

Illegal Alcohol Sales and Service Put Community at Risk

Civil liability for illegal alcohol sales is the law in Minnesota. We now need to extend civil liability to social hosts who recklessly serve alcohol to friends and family members who cause injury and damage to third parties

Minnesota law provides that adults who serve or sell alcohol to minors or to persons who are obviously intoxicated will be held liable when that minor or intoxicated person causes injury or damages to a third party. These laws imposing civil liability upon the seller or server of alcohol for illegal sales are referred to as dram shop laws. Many people do not realize that it is illegal for persons to sell or serve alcohol to obviously intoxicated persons. That is the law in Minnesota. If your bartender refuses to serve you alcohol because he believes that you are intoxicated, arguing that you are not driving will not get you another drink. The bartender exposes himself and his employer to financial liability for injuries you cause to a third party as the result of your intoxication.

Bar fights, domestic violence incidents, even criminal acts such as robbery or burglary are all examples of harm-producing situations that the server/seller and his employer could be held financially responsible for if the behavior occurs after an illegal sale of alcohol has been made. In one Minnesota lawsuit, a bartender and the bar were held financially responsible for damages that occurred after serving alcohol to an obviously intoxicated person who walked home from the bar, slept through the night, and still under the influence of alcohol, was in a car crash the following morning. A bartender and bar were recently found liable for damages to the surviving spouse of a hotel doorman who was murdered by a man who had been served alcohol at a downtown Minneapolis bar when he was already obviously intoxicated. In an Olmsted County District Court case, the Byron Firefighters Relief Association was found civilly liable for damages to the surviving family members of a man killed in a car crash caused by a person who was over-served at a fundraising event by volunteer beer servers.

Minnesota case law makes it clear that holding sellers and servers of alcohol civilly liable for harm done to innocent third parties by persons who have been served or sold alcohol illegally is necessary to protect the public. But civil liability laws cover only those situations which involve the *sale* of alcohol. In Minnesota, civil liability is imposed upon social hosts only if they have provided alcohol to minors. There is no civil liability imposed upon social hosts who over-serve their adult guests. In 2007, a 21 year old college student, Amanda Jax, was served alcohol at the Sidelines Bar in Mankato when she was obviously intoxicated. Ms. Jax was found dead the next morning from alcohol poisoning and the bartender and bar were found financially liable to her surviving family members for pecuniary loss suffered as the result of the illegal sale of alcohol. However, Ms. Jax was given significantly large amounts of alcohol to drink by her adult drinking companions after leaving the bar. Certainly, the additional alcohol provided by her companions also contributed to Amanda Jax's alcohol poisoning. However, because Minnesota has no civil liability laws for social hosts giving alcohol to adults, none of the persons providing alcohol to Ms. Jax (an adult) after leaving the bar were found financially responsible for damages caused by her death.

Should the law treat sellers and servers of alcohol differently than social hosts who provide intoxicating liquor to their friends and acquaintances? The Minnesota

Supreme Court has deferred to the Minnesota legislature on that question, stating that the expansion of civil liability to social hosts who over-serve their adult guests can only be effected by a change in Minnesota law. However, it must be noted that the Court is leaning toward the side of public safety when it is called upon to determine who exactly is a social host. In the Byron Firefighters Relief Association case, the Court specifically stated that it would not utilize a “hypertechnical” definition of the word “sale” in connection with civil liability actions. In that case, beer was dispensed by the purchase of beer tickets. But the over-serving of alcohol in that case occurred when friends behind the beer counter provided an event participant with several cups of beer for which he had no tickets. The defendant argued against the imposition of civil liability claiming that the provision of beer was made on a social basis, as a gift. The Olmsted County District Court rejected that argument stating that the beer was being dispensed as part of the commercial event of the association, not in the context of a social get together among friends. The Minnesota Appeals Court affirmed that decision.

Insurance companies understand that the best strategy for eliminating illegal alcohol sales and service is education. This understanding is supported by research and case studies conducted by the University of Minnesota. When sellers and servers of alcohol are educated about the law and given important information about avoiding problem situations, illegal sales are reduced. Red Wing and Wanamingo have adopted mandatory seller/server training ordinances for liquor licensees. But we need to educate the public about the need for social hosts to exercise this same degree of caution and oversight when serving liquor to friends and family members. The Chemical Health Initiative of Goodhue County is working to educate citizens about the safe and healthy service of alcohol. The CHI urges all social hosts to exercise good judgment in serving alcohol to their adult guests. For more information about making Goodhue County a safe and healthy place to live and work, check out the CHI website: www.CHI-goodhue.org and visit our new parent website at www.chi-parentnetwork.org