal Justice Division as critically important to the success of the operations and helped defray out-of-pocket expenses for TABC. The success also depended on the generous cooperation of local alcoholic beverage retailers.

“Our employees did a great job and so did the local authorities. It would be wrong, however, not to acknowledge the contribution of local alcoholic beverage retailers.

“Retailers at both event sites obeyed the law and, to a great extent, policed their own premises. Their commitment to public safety made our job easier and undoubtedly helped to save lives,” said TABC Chief of Enforcement Greg Hamilton.

Approximately 60 TABC enforcement agents took part in these operations, as did all Ports of Entry taxpayer compliance officers assigned to the international bridges in Brownsville. TABC agents helped local authorities with crowd control during the festivities while enforcing the state’s alcoholic beverage law.



*The good times rolled to an end for this young reveler as TABC agents enforce drinking laws during Mardi Gras and Spring break events.*

During the Spring Break events at South Padre Island, enforcement agents teamed with Ports of Entry personnel to intercept intoxicated young people as they exited the international bridges and stopped underage revelers from bringing alcoholic beverages back from Mexico.

Although enforcement agents issued more than 2,100 criminal citations, no alcohol-related deaths were reported, and, with the exception of two warnings, no administrative violations were noted.

Agents also cracked down on the use of false identification. With increased access to computers, more minors can get

fake IDs. Using grant funds, TABC purchased ID verification devices that can detect high-quality fake IDs. These devices work by double-checking the information stored on the magnetic strip of the card with the information on file at the Department of Public Safety. Hamilton warns, “Anyone using a false ID will be detected and cited by our agents.”

Minors who possess alcohol or attempts to purchase alcohol—with or without the use of a fake ID—are committing a Class C misdemeanor punishable by a fine up to \$500 and a 30-day suspended driver’s license. Plus, the minor must take an alcohol-awareness class and perform eight to 12 hours of community service.

“With the passage of the zero-tolerance law, young people must understand that illegal underage drinking in our state will not be tolerated,” Hamilton said.

### NEW RULE ALLOWS PRIVATE CLUBS TO SCAN DRIVER’S LICENSE INFORMATION

In May, an amendment to Rule 41.52 went into effect that allows private clubs to scan driver’s licenses to verify and maintain private club membership lists. Although the attorney general had previously determined merchants could scan driver’s licenses to identify underage consumers, Commission rules did not allow for that and needed to be updated.

Scanning driver’s licenses has proven to be an effective technique in detecting false licenses or catching minors trying to purchase alcoholic beverages using false licenses.

Retailers must remember that under the Transportation Code (secs. 521.451 and 521.453) and Alcoholic Beverage Code (sec. 106.07), minors commit criminal offenses if they falsely claim to be 21 to purchase alcoholic beverages, possess a fake or altered license, or allow another to use their license.

Retailers should be aware of provisions to the law.

- The Texas Transportation Code states:
  - only information on the front of a driver’s license can be encoded on the magnetic strip
  - encoded information can only be used for “governmental or law enforcement purposes”
  - a peace officer may confiscate a license or identification card “deceptively similar” to the valid cards and licenses issued by the Department of Public Safety
  - citizens may not confiscate license or identification cards suspected of being fakes
  - unauthorized access to electronically encoded license information is a Class C misdemeanor.
- The Alcoholic Beverage Code (sec. 109.61) states:
  - merchants may electronically scan drivers licenses to comply with the Alcoholic Beverage Code or a commission rule
  - information accessed may not be kept or marketed in any way
  - violation of sec. 109.61 is a Class A misdemeanor

# New TABC Program Stops Sales to Intoxicated Persons

**T**ABC plans to put a stop to the number of drunken drivers coming from licensed premises with a new program called *Stopping Sales to Intoxicated Persons* or *SSIP*. A recent study found nearly 50 percent of drivers arrested for DWI had their last drink on the premises of an alcoholic beverage retailer.

This program targets on-premise retailers whose business practices encourage or fail to control overconsumption by customers. Although TABC enforcement programs emphasize voluntary compliance, tactical *SSIP* methods include using undercover teams inside targeted premises during peak periods.

Several years ago, researchers conducted a study at more than 300 retail establishments to determine how frequently sellers served obviously intoxicated patrons. Actors played the roles of patrons who demonstrated obvious signs of intoxication. Researchers noted 82 percent of the Texas sellers and servers tested readily served apparently intoxicated customers.

