

## LIQUOR LIABILITY EXPOSURES AND CONTROLS

Our laws set forth a statutory obligation not to sell, give, or furnish alcoholic beverages to visibly intoxicated persons and in no instance to minors. The laws have created and the courts construe that there are minimum statutory standards of care.

There is also social host liability imposed on those, other than licensed retailers of liquor, who give, sell, or furnish alcohol to someone who later is alleged to have caused injury or death. Under social host liability theories, state legislatures and the courts have held hosts of private parties, weddings, and other social events liable.

Diocesan facilities, including schools, are often utilized as the place where special events are held and may include the selling, serving, or furnishing of alcoholic beverages. Most often, these events are sponsored by the parishes or schools as a means of raising funds for general support or for particular fund raising drives. There are also events that are purely social in nature wherein parishioners or supporters gather to promote goodwill. Whatever the nature of the event, in all instances where alcoholic beverages are available, locations need to develop and implement responsible practices and procedures designed to reduce incidences of wrongful intoxication. In addition to any obligations imposed by law, we have a moral obligation to provide the highest degree of protection to all people who are, or will be, on the property of parishes or institutions of the diocese. These legal and moral obligations should be communicated to renters of our facilities as they apply to the host of the event.

Each location that intends to have an event that includes the selling, serving, or furnishing of alcoholic beverages needs to give early forethought and planning on how they will specifically address the issue of liquor liability. Although each location and event differ, there are some general points which should be implemented in planning these events. Some of the basic points which we frequently discuss with parishes and schools include the following:

### GENERAL

- Do NOT allow BYOB functions. You cannot control consumption.
- When serving liquor, it should be dispensed by a licensed bartender (or an individual who has had sufficient training in serving drinks and able to identify the signs of an intoxicated person).
- In no instance should a bartender be allowed to drink alcoholic beverages.
- Liquor should never be served to an individual who is under the legal drinking age of 21.
- Drinks should be measured appropriately, i.e.: mixed drinks should contain no more than 1 ½ oz. of distilled 80 proof spirits; wine limited to 5 oz. glasses; beer served in 12 oz. containers.

## **GENERAL, (Continued)**

- Make sure that there are plenty of non-alcoholic beverages available, such as “mocktails” or punch.
- Have plenty of food to eat, such as high-protein foods rather than sweet or salty foods. Push the snacks, not the alcohol.
- The drinking should have a time limit so that the bar is not open all evening. For example, allow only 45 minutes for cocktails. Also, bring out coffee early in the evening as a signal that the drinking is over (the coffee will not sober anyone up, but it will cut off drinking more alcohol). Never offer “one for the road.” If the bar is open during the course of the evening, have a policy that the bar be shut down at least one hour before the evening event will end.
- Selected, responsible adults should be out in the general area monitoring drinking activities and overseeing that minors are not consuming alcoholic beverages.
- At the entrances to an event where alcoholic beverages will be served, assigned adults should be checking IDs for age when questionable.
- Safe transportation should be promoted by providing transportation alternatives to driving for the intoxicated individual (a sign stating this policy should be posted).

## **PREMISES**

- Ensure that the parking lots and entrances safe and convenient for persons entering and exiting the buildings and premises.
- Provide adequate lighting of the outside properties and within the buildings.
- Have materials available for salting and sanding in the event of weather problems.
- Make certain the sidewalks, parking lots, and common outside areas free from defects which may cause injury (i.e. cracks, holes, broken or missing stair rails, etc.)
- Inspect the chairs and tables to insure that they are safe.
- Do NOT use flammable or hazardous materials as part of the decorations.
- Make certain fire extinguishers, emergency lights, and exit signs work properly.
- Do NOT exceed the occupancy limit of the room or area to be used.
- Provide first aid materials and a telephone.
- Post emergency numbers by the telephone.
- Identify someone with certified Basic First Aid and CPR training for the event.

## LEARN TO RECOGNIZE THE SIGNALS

According to a chart on blood alcohol level and behavior from the Alcohol Education Program on the University of Massachusetts/Amherst, here is how a person weighing 150 pounds or more and who has not recently eaten reacts to an average drink (1):

- A half drink in an hour; blood alcohol level .01; little if any influence.
- Two-thirds of a drink in an hour; blood alcohol level .02; feels elation; exhibits a pleasant social behavior.
- Two drinks in an hour; blood alcohol level .05; feels less inhibitions; exhibits impulsive behavior and slight decrease in fine motor skills.
- Four drinks in an hour; blood alcohol level .10; exhibits slurred speech, slowed reaction time, driving ability impaired. However, experienced drinkers who have developed a tolerance to alcohol can appear fine. In all states, it is against the law to operate a motor vehicle with a blood alcohol content of .10. In many states, it is also against the law to operate a vehicle with a blood alcohol level of .05 and up.
- Eight drinks in an hour; blood alcohol level is .20; person is confused, staggers, shows quiet or boisterous behavior.
- Twelve drinks in an hour; blood alcohol level .30; barely conscious.
- Sixteen drinks; blood alcohol level .40; unconscious; risk of death; requires immediate medical attention.

Here are some recommendations for dealing with an intoxicated individual:

- Remain calm. Emotions such as anxiety or anger can be transferred to others.
- Be quiet, but firm. Don't get into a shouting match, but make clear, simple statements.
- Be direct, not authoritarian.
- Be aware of the potential for aggression. Get the person seated and get help if you need it.
- Avoid touching the person without an explanation. If the person attacks you, use only enough force to restrain the person.

(1) A standard drink equals approximately 12 ounces of beer, 5 ounces of wine, or 1 ½ ounces of 80-proof distilled spirits.