

**BY ORDER OF THE COMMANDER
45TH SPACE WING**

45TH SPACE WING INSTRUCTION 34-219

13 MAY 2013



Services

ALCOHOLIC BEVERAGE PROGRAM

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RELEASABILITY: There are no releasability restrictions on this publication

OPR: 45 FSS/FSC

Certified by: 45 SW/CC
(Brigadier General Anthony J. Cotton)

Pages: 5

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This is a new instruction which encompasses all Force Support Squadron activities at Patrick Air Force Base and Cape Canaveral Air Force Station. It replaces individual 45 FSS activity operating instructions. This publication requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by [set forth the legal authority such as the federal statute, executive order, or regulation]. Forms affected by the PA have an appropriate PA statement. The applicable Privacy Act System Notice(s) is available online at: <http://www.defenselink.mil/privacy/notices/usaf>.

1. Scope. The provisions of this SWI are applicable to all personnel assigned to Patrick AFB and Cape Canaveral AFS.

2. Responsibilities. The 45 FSS Chief, Community Services Flight, ensures compliance with this Space Wing Instruction. Employees and volunteers are responsible for compliance with all policies and procedures outlined in this instruction. The 45 FSS Activity Managers are responsible for training all appropriate members on the Alcoholic Beverage Program policy and reviewing the policy with the staff on an annual basis. All new staff members will be trained prior to their first shift.

3. Policies. For the purpose of this SWI, "staff member" is defined as any staff member or volunteer working for 45 FSS.

3.1. The "Dram Shop" theory is a legal theory of liability, created either by statute or court decision, which imposes upon the owner, operator, and/or employees of an establishment serving alcoholic beverages the duty to refuse to serve additional alcoholic beverages to a customer who reaches or appears to be reaching the point of intoxication. When an establishment continues to sell alcoholic beverages to such customers and the customers subsequently depart and cause harm to themselves or to others, the owner, operator, and/or employees of the establishment can be held liable for damages. Also, a person who buys a drink for an already intoxicated person may be held liable. Air Force Services facilities selling beverages are subject to liability claims under this theory. Each responsible person must comply with the intent of the "Dram Shop" theory, not only to prevent a claim against the Air Force and themselves, but more importantly, to prevent unnecessary injury or loss of life.

3.2. All personnel involved with the control and serving of alcoholic beverages must receive annual "Dram Shop" training to be familiar with Air Force drinking policies and will acknowledge the reading and understanding of this SWI and sign the following statement on their AF Form 971 (Supervisor's Record of Employee): "I understand my responsibility under the "Dram Shop" theory not to sell or serve alcoholic beverages to persons that appear to be intoxicated and not in complete control of their faculties." In addition, the following will be complied with:

3.2.1. All personnel employed by 45 FSS activities that sell or serve alcoholic beverages must be in compliance with the state law concerning age requirements.

3.2.2. Under no circumstances will any liquor be sold for take-out, with the exception of Space Coast Inn lodging sundry sales. 45 FSS activities may not set up any display and sell liquor for off-premise consumption.

4. Rules Governing Serving of Alcoholic Beverages.

4.1. All members, family members and guests consuming alcoholic beverages must be at least 21 years of age (consistent with law of overseas countries). This age limit is consistent with local law, which requires a 21-year age limit for establishments of this type. If in doubt as to the correct age of a customer, the manager on duty, prior to serving a customer, will require full identification.

4.2. At no time will any individual be permitted to become intoxicated to a point of loss of self control. 45 FSS personnel have a direct and important obligation to the individual and

the Air Force to ensure proper conduct and atmosphere in the facility. If a patron appears to be intoxicated or approaching intoxication, it is the management's responsibility to refuse further service of alcoholic beverages. If necessary, the manager on duty will contact the law enforcement desk as circumstances dictate.

4.3. Strict compliance of scheduled social hours is to be followed. Designated periods must be limited to 10 hours or fewer per week and no more than two hours per day.

