



# Handbook for rules on service of alcohol 2018

READING MATERIAL FOR THE ALCOHOL PASS EXAM

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## Table of contents

Guidelines for alcohol service .....	1
Concepts.....	1
The Alcohol Act.....	1
Alcoholic beverage.....	1
Good manners .....	2
Sales and consuming of alcoholic beverages.....	2
Pouring sizes for alcohol service .....	3
Restrictions of sales and consumption of alcoholic beverages .....	4
Young clients.....	4
Customer's own alcoholic beverages .....	5
Drunken customers.....	5
Choosing customers .....	6
Serving hours for alcoholic beverages .....	6
The staff in the licensed place .....	7
Responsible manager.....	8
Alcohol pass .....	8
Self-monitoring plan .....	9
Different types of licenses and licensed areas.....	10
Fixed license .....	10
Floating licenses .....	10
K-18 spectator stand.....	10
License for private and public events .....	11
License without licensed premises .....	11
License for travel service providers .....	12



# Guidelines for alcohol service

## Concepts

### The Alcohol Act

The purpose of the Alcohol Act is to reduce the consumption of alcoholic beverages by restricting and monitoring the trade or related businesses. The goal is to reduce the injurious effect of alcohol on personal level, social level and society as a whole. One of the means to restrict and monitor the business is the licensed trade e.g. serving alcohol in restaurants, bars and places alike.

### Alcoholic beverage

Alcoholic beverage is defined as having more than 1,2 % alcohol by volume (abv) and maximum of 80 % abv.

Later in this text we drop the abbreviation “abv”. Thus % always means abv. Alcohol in this context is always ethanol.

A mild alcoholic beverage contains maximum 22% of alcohol. For example beer, RTD (Ready-To-Drink, which commonly in Finnish is referred as “lonkero”), wine and some bitters and liqueurs.

A strong alcoholic beverage contains more than 22 % of alcohol. For example spirits such as vodka, gin, whisky or cognac.

The business of alcohol sales is allowed only with a permit.

There are two kinds of permits:

*Retail permit* where alcohol is sold to be consumed somewhere else than the seller’s premises. This permit is sometimes referred as “off-license”. These are supermarkets, kiosks or similar.

In this text we use the term “retail sales” when referring to situation above.

*Licensed permit* where alcohol is sold to be consumed within the seller’s premises. This permit often referred as “license”. These are restaurants, bars or similar. In this text we use the term “serving alcohol” when referring to the situation above. Place or area where alcohol is served may be called licensed place, licensed area or licensed premises.

In Finland we have a monopoly called Alko for the retail sales of any alcoholic beverage containing more than 5,5 % of alcohol.

Other retailers may sell alcoholic beverages up to 5,5 % of alcohol.

However, craft beer breweries and wineries are allowed for retail sales of their products in their production facilities (up to 13 % of alcohol).

Also, a licensed place may apply for a separate retail permit to sell alcoholic beverages up to 5,5 % of alcohol.

There is no permit needed for the sales or service of alcoholic beverages containing alcohol less than 2,8 %.

There is also a special category called "kitchen alcohol". This is untaxed alcohol for food production in restaurant kitchens. It is not allowed to serve that as alcoholic beverage or for an example mix cocktails with it.

## Good manners

In the Alcohol Act it is ruled that all alcohol sales must apply to good manners. Anything which contradicts generally accepted values in the society and specificity if it shows approval or indifference towards health risks under the influence of alcohol.

Acting against good manners in licensed business can be for example:

- Utilizing groups of weak consumers (young people, heavy users of alcohol)
- Attracting to heavy drinking (quantity discounts, drinking competitions)
- Endangering children's welfare (allowing parents to get heavily drunk in the presence of their children)
- Using sexually abusing names in cocktails
- Endangering security (for example by serving to already drunk person)

## Sales and consuming of alcoholic beverages

In a licensed place the served alcoholic beverage has to be consumed within the area defined in the license.

In retail sales the alcoholic beverage has to be consumed somewhere else than within or nearby the retail premises.

From above rules follows that licensed places may serve only pre-opened bottles or serve alcohol poured in glasses. Exceptions are hotel rooms or meeting rooms in hotels or similar where also unopened bottles may be served. However, they have to be consumed within the licensed area.

