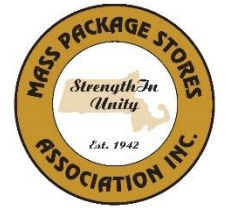


MASSACHUSETTS PACKAGE STORES ASSOCIATION



Suggested Store Policies

A Guide to Developing Responsible Business Practices for Off-Sale Licensees in MA

Legal Disclaimer

The Massachusetts Package Stores Association (MassPack) is not a lawyer or a law firm and does not engage in the practice of law or provide legal advice or legal representation. All information and suggestions provided within this guide are for informational and self-help purposes only, and in no way is intended to be a substitute for professional legal advice. Use of this guide is subject to our Terms of Use.

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Introduction

The Massachusetts Package Stores Association (MassPack) recognizes that the independent alcohol beverage retailer is very important. The investments made by retailers are valuable to them, their community, and to the Massachusetts economy. Retailers have invested their time, energy and financial resources. Their business offers a place that meets local shopping needs and provides jobs. It may be helpful to know that package stores in Massachusetts generate about \$20 Billion of revenue and 139,685 jobs in the state. Sales and excise taxes on alcoholic beverages generate over \$1 Billion a year in state revenues.

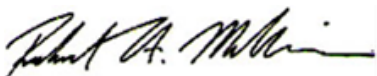
The best way to protect an asset such as a retail business is through responsible trade practices. Responsible trade practices can also reduce risk of criminal or ABCC charges, and exposure to civil lawsuits. Responsible trade practices additionally promote profitability and ensure a comfortable and safe environment for customers.

A retailer should document their responsible business practices in the form of written store policies. Having no documented policies allows each employee to invent his or her own idea about what the rules are, what they mean, and when they should be applied. Lack of defined procedures opens the store to criminal and civil risk.

This publication is not an employee handbook, nor should it be substituted as an employee handbook. This guide has been designed to assist Massachusetts alcohol beverages retailers in developing their own store policies relevant to the sale of alcoholic beverages. The suggestions presented are related and correspond with M.G.L. Chapter 138 as it applies to Section 15 off-premises retailers. A retailer may want to incorporate these suggested policies or adapt them to fit their needs. In the long term, it has been proven that responsible businesses build a strong and loyal customer base while also gaining the support of the community.

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Respectfully,



Robert A. Mellion, Esq.
Executive Director and General Counsel
Massachusetts Package Stores Association

Guidelines for Writing Policies

- You may have any company policy that does not conflict with existing laws (for example, no discrimination).
- It is always good to obtain ideas from your managers and employees when writing new policies. They will be more supportive of policies they helped to create.
- Make sure policies are clear and specific.
- Provide all employees with a copy of the policies.
- To ensure that employees understand their duties, have them sign an Employee Responsibility Statement (see sample on last page). Keep this in each employee's personnel file.
- Reinforce policies by giving regular training to employees.
- Between trainings, hold regular staff meetings. At the meetings, discuss the rules, recent problem situations, and ways to prevent future problems.
- Advise employees that you will spot check their compliance with the policies. Give them a regular performance review.
- Reward employees who do a good job. Provide rewards to those who engage in anti-drug events.

Remember: Written policies, good communication, and a supportive environment will go a long way toward the success of your business.

SUGGESTED POLICIES FOR INDEPENDENT PACKAGE STORES

To: All Employees

From: Management

Subject: Store Policies

I. Checking I.D. Cards

- It is everyone's job at the store to ensure customers who are buying alcohol are at least 21.
- We will request proof of age (I.D.) from any customer who appears 35 years of age or younger, appears nervous or displays an unprofessional attitude. To help employees do their job, managers will post the following sign in the business:

"NOTICE: Our employees request I.D. from any customer who appears to be under age 35. Thank you for your cooperation."

- We may accept the following as proof of age:
 - Valid Massachusetts driver's license
 - Valid Massachusetts I.D. Card
 - Valid Massachusetts Liquor I.D. Card
 - Valid Military I.D. Card
 - Valid Passport
 - Valid Passport Card
- You may also accept the following documents, but ONLY if we can verify authenticity.
 - Other state-issued driver's license
- In checking and I.D. card you MUST:
 - Have the individual take ID out of their wallet
 - Hold ID at eye level to bearer
 - Compare Photo to Bearer
 - ASK THEM THEIR AGE!!!
 - Any hat must be off, sun glasses off, scarf off, etc.

