

by Mark Baxter | mark@surescan.us | August 3, 2020

During the current pandemic, many states are requiring the wearing of face coverings when out in public and within interior spaces, such as retail liquor establishments and restaurants. When properly worn, these face coverings obscure a person's face by surrounding the nose, mouth, and commonly, the chin of the wearer. When considered in terms of checking identification, the potential to deceive those responsible for checking ID is considerable. The ability to compare the face of a live person, with more than half of their face covered, to a small photo on an ID card, without a face covering, is not taught, and is difficult at best. That is why in the current environment, it is even more critical to scrutinize the ID of a customer who appears close to the legal age to obtain alcohol.

The simple act of just checking an identification can understandably be a challenging task, especially considering all the safety guidelines being recommended to allow businesses to stay open and to remain afloat during such hard times. From these guidelines, questions have been asked regarding how to handle checking identification of customers wearing face coverings.

First and foremost, although many of the alcoholic beverage laws have been relaxed during the pandemic, one of them has not changed. Nationwide, a person must still be 21 years of age or older to be sold or served an alcoholic beverage. Compliance with this law is invariably gained by confirming an individual's age through the inspection of specific, valid documents, such as a state-issued driver's license or identification card, Military ID card, or United States Passport or Passport card. One thing all these documents have in common – they all have a photo of the person to whom it was issued.

A valid effort to check ID inherently requires a comparison of the picture on the ID with appearance of the person presenting it. Therefore, an effective ID check cannot occur unless the customer's face is visible, and they are determined to be the same person on the ID.

by Mark Baxter | mark@surescan.us | August 3, 2020

How can I check a person's identification if they are wearing a face covering?

You can ask the customer to stand at least six feet back from you and others and carefully pull their face covering down, just long enough for you to confirm if the face matches the person. It might also be wise to offer them hand sanitizer after touching their face covering.

Additionally, most states provide other physical information on the ID that can help assess the likeness of the customer to the person depicted on the ID, such as the person's height, weight, and eye color.

If you are not confident a customer matches the ID presented, and they refuse to briefly pull down the face covering, then alcohol should not be sold/served to that person.

Can I deny sales/service to a person who refuses to remove their face covering to check their ID?

License holders, and their employees, always have the right to deny a sale in good faith when determining whether to sell/serve age-restricted products, such as alcoholic beverages. Privately-owned companies have the right to turn customers away, just as citizens have the right to choose which business they will shop at. Simply put, it is no different than the "No shirt, no shoes, no service" policy, or others that implement no-return policies, or charge a fee for credit card payments.