*SSIP* reminds retailers of their duty to avoid questionable promotions, illegal sales and service to intoxicated persons. TABC anticipates that, as *SSIP* operations continue across the state, retailer compliance will increase and the number of intoxicated drivers coming from licensed premises will decrease. This decline should also spark a proportionate decrease in the total number of DWI arrests and crashes.

Sales to intoxicated persons and any practice by on-premise retailers “reasonably calculated to induce consumers to drink excessively or that would impair the ability of the licensee or permittee to monitor or control the consumption of alcoholic beverages by consumers” are violations of Texas law and can

result in both criminal and administrative sanctions.

## What Retailers Can Do

Retailers can ensure their employees have the skills to comply with Texas law by requiring them to participate in the TABC Seller/Server Certification program (1-512-206-3420) or by taking advantage of the many free training opportunities provided by the Enforcement Division (1-512-206-3400).

To avoid violations, retailers must know the laws governing alcoholic beverage sales and must ensure their employees know those laws as well.

Most importantly, retailers should review the sections of the Alcoholic Beverage Code that prohibit sales to intoxicated persons or minors and sections of the Commission Rules that prohibit business practices that lead to excessive consumption of alcoholic beverages.

Not only should retailers know the law, they must consistently adhere to a policy of voluntary compliance.

Educate your employees and set an example. Employees watch managers for clues about how policies should be interpreted and applied, so speak and act in ways to consistently support compliance.

Support employee training. Ensure employees receive training and can spot customers who are intoxicated. Make sure employees know how to intervene effectively. One of the most critical aspects of a server or sales clerk’s job is to avoid illegal sales and to minimize the possible social harm caused by customer intoxication.

## QUESTIONS & ANSWERS

- Q.** *I know invoices must be maintained by the location. However, please clarify if the original invoice must be maintained or if a copy is sufficient.*
- A.** Copies are OK as long as they are legible and the originals can be produced within a reasonable time.
- Q.** *I was wondering what the law is on baked/cooked foods with alcohol in them. Is a permit required? Specifically, I am interested in candy making and the TABC guidelines regarding the sale of candy made with alcohol (alcohol added at the beginning of the cooking process).*
- A.** An industrial permit is required if alcohol is used for the manufacture and sale of flavoring extracts, syrups, condiments and food products.
- Q.** *I'm active duty Air Force serving in Europe but stationed in San Antonio. I have a wine collection of approximately 70 bottles and need to know the limitations/fees for shipping the wine to my house in San Antonio. Shippers here have given me a variety of answers from: "Texas will not allow any wine to be shipped in" to "Texas will charge 15% of the value in duty." The Air Force told me they'll pay for the shipping of the wine with my household goods because that is an entitlement. Texas has many military installations and I'm sure this has come up before, but I'm unable to get any reliable information.*
- A.** Yes, you may ship your wine collection as part of your household goods. There is no limit to the amount if moved as part of household goods and no tax is collected on alcoholic beverages that are part of someone’s household goods. See Sec. 107.11. IMPORTATION OF PERSONAL WINE COLLECTION. (a) A person who is relocating a household may import, or contract with a motor carrier or another person to import, a personal wine collection as a part of that person’s household goods.

## Label-Approval Forms Now on TABC Web Site

To provide faster customer service, Marketing Practices Department launched several projects to save taxpayers money in printing and postage costs.

Label-approval applications for wine, distilled spirits, and malt beverages are now available on the TABC web site at [www.tabc.state.tx.us](http://www.tabc.state.tx.us)

Applications can be downloaded, completed and printed shaving several days off the process. Before this service, Marketing Practices mailed applications, which took several days before a customer received them.

Future plans include adding digital imaging to the label-approval system to allow online storage, retrieval and viewing of the approved labels.

Staff will be able to view approved labels and application data eliminating the need for time-consuming manual searches.

Digital imaging helps applicants who want to send a digital picture of their proposed label, saving printing and postage costs to them as well.

Recently, the lab acquired an Anton Paar Density Meter and Beer Alcolyzer, which can analyze malt beverage samples in three minutes and speed up the approval process.

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**TABC TODAY** is an external publication of the Texas Alcoholic Beverage Commission. We welcome comments, suggestions and/or questions from our readers.

To report a possible violation of the Alcoholic Beverage Code, call toll-free 1-888-THE-TABC (Voice/TDD).

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