- Review Data on ID: expiration, age, height
- We have the right to, and will, refuse service to any customer who does not have proper I.D.
- We will use a pre-printed age chart as a quick way to figure age. The age chart says, "To Buy or Consume Alcohol, You Must Have Been Born on or Before [date]."

II. Alcohol Sales

- Management and supervisors will support employee's decisions to refuse service to any customer if done so in a responsible manner that prevents sales to alleged underage individuals, sales to apparently intoxicated persons or what may appear to be second party transactions.
- No alcoholic beverages shall be sold or delivered to an intoxicated person. We will not sell alcohol to any person who looks, or acts intoxicated, even if they are not driving.
 - Employees are highly encouraged to use the "W-A-S-T-E" method for identifying possibly intoxicated individuals that seek to purchase alcoholic beverages at the store. The WASTE method is as follows:
 - W = Walk - Stumbling, slow steps, dragging feet, bumping into things;
 - A = Act - Loud, overly friendly, overly aggressive, a bit out of sorts;
 - S = Smell - Smell of alcohol on breath or clothing, strong mint, evidence of upset stomach;
 - T = Talk - Slurring words, soft spoken, excessively loud; and
 - E = Eyes - Watery, drooping, or blood shot
 - A suggested strategy for handling intoxicated customers is as follows:
 - Prevent customer from reaching the cash register;
 - Remove the alcoholic beverage first;
 - Refuse the sale --- Immediately notify manager;
 - Offer to call for a taxi;
 - If the intoxicated customer refuses to take a taxi or other suggested transportation, the employee should call to report the drunk driver.
 - Manager or policy will determine if Police to be called; and
 - Document the event in some way

- It is store policy not to permit a “Second Party Sale” of alcohol, where a person of legal age attempts to procure an alcoholic beverage for an underage person and you knew or should have reasonably known that this action was taking place. Second Party Sales Include:
 - A younger person watching an older one buy an alcohol beverage;
 - Money passing hands between a younger and older person before or after the sale;
 - Laundry List(s);
 - Paying for orders separately and keeping track of receipts and change;
 - A group of young customers pick out alcohol, but only one person attempts to buy the product; and
 - A regular customer purchasing a product he/she never buys.

III. Maintaining a Safe Licensed Premises

- Public disorder, disturbance or illegality of any kind shall not be allowed to take place in or on the licensed premises.
- It is the policy of this store to keep the premises safe for customers and employees alike.
- We will keep interior lighting adequate and bulbs working.
- Merchandise will be neatly and safely displayed and away from exits.
- Countertops will be clear of merchandise clutter.
- Aisles will be free of debris and litter; stock area clean; deli area clean (if applicable).
- We will not display adult materials (e.g., magazines) to children.
- We will maintain posted signage as required by State and local laws.
- Windows closest to the cash register will be clear of signage.

Suggested additional policies:

- The store and its employees are responsible for the parking lot and the immediate area around the store.
- The parking lot will be maintained and well lit.
- There will be “No Loitering” signs posted.
- Have written policies for store employees so they know what is expected of them and how to deal with difficult situations.

- Post all store policies that explain your criteria for permitting a sale.

IV. Staffing

- All staff will be trained in responsible beverage sales through maintaining certification by taking the Beverage Alcohol Training course and examination offered by MassPack.
- All staff will be continually updated by management (meetings, memos, etc.).
- The store will provide employees with extra training who need practice in selling alcohol.
- There will be a manager present during peak purchase hours.
- We will have cashiers over the age of 21 on Friday and Saturday nights.
- Staff will be trained in handling emergencies if the manager/owner is not present.

V. Security

- We will allow free access to all law enforcement officers. This includes ABCC investigators, police officers, and sheriff deputies, all of whom may be wearing uniforms or plainclothes.
- Register areas will be kept clear of tall displays that may block the employee's view of the store.
- We will have enough employees on duty. This will help us watch beverage sales and customers. We will advise management when more staff is needed.
- We will not tolerate problem customers.
- If needed, we will call the police or sheriff for help.
- We will permanently refuse to admit any chronic problem customer.
- We will record any serious problem (such as fights, injuries, or vandalism) in our Incident Log for future reference.
- We will maintain a close working relationship with the police or sheriff.
- We will maintain emergency numbers (police, fire, store owner/manager) posted near the telephone.
- We will maintain fire extinguishers, properly mounted and readily accessible; properly charged.
- We will keep our street number visible from the road. • We will keep bushes/trees trimmed to not obstruct view of the store.
- We will keep cash register visible from the outside.

