

Alcohol Beverage & Tobacco Products Control Board
Regulations

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1. Definitions. The following definitions and interpretations shall apply to these regulations unless the context requires otherwise:
- (a) “*Bar*” means an establishment that has a bar-restaurant license that permits sale of alcoholic beverages to consumers for consumption only on the premises where sold and is not regularly kept open for the serving of meals to patrons for compensation.
 - (b) “*Bouncer*” means an employee of a licensed bar, cabaret or club who is assigned to the entrance of the establishment or within the premises to perform the following functions:
 - (i) To screen patrons for ‘*generally accepted means of identification*’, as defined herein, establishing that such persons are at least 21 years of age;
 - (ii) To verify the status of parents and legal guardians;
 - (iii) To prevent obviously intoxicated persons from entering the premises and to remove obviously intoxicated persons from the premises; and
 - (iv) To provide crowd control.

- (c) “*Cabaret*” means an establishment that has a cabaret license that permits sale of alcoholic beverages to consumers for consumption only the premises where sold and where an orchestra, band or other live entertainment is provided for the patrons.
- (d) “*Club*” means an establishment that has a club license that permits sale of alcoholic beverages to members of the club and to guests thereof enjoying the privileges of membership, for consumption only on the premise kept and operated by such club.
- (e) “*Generally Accepted Means of Identification*” means a valid document issued by the government of the Republic of Palau or subdivision thereof or other foreign government that is unaltered, undamaged and laminated with a photograph and a birth date of the individual presenting the document. A valid Republic of Palau’s driver’s license, a valid state driver’s license from another country, a valid passport or a valid official government identification shall be deemed a generally accepted means of identification. School identification cards or other identification cards not issued by a government agency shall be deemed unacceptable.
- (f) “*Legal Guardian*” means a person who can demonstrate, through generally accepted means of identification, or through appropriate court documents, status as a parent or legal guardian.
- (g) “*Licensee*” means any person to whom a license to sell alcoholic beverages or any tobacco products has been granted in accordance with the provisions of this chapter.
- (h) “*Restaurant*” means an establishment that has a bar-restaurant license that is regularly and in bona fide manner used and kept open for the serving of meals to patrons for compensation, and that has a suitable kitchen facility connected therewith containing the necessary equipment and supplies for cooking an assortment of foods which may be required for the preparation of ordinary meals. In order to be defined as a restaurant, at least thirty percent of the establishment's gross revenues must be directly derived from the sale of prepared food.

2. Restrictions on the Employment of Minors.

- (a) *Employment of Minors in Restaurants.*
 - (i) No employee under 21 years of age may be behind the bar section of the restaurant or within the area where alcoholic beverages are displayed and prepared;
 - (ii) No employee under 21 years of age may take alcoholic beverage orders;

- (iii) No employee under 21 years of age may serve any alcoholic beverages;
- (iv) No employee under 21 years of age may prepare any alcoholic beverage order; and
- (v) No employee under 21 years of age may handle or remove any containers (glasses, bottles, etc.) that contain or used to contain alcoholic beverages from a customer's table.

(b) *Prohibition Against Employment of Minors in Bars, Clubs or Cabarets.*

A bar, club, or cabaret licensee is strictly prohibited from employing anyone under 21 years of age. Section 2(a) shall apply, however, to a bar, club, or cabaret which operates as a restaurant during daytime hours, only to the extent of the operation as a restaurant during such daytime hours.

(c) *Accredited Training or Practicums on Licensed Premises.*

Persons under 21 years of age may be permitted to work with alcoholic beverages only in such individually approved licensed establishments found to be suitable by the ABTPC Board in which an accredited program in hotel and restaurant operations is being conducted in cooperation with a university, college, or a government sponsored manpower development and training program, under arrangement which ensure proper control and supervision of employees.

Persons in such a program who are underage may perform services involving alcoholic beverages, only if its part of their practicum, and only during the time periods indicated to the Board. Services involving alcoholic beverages outside of the specified time periods, or performed as regular employees of the given establishment are strictly prohibited.