Another consequence is that the client may not transport the alcoholic beverages outside the licensed area. Only exception to this rule is where licensed areas are scattered within premises, for example when a licensed terrace is behind a common sidewalk which is not part of the licensed area. Then the customer may pass through the sidewalk to the terrace with the alcoholic beverage.

If the licensed place also has a permit for retail sales (this is possible for maximum of 5,5 % alcoholic beverages), the license holder must ensure that those alcoholic beverages are not consumed within the licensed place or its immediate proximity.

The alcoholic beverages for the licensed business may be acquired only from manufactures (such as breweries), wholesalers or retailers. The license holder may also import alcoholic beverages to be served in the licensed place.

## Pouring sizes for alcohol service

In licensed place alcoholic beverages can be served in pre-opened bottles or poured into glasses. When serving alcohol by pouring in the glasses there has to be available the following basic sizes:

- For strong alcoholic beverages the basic pouring size is 4 cl
- For mild alcoholic beverages containing more than 15 % of alcohol the basic pouring size is 8 cl
- For mild alcoholic beverages containing more than 8 but less than 15 % of alcohol the basic pouring size is 12 cl
- For other mild alcoholic beverages the basic pouring size is 33 cl

However, there is no upper limit for the amount of alcoholic beverage served for one customer at any given time. Thus doubles, cocktails containing several portions of alcohol or beer served from a large container are allowed.

If large portions containing more than 4 times the basic pouring size are served, this procedure has to be addressed in the self-monitoring plan.

Allowing the service of large portions may conflict with good manners. It becomes very difficult for the personnel to supervise the order in the licensed place as customers may become more easily overly drunk.

Supervising the order in the licensed place is one of the key tasks of any service person in a licensed place. It is also important part of responsible manager's duties

as written in the Alcohol Act. Negligence in these duties may result in criminal charge.

## Restrictions of sales and consumption of alcoholic beverages

### Young clients

Customers who are under 18 years of age are not allowed to buy alcoholic beverages in licensed places nor in retail shops. In retail shops only customers who are older than 20 years may buy strong alcoholic beverages.

A person who appears young must ensure his or hers age with a reliable document which has a facial picture of the holder. These documents may be granted by foreign or Finnish authorities. Crucial for their acceptance is that they do not give an impression of being easily falsified ("fake id") and that it is a solid proof of customer's age.

Possible documents include:

- Passport
- ID-card
- Alien's passport
- Refugee's travel document
- Driving license
- Trafi's mobile driving license

There is no rule that under aged customers should not enter the licensed place. However, the licensed place must control that under aged do not have as possibility to consume alcoholic beverages.

Other customers (including parents) may not give alcoholic beverages to under aged persons in the licensed place.

A common way to control sales and consumption of alcoholic beverages for under aged is to set an age limit by the door. This is often controlled by security officer (bouncer, doorman). However, the final responsibility of controlling the age limits and the liability of possible offend lies solely with the sales person.

An exception in general rule for under aged are the licensed audience (spectator) areas (stands) in sports or musical events or like. The under aged are not allowed to enter these areas.

## Customer's own alcoholic beverages

The customers are not allowed to consume their own alcoholic beverages in any place where food or drinks are served. The owner or anybody in the personnel may not allow this.

This means that for example that in a wedding party which is held in a food serving place (a café, restaurant, fast food restaurant) one cannot allow customers' own alcoholic beverages no matter if the place has a license or not. Simply put, BYO (Bring Your Own) licenses are not allowed in Finland.

If a food service company provides services to a place like community center or customer's office where normally no food or drinks are served or sold, then customer's own alcoholic beverages are possible. In these cases it is not allowed for the license holder to sell alcoholic beverages. The customer must buy them directly from retail shop.

If a customer brings alcoholic beverages to a into a licensed place, those has to be stored in a secure place for keeping. Such places may include guarded vestibule or separate locker.

## Drunken customers

According to Valvira characteristics of a drunken person may include:

- the person is behaving disturbingly, loudly and he/she is over self-confident
- the person has difficulties to comprehend matters and to understand what is said to him/her
- the person's moves are unsure and clumsy, he/she has difficulties to grasp things and his/her reactions are slow
- the person spills his/her drink and has difficulties to take a sip of it
- the person's walk is swaying or he/she falls without assistance
- the person's speech is lispng and no longer comprehensible
- the person is disoriented or he/she has difficulties to control his/her feelings
- the person is dozing, falls easily asleep or has passed out/sleeps
- the person feels nauseous.