4.4. Food must be served at all times alcoholic beverages are served.

4.5. No drinking contests are permitted and no "last calls" or any other type of countdown is permitted by facility personnel or customers.

4.6. Two-for-one drink sales are not permitted.

4.7. Alcoholic beverage price points may not be reduced more than 50 percent except for beverages offered as complimentary with a meal.

5. Safeguards for Intoxicated Persons.

5.1. The 45 FSS personnel will immediately stop serving anyone who is, or appears to be, reaching the state of intoxication.

5.2. The 45 FSS staff will do everything possible to assist the intoxicated patron to regain their faculties (e.g., serve coffee, soft drinks, food, etc.).

5.3. The 45 FSS staff will insist that the patron remain at the facility until someone can escort them to their quarters. At no time will a patron be allowed to drive if they are intoxicated.

5.4. The 45 FSS staff will encourage the use of the Airmen Against Drunk Driving Program in all facilities where alcohol is sold.

6. Incidents and Reporting.

6.1. Any member, family member or guest who creates an incident that is considered unfavorable in nature as a result of being intoxicated will be immediately reported to the activity manager.

6.2. If the incident cannot be handled quietly and diplomatically or could cause harm to other patrons, the law enforcement desk will be called. The appropriate activity manager will be notified immediately anytime the police are called. If and when this occurs the server must promptly make a record of the incident in the "Events Log" and notify the manager.

6.3. Activity managers will promptly report any incident that may result in a claim, and any actual claim based on the "Dram Shop" theory (for any type of liability claim) to the 45 FSS commander.

7. Locations Where Alcoholic Beverages May Be Sold, Served and Consumed.

7.1. On Patrick Air Force Base, the following facilities have been approved for alcohol consumption and sale of beer, wine and spirits:

7.1.1. The Commons.

7.1.2. Lodging (for on premise consumption in all lodging facilities).

- 7.1.3. Beach House and attached Beach Property.
 - 7.1.4. Manatee Cove Marina.
 - 7.1.5. Manatee Cove Golf Course.
 - 7.1.6. Tides Club and attached Beach Property.
 - 7.1.7. Outdoor Recreation (Dockside Deck, FAMCAMP, Picnic Pavilions).
 - 7.1.8. Pelican Coast Sports Complex (Football, Soccer and Softball Fields).
 - 7.1.9. Library Annex.
 - 7.1.10. Other locations used by FSS to host events.
- 7.2. On Cape Canaveral Air Force Station, the following facilities have been approved for alcohol consumption and sale of beer, wine and spirits:
- 7.2.1. The 45 FSS Leisure & Recreation Program Locations.
 - 7.2.2. Navy Club.
 - 7.2.3. Lighthouse.
 - 7.2.4. Museum.
 - 7.2.5. Other locations used by FSS to host events.
- 7.3. Locations Where Alcoholic Beverages May Not Be Sold, Served and Consumed:
- 7.3.1. T-ball Field.
 - 7.3.2. Adams Field.
 - 7.3.3. Major League Field.
 - 7.3.4. During youth soccer games, in the sports complex.
 - 7.3.5. In any youth program building and outdoor youth program area or at any function sponsored by or for the youth program.
- 7.4. Waivers to Serve Alcohol.
- 7.4.1. For Patrick Air Force Base, 45 MSG/CC, has the authority to waive where alcohol may be served on a case-by-case basis.
 - 7.4.2. For Cape Canaveral Air Force Station, 45 MSG, Det 1/CC, has the authority to waive where alcohol may be served on a case-by-case basis.

ANTHONY J. COTTON, Brigadier General, USAF
Commander

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

AFI 34-219, *Alcoholic Beverage Program*, 17 October 2007

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AF—Air Force

AFB—Air Force Base

AFS—Air Force Station

FAMCAMP—Family Camp Grounds

FSS—Force Support Squadron

MSG—Mission Support Group