The licensee and the cooperative institution must meet the following requirements, and attain the Board's approval to permit under age students of the program to sell, serve, or handle alcoholic beverages, otherwise, Sections 2(a) and (b) remain binding:

- (1) The establishment and/ or the institution conducting the program must provide the Board a summary describing the program, its curriculum, and its goals. The abstract must detail the aspects of the food and beverage practicum regarding the provision of alcoholic beverages.
- (2) The Board must be provided a list of all the students, training staff, and supervisors with their birthdates supported by copies of positive identification in the form of either a passport, a driver's license with a photograph, or other government identification with a photograph; and

copies of their social security cards.

- (3) The Board must be provided a copy of the students' practicum schedules which involve food and beverage services with an explanation on how the students will be supervised.
- (4) Identification cards for all the students, training staff, and supervisors must be made for them to wear at all times, whenever the students are doing their practicums which may involve exposure to alcoholic beverages or whenever they are in or about the portion of the premises which is used for the serving and consumption of alcoholic beverages. The identification cards must state: the name of the program, the name of the individual, the individual's status in the program (e.g. student, or supervisor), and must state "minor", if the student is underage.

3. Identification Requirement by Licensees.

- (a) *Generally Accepted Means of Identification Requirement by Bars, Clubs, and Cabarets.*

No bar, club or cabaret licensee shall allow any person who does not present a generally accepted means of identification that verifies the individual to be at least 21 years of age to enter or remain on the premises. (11 PNCA 1069)

- (b) *Generally Accepted Means of Identification Requirement for Sales or Distribution of Alcoholic Beverages.*

No bar-restaurant or package distributor licensee, or person in or about, or from a licensed premises shall offer to sell, give or otherwise distribute alcoholic beverages to anyone who does not present a generally accepted means of identification that verifies the individual to be at least 21 years of age. (11 PNCA 1068)

- (c) *Licensee Penalties.*

A licensee shall be responsible for any violation of Sections 2(a) and (b), and subsections (a) and (b) of this section irrespective of his/her knowledge or lack thereof of the violation and irrespective of his/her presence at or absence from the premises at the time the violation occurs and shall, in addition to other penalties specifically prescribed in Chapter 10, be subject to the following penalties:

- (i) a fine of \$500.00 and one (1) week suspension of the license for the first violation in the fiscal year;
- (ii) a fine of \$500.00 and one (1) month suspension of the license for the

second violation in the fiscal year; and

- (iii) a fine of \$500.00 and revocation of the license for the remainder of the fiscal year for a third violation in the fiscal year.
- (iv) No license shall be reissued or issued in a different class to a person whose license has previously been revoked until one year has elapsed from the date of revocation nor shall a license be reissued to a person whose license is suspended at that time. [11 PNCA 1042(a)]

4. Use of False of Identification.

- (a) *Purchase, Possession, or Consumption of Alcoholic Beverages by Minors; False Identification.*

No person under 21 years of age or any other person, shall use false identification or another person's identification to purchase, receive, possess, or consume alcoholic beverages. (11 PNCA 1086) Any person who violates this rule shall be fined \$500.00, or shall be imprisoned for not more than 30 days or both.

- (b) *Entry into Bar, Club or Cabaret by Minors; False Identification.*

No person under 21 years of age shall enter or remain upon the premises of any licensed bar, club, or cabaret unless accompanied by a verified parent or legal guardian, nor shall any minor or any other person use false identification or use another person's identification to gain access into or to remain on the premises of a licensed bar, club, or cabaret. (11 PNCA 1069) Any person who violates this rule shall be fined \$500.00, or shall be imprisoned for not more than 30 days or both.

5. Internal Enforcement Mechanisms for Bars, Club, and Cabarets.

- (a) Every licensed bar, club, or cabaret must have at least one employee designated as a bouncer, and a substitute therefore in the case of his or her absence, located at the main entrance at all times while it is open for business in order to:
 - (i) Check for generally accepted means of identification of prospective customers to verify that they are at least 21 years of age;
 - (ii) Verify status of parents and legal guardians who accompany minors onto the premises;
 - (iii) Prevent obviously intoxicated persons from entering the premises and to remove obviously intoxicated persons from the premises; and

(iv) Provide crowd control.

(b) Any bar within the premises of a hotel which serves as an alternative lounge area to its guests, and whose customers are comprised mainly of the hotel guests; or any bar or club with a seating capacity of twenty-five (25) or less are not bound by the above rule. Such establishments are still mandated to require from their customers generally accepted means of identification verifying they are at least 21 years old before taking their orders. The licensee, manager, employee, or agent of such licensee is responsible for ordering and effectuating the removal of any person who does not present a generally accepted means of identification verifying the person to be at least 21 years of age or who is not accompanied by a verified parent or legal guardian.