A drunken person's judgement is considerably weakened. Due to this, person is unpredictable, and person's next move cannot be anticipated. A drunken person can easily cause disturbance for example by taking and drinking another customer's beverage.

The characteristics of drunkenness are always assessed contextually. When assessing drunkenness, it has to be taken into account that the characteristics indicating drunkenness may also be consequences of a disease or disability. Applying the characteristics must not lead to discrimination based on disease or disability.

Clearly drunk person should be denied entering the licensed place.

However, if a drunk person is in the licensed place, he or she should not be allowed to buy or consume alcohol in the premises. As it is very arbitrary to control such a person, one should remove the drunk person from the premises. The removal has to be carried out in a sensitive but determined manner.

If a person is so drunk that he or she obviously cannot take care of himself or herself, the personnel in the licensed place must ensure that the person gets safely forward by calling a taxi or sometimes even the police. Otherwise the personnel might be guilty of abandonment and face criminal charges.

The drunken customer may wait for the taxi in an area where overlooking him or her is possible, for example in the vestibule.

## Choosing customers

A licensed place has a right to choose their customers and deny person's entry to the premises with reasons relating to keeping the order or the business idea or policy. Typically, restrictions are based on age or clothing.

However, the restrictions may not be discriminatory. One may not discriminate anybody based on origin, language, religion, opinion, health, disability or sexual orientation.

## Serving hours for alcoholic beverages

With a license the normal hours of service of alcoholic beverages are from 09.00 to 01.30. On some special days hours of service with the normal license are until 03.00. Those days are eve of Independence Day, New Year's Eve, May Day Eve and Midsummer Eve.

By a notification to the authorities the licensed place may continue the service of alcoholic beverages with extended hours until 04.00. This applies to both indoor and outdoor licensed areas.

When several license places share a joint service area, the sales of alcohol beverages in this area must end by 01.30 without the possibility of extended hours.

In a hotel one can apply for licensed hours for breakfast service from 07.00 onward.

Customers may in all cases enjoy their alcoholic beverages for one hour after the end of sales hours. The licensed place does not have close after this, but no consumption of alcoholic beverages is allowed after the set time. One can however sell and serve other products than alcoholic beverages.

The authorities may restrict the service hours of alcoholic beverages in a licensed place if it causes or might cause disturbance in the neighborhood.

If the licensed place also has a retail permit for alcoholic beverages, the retail sale times are between 09.00 and 21.00.

## The staff in the licensed place

A person under 18 years of age cannot sell alcoholic beverages. However, already 16 years old person may sell alcoholic beverages under **the immediate supervision of responsible manager or another named person**. This applies both to alcohol service and retail sales.

There must be enough personnel for effective control of service of alcoholic beverages and control of order in the licensed place. The size and quality of business is to be considered when assessing the needs.

A person without the alcohol pass may sell alcohol under supervision for example in occasional jobs. However, the law mentions that staff must know the responsibilities named in the law and in the self-regulation handbook. Thus alcohol pass for every person involved in service of alcohol makes supervision much easier.

Personnel may not be even slightly drunk or otherwise intoxicated when working in a licensed place or retail place.

If the licensed place has extended hours after 01.30 there has to be a one security officer for each 100 customer places. Security officer must keep the order in the licensed place and in the surroundings nearby. For well-motivated reasons the authorities might drop or lighten this rule.

In many places the security officer is also the bouncer and takes care of the vestibule.

## Responsible manager

Whenever a licensed place or a retail place is open for customers there has to be a responsible manager or other person named by the license holder who acts as the representative of the license holder and is in charge for the lawfulness of the alcohol sales and service in the premises. This person however does not have to be a foreman or a manager of the place.

The responsible manager (of alcohol sales or service) has to be able to do the supervision in a reliable way. This means that a person working mostly in the kitchen cannot be given this status.

The responsible manager in charge has to be indicated clearly in the shift schedule or roster.

There are two requirements for the status of responsible manager:

- Minimum 18 years of age
- Alcohol pass

Alcohol pass granted before 1<sup>st</sup> of March 2018 are still valid and approved as such. There is no need to renew them or retake the alcohol pass exam.

## Alcohol pass

Alcohol pass (also called “serving pass” or “alcohol proficiency certificate”) proves that a person knows the alcohol laws concerning sales and service of alcohol beverages in licensed places. The right to grant alcohol pass is given to schools and institutions in the hospitality field.