- We will maintain our central alarm system working.
- We will keep surveillance cameras working and review the tapes often.
- We will maintain convex mirrors to view large areas.

VI. Legal Operating Hours

- According to STATE LAW, a retail store may sell alcohol:
 - Monday through Saturday 8 am to 11 pm
 - Sunday 10 am to 11 pm but it is important to note that each City or Town can set the Sunday closing time to be later than state allowed opening times and before state allowed closing times.
 - Seek actual allowed times from your Section 15 license that is issued from the local licensing authority as they can and may differ from what is permitted by the state.
 - The two days alcoholic beverages must not be sold on are Thanksgiving Day and Christmas Day.
 - Beginning in 2017, you may now open and sell on Memorial Day after 12 PM, provided it is permitted within your municipality (check with your local licensing authority).
 - All package stores may open on Monday when Christmas falls on a Sunday.
 - ALL SALES and DELIVERIES must be made within the legal operating hours!

VII. Community Relations (Suggested)

- Management will meet often with local law enforcement or ABCC officials to stay current on ABCC laws and enforcement problems.
- We will have a person assigned to community relations.
- Our community relations person will meet with local patrons and/or groups to determine their shopping needs and concerns.

VIII. Drug-Free Workplace (Suggested)

- We will not sell any product knowing it will be used for drug purposes. For example, selling cigarette papers knowing they will be used for rolling marijuana cigarettes; selling small plastic baggies or balloons knowing they will be used for packaging drugs; or selling pipes and screens knowing they will be used for smoking drugs.
- We will not tolerate illicit drug use or sales by customers or employees.

- It is a violation of company policy to possess, sell, trade, or offer illegal drugs for sale or engage in the illegal use of drugs on the job.
- It is a violation of company policy to use or be under the influence of illegal drugs or alcohol at anytime while on or using company property, conducting company business or otherwise representing the company.
- Violations of this policy are subject to (letter of reprimand/suspension from work without pay/dismissal).

Suggested Employee Responsibility Statement

Employee: Read and Sign

I understand that our business is dedicated to the safe and responsible sale and service of alcohol.

I will not knowingly serve alcohol to an underage or obviously intoxicated person.

I will report any signs of illegal drug activity to management.

I have read and understand our policies.

I understand that if I follow these policies, management will fully support my decisions.

I also recognize that my failure to follow these policies may result in job probation, suspension, criminal and/or civil liability, loss of hours, or termination from this employment.

Employee Signature

Date

Massachusetts Package Stores Association

The Massachusetts Package Stores Association is a non-profit trade organization representing the interests of the thousands of independently-owned retail liquor stores across Massachusetts. MassPack is keenly aware of the business challenges that package stores face including: rising operational costs; changing competitive landscape; new insurance requirements; wage and labor issues; government regulations; legislative issues; preventing illegal sales and more. The Board of Directors of MassPack is primarily comprised of owner/operators of liquor stores who deal with these issues every day. In addition to a professional staff, MassPack maintains a contractual relationship with a lobbyist firm and law office, while also making use of its Political Action Committee (PAC). The primary objective of MassPack is to sustain its membership through the preservation of the Commonwealth's three-tier system, which rationally balances public safety with commercial and consumer demand for alcoholic beverages.

Masspack membership offers many important features and benefits to independent package stores and those who wish to do business with them. Included with membership are reduced registration rates to seminars and BAT server-training courses, substantial discounts on paper and office products and electronic ID checking equipment, discounted credit and debit card services, as well as Workers Compensation and Health Insurance options offering reduced premiums and/or dividends. Please contact the MassPack office to receive membership information and an application; or for information on current pending legislation, scheduled BAT server-training courses, or our annual Grand Tasting Trade Show.

For questions regarding this publication, its terms of use or another matter, please contact the MassPack office:

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