

When to stop serving: bars informed on liability laws

Professor institutes workshop

By JENNIFER FROST
Staff Writer

To serve or not to serve an individual that next drink — that is the question many bartenders and restaurant owners have to ask themselves every time they serve alcohol to customers.

The serving question came after the North Carolina Dram Shop Liability Laws passed last year, which raised the drinking age to 21. The laws also made it possible for a bartender or bar owner to be liable for an accident involving a customer who has been drinking at a specific establishment.

One person who can provide a solution to this serving question is Dr. Hugh Burford, associate professor of pharmacology and pharmacy at UNC and director of the Alcohol Impairment Management Services (AIMS) Workshop.

The program teaches bartenders and restaurant owners how to recognize when a customer has reached the legal level of alcohol impairment (0.1 percent alcohol in the bloodstream).

The workshop also instructs individuals to conduct sobriety tests and to operate breathalyzers. Participants learn to protect their business from legal proceedings through documentation of their interaction with a customer.

Shake the habit.



Salt. It's responsible for a lot more than seasoning your food. It can also contribute to high blood pressure, a risk factor for stroke and heart attack. It's a habit you can't afford not to shake.



Bartender Lee Ann Minzenmayer serves drinks at Slug's At The Pines

DTH/Julie Stovall

"I guarantee if businesses are serious about the program, it will protect them," said Burford, who also trains police officers to use breathalyzers.

Burford devised his program last October. Since then he has presented it to businesses and insurance companies locally and nationally.

"I talked to bartenders and found that their increased liability under the dram shop laws has increased their insurance rates," Burford said. Currently, five insurance companies are considering Burford's program.

The first session involves learning to use body weight, sex and number of drinks a person has consumed, as well as the physical affects of alcohol consumption, such as flushed skin, dilated pupils, staggering or uncoordination, to determine the level of impairment resulting from alcohol.

The second session includes learning to administer a sobriety test and measure breath samples.

The dram shop laws are discussed in the third session. Each participant is also given test cases as practice in diagnosing a client's state of intoxication. The test requires participants to give conditions which explain the dram shop laws and to support their decisions to serve or not to serve the customer under those conditions.

The final session utilizes role playing to provide practice in relating to a customer the importance of monitoring clients and the liability of the business. The participants are also presented with "sign-off" sheets, which document their refusal to serve the customer. At the end of the workshop, participants are given certifications as proof of the training.

"I give concepts practical situations," Burford said. "If businesses keep records and are careful and change their practice of pushing drinks on people, the workshop will help them deal with their liability

under the dram shop laws."

There are other programs already operating in the United States which are similar to his program, such as TIPS in Washington, D.C., according to Burford. Insurance companies offer a 10 to 15 percent discount on their insurance rates to businesses that participate in this program.

Joe Eakes, manager of Slug's At The Pines, praised the technical information in the program as well as Burford's expertise on the subject, his audio-visual presentations and his role-playing exercises.

"The overall spirit and concept is good," Eakes said. "It's one thing we (the restaurant industry) can do collectively to show we care and are not just out to make a buck off alcohol, but are serving it in a manner we consider responsible."

"I'm here," Burford said. "I'm an expert and can give help to businesses to deal with their dram shop liability."

The AIMS workshop costs \$50. Group discounts are available, and more information is available through Dr. Burford.

Program not getting much local response

By JENNIFER FROST
Staff Writer

The Alcohol Impairment Management Services (AIMS), taught by UNC pharmacy professor Dr. Hugh Burford, is aimed at educating local bar and restaurant owners to stop customers from having too much to drink, but Burford's program has not received good local response so far.

Currently, the only restaurant to participate has been Slug's At The Pines. Slug's manager Joe Eakes said that the program helped to increase the awareness of his staff in recognizing those who had had too much to drink. He said he believes other businesses may not want to take part because the program is not recognized by insurance companies.

Burford speculates that local businesses have not responded due to their high rate of employee turnover, the fear of losing business and the fact that the businesses here have not been faced with law suits.

According to managers and owners of local businesses, the reason for lack of response is mostly time-related. Charles Smith, manager of the Rams Head Rathskeller on Franklin Street, said, "I talked to Burford four or five months ago and have read the brochure. I think it's a good idea. I'm just trying to find the time."

He's Not Here manager Mark Barnett had a different reason. His employees participate in a program similar to Burford's which is sponsored by the Alcoholic Beverage Control Board (ABC). "They (ABC) come in here twice a year and do a program for free. It's 45 to 50 minutes long and covers the whole issue," Barnett said.

"I can tell you why he hasn't gotten much response," Mike Leary, owner of The Red Baron on Jones Ferry Road, said. "Saturday morning is a lousy time for a workshop pertaining to the restaurants. I work 17 to 18 hours Friday, so I sleep on Saturday mornings. Saturday is only a 12-hour day."

"I've been intending to go," The Brass Rail's owner David Allen said, "but the first time the price was too high, and the second time I

was too busy. It's (the restaurant business) a seven-day-a-week job so it's hard to find the time off. If another workshop is offered and it fits in my schedule, I'm interested in going."

Some restaurants, such as He's Not Here, Four Corners and Pyewacket Restaurant and Bar, are involved with the WRDU designated driver program. This program involves one person out of a group of people designating himself as the driver. That person receives free non-alcoholic drinks and a gift certificate from the restaurant.

Pyewacket owner David Bacon says his restaurant has seen little participation in the program. He attributes this to the fact that his clients are older and not heavy drinkers.

Places such as the Carolina Coffee Shop say they are not involved in Burford's or any program because of their low bar crowd.

Few local restaurants may be involved in a formal program which deals with the methods of estimating customer intoxication and their liability when serving alcohol, but they do have their own internal methods, which involve having employees monitor a customer's number of drinks, refusing service if the customer shows signs of drunkenness and calling a taxi if needed.

"I'm aware of the ratios of sex, weight and consumption," Spanky's manager Vince Fletcher said, "and I tell the employees what to look for. I usually cruise the crowd and point out who's getting too much and will cut off their service."

"We make a big effort to stop people from getting too drunk," Magdalena's owner Ronnie Nahmias said. "We stop serving them and make them sit for awhile. We won't let them walk out and go to their car."

Businesses do support workshops, such as Burford's even if they have not taken part in any. "I think my staff is aware of the problem," Allen said, "but it's a show of good faith on our part to take action to curb the problem. It would help legally, too."

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