The alcohol pass is given to a person who has passed the exam concerning issues in the Alcohol Act and its control practices. This text covers the needed issues in the exam.

The alcohol pass can also be granted to a person graduated from a course or degree studies where issues of the Alcohol law and its control practices are included.

## Self-monitoring plan

In a licensed place there has to be a written plan to ensure the lawfulness of its operation. The execution of this plan has to be also documented. This self-monitoring plan has to be up-to-date at any given time.

The following topics must be included in the self-monitoring plan:

- The risks of injurious effects rising from alcohol sales
- How lawfulness is controlled
- How risks in critical circumstances are controlled
- How defects in the processes are fixed

The critical circumstances include:

- Actions related to under aged customers
- Age limits and other criteria for customer acceptance
- Portion sizes of alcoholic beverages
- Actions regarding drunken customers
- Monitoring the licensed area
- Actions regarding disturbances
- Naming of responsible managers

There may be other issues in the self-monitoring plan, such as time limits for sales, retail sale of alcoholic beverages or sales and marketing rules of the company. It should, and by law it has to, include all the issues relevant to critical circumstances specific to that licensed place.

The self-monitoring plan has to be in active use and updated regularly. All employees taking part in the sales of alcohol beverages has to study it in the beginning of their employment and regularly thereafter.

## Different types of licenses and licensed areas

Common factors to all licenses are that they need to have self-monitoring plan and that in the licensed area there can be other businesses as well, for example a food serving company while the license holder only takes care of the sales and service of alcoholic beverages.

### Fixed license

By a fixed license is meant a combination of one licensed place and a license holder bound to that specific place. This is the most typical norm license. Before 2018 in Finland it was also the only possible license.

Today in a fixed licensed area there may also be several license holders selling alcohol if one of the takes the principal responsibility over the supervising of the area. An example of this are joint service areas in shopping centers run by several restaurants next to each other.

An approved licensed area must be such to its size and form that it can be supervised by the license holders or authorities. This kind of area is constantly considered as a licensed area, also during times when there possibly is no alcohol sales.

It is also possible to add outdoor areas to these licenses. An example is a terrace just outside a restaurant.

One of the conditions of a fixed license is that the self-monitoring is drawn up.

### Floating licenses

Floating licenses relate to situations where an area is only temporarily licensed area and also to situations where the license holder does not have a fixed licensed area.

#### K-18 spectator stand

In sports or music events or happenings similar to them it is allowed to separate a part of the spectator stand for a licensed area. The owner of the venue can apply for a permit for alcohol sales in this area. These areas are totally forbidden for the under aged. In Finnish these areas are commonly referred as K-18 areas.

An approved licensed area must be such to its size and form that it can be supervised by the license holders or authorities.

One of the conditions of a K-18 spectator stand license is that the self-monitoring plan is drawn up by the owner of the area. Also, the serving license holder must create a self-monitoring plan.

When taking such an area into use, the license holder must notify the authorities 3 days before the occasion.

At any other time the area may be used as a normal spectator stand where sales of alcohol with license is not allowed. Naturally at those times also under aged may enter the area.

### License for private and public events

Areas where private and public events are organized can be approved as a licensed area through an application by the owner of the area. Then in these areas alcohol service of alcohol is allowed when needed. At other times these areas are not classified as licensed areas. Typically, these might be event places, festivals areas, large meeting rooms etc.

One of the conditions of license in this case is that the self-monitoring plan is drawn up by the owner of the area. Also, the serving license holder must create a self-monitoring plan.

The alcohol sales in these areas is possible for any holder of previously granted serving license.

When taking such an area into use, the license holder must notify the authorities 3 days before the occasion.

### License without licensed premises

A license may also be granted to an applicant who does not have licensed premises if the applicant's intent is to serve alcoholic beverages in a serving area approved through the notification procedure. This kind of license is useful for a catering companies organizing private functions.

Also, the serving license holder must create a self-monitoring plan reflecting the anticipated situations of service of alcoholic beverages.

## License for travel service providers

Travel service providers who organize guided tours or safaris are able to apply for a license for service of alcoholic beverages in conjunction with food service places on the route of the tour. The license is valid only as a private party to the customers of the tour.

The license is valid for one year ahead on planned routes. Thus each tour or safari does not need a separate license.

One of the conditions of license in this case is that the self-monitoring plan for the tours is drawn up. During alcohol service the responsible manager has to be present at the venue.