(c) *Penalties.*

Licensees who fail to provide any of the internal enforcement mechanisms described in subsection 5(a) shall have their licenses suspended until the relevant bar, club, or cabaret verifies to the ABTPC Board that full coverage shall be provided by bouncers during all operating hours.

6. Signage.

(a) All licensees shall prepare and conspicuously post signs, in a clearly visible location subject to no obstructions, on the licensed premises stating in both Palauan and English:

“It Is Illegal: For a person under 21 years old to purchase, receive, possess, or consume alcoholic beverages;

For a person under 21 years old to use false identification or another person's identification to receive, purchase, possess, or consume alcoholic beverages;

For a person under 21 years old to use false identification or another person's identification to gain access into and/or remain on the premises of a licensed bar, club, or cabaret;

For a person to sell, give or otherwise distribute to or purchase for a person, who is under 21 years old, any alcoholic beverages.”

“Ng Mekull Era Llach: A chad el ngariou a rekil ra luich ma tang el omchar, ngmai, olab malechub eng melim a rrom (ilumel el ngarngii a arukor ngii);

A chad el ngariou a rekil ra luich ma tang el

ousbech era diak el meral babier malechub eng babilngel a to era chad (ID Card) el ngmai, omchar, olab malechub eng melim a rrom;

A chad el ngariou a rekil ra luich ma tang el ousbech era diak el meral babier malechub eng babilngel a to era chad (ID Card) el mo soiseb malechub eng ngara chelsel aikel basio el oulicense el bar, club, malechub eng cabaret (aikel blil omelim el rrom el di rechad el luich ma tang a rekrir el mo era bab a sebecherir el ngara chelsel);

A chad el loterur, msang, malechub eng rousii, malechub eng mecherar el kirel a to era chad el ngariou a rekil era luich ma tang, a rrom”.

(b) The statements must be in letters at least half an inch tall with both Palauan and English versions together on one sign or on separate signs that are posted adjacent to one another.

(c) *Location of Signs.*

(i) Retail and wholesale outlets must post the signs where the alcoholic beverages are displayed and where purchases are made;

(ii) Restaurants must post the signs behind the bars where alcoholic beverages are prepared and purchased, and within the area where alcoholic beverages are served and consumed;

(iii) Bars and relevant cabaret establishments must post the signs where persons are screened for their age before entering the premises, behind the bars where alcoholic beverages are prepared and purchased, and within the area where alcoholic beverages are served and consumed.

(d) *Penalties.*

Any licensee who fails to or refuses to comply with any part of this rule shall be subject to a fine of \$250.00, or shall be imprisoned for not more than 30 days or both.

7. Restrictions on Alcoholic Beverages in Public Parks.

No person shall bring onto public parks, that are not designated by 11 PNCA 1086(c) any alcoholic beverages. Any alcoholic beverages found on public park grounds shall be confiscated. Additionally, any person who violates this rule shall be fined \$250.00, or

shall be imprisoned for not more than 30 days or both.

8. Open Container Restrictions in Public Places.

No person shall distribute or consume intoxicating beverages, or possess or have in his or her proximity, any opened container of alcoholic beverage, in any public place in the Republic other than the following:

- (a) Places licensed by the Alcoholic Beverages and Tobacco Products Control Board, to serve liquor on the premises;
- (b) The Rock Islands; and
- (c) Places designated pursuant to regulation of the Alcoholic Beverages and Tobacco Products Control Board.

Any person who violates this rule shall be fined \$250.00, or shall be imprisoned for not more than 30 days or both. (11 PNCA 1086)

9. Open Container Restrictions in Motor Vehicles.

No person shall consume any alcoholic beverage inside a vehicle, or possess or have within the proximity of the inside of a vehicle, any opened container of alcoholic beverage that is not empty, on any public road or public place in the Republic other than those designated by the Alcoholic Beverages and Tobacco Products Control Board pursuant to 11 PNCA 1086 (c). Any person who violates this rule shall be fined \$500.00, or shall be imprisoned for not more than 30 days or both.