



Alcohol Provider Liability

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In addition to laws prohibiting underage consumption of alcohol and driving while intoxicated, many states have found another way to curtail the epidemic of impaired driving traffic accidents. Forty-five states plus the District of Columbia impose civil liability on certain providers of alcohol when specific classes of individuals who consume the alcohol of the provider injure third parties. This liability most often exists because of so-called “dram shop acts,” though some states have established a cause of action based on judicial precedent. While some states only allow for civil liability of licensed alcohol providers, more than half of states also impose civil liability on social hosts if certain individuals become intoxicated under their watch and subsequently injure a third



party. This liability supplements the already existing liabilities (almost all of them criminal, though two states provide only civil penalties) for providing alcohol to minors.

All forty-five states plus D.C. that impose civil liability on providers of alcohol under certain circumstances impose liability on licensed vendors of alcohol for the actions of improperly served patrons. These original dram shop laws almost all provide that licensed vendors of alcohol who serve known minors or visibly intoxicated individuals are liable for any injury these people may cause as a result of their intoxication. Most states will allow affirmative defenses to selling a minor alcohol if the minor provided identification that would suggest that he or she was of legal drinking age. Delaware, Kansas, Maryland, South Dakota, and Virginia are the five states that do not statutorily impose any civil liability on licensed alcohol distributors, and none of these states provide for civil liability for social hosts who provide alcohol to guests, either.

Twenty-nine states that have these dram shop laws extend their reach to include social hosts who provide alcohol to their guests. Unlike the scope of the laws as they apply to licensed alcohol vendors, not all of these states impose liability for serving both minors and visibly intoxicated people. Seventeen states only impose liability on social hosts for the actions of minors who become intoxicated and then injure a third party, while two only impose liability for people who continue to be served after they are visibly intoxicated. Nine states impose liability in both situations. North Carolina's case law suggests liability in that state could possibly be extended to all patrons who leave intoxicated and injure someone, though the matter is left to judicial discretion. Other



provisions for social host liability include situations in which guests are either forcibly induced to consume alcohol or are told that their drinks do not contain alcohol (Mississippi and Montana), situations in which alcoholic beverages were provided recklessly (New Mexico), and times when “incompetents” are allowed to become intoxicated (North Dakota).

This exposure to liability is not the only way states hold social hosts accountable for providing alcohol to minors, however. All fifty states plus D.C. have some legal punishment for those who provide alcohol to people under the drinking age. Forty-nine states plus D.C. impose a criminal punishment for providing alcohol to minors. Most states make this a separate, individual offense, but some states include the provision of alcohol as one of the activities which allow offenders to be charged with contributing to the delinquency of a minor. Three of these forty-nine states (Arizona, Florida, and Wisconsin) also allow for the suspension of a social host’s driver’s license. Maryland only punishes the provision of alcohol to minors with a civil citation.



Social Host Liability

Liability Limited to Minors	(17 states) – Alabama, Alaska, Colorado, Connecticut, Hawaii, Iowa, Minnesota, Nebraska, Nevada, New York, Ohio, Pennsylvania, Texas, Utah, Vermont, Wisconsin, Wyoming
Liability Limited to Visibly Intoxicated People	(2 states) – Indiana, New Jersey
Liability for Both Minors & Visibly Intoxicated People	(9 states) – Georgia, Idaho, Maine, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Oregon
Liability for All Guests*	(1 states) – North Carolina
Other/Additional Liability	(4 states) – Mississippi, Montana, New Mexico, North Dakota
States with No Social Host Liability	(19* states + DC) – Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Illinois, Kansas, Kentucky, Louisiana, Maryland, Missouri, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Washington, West Virginia

More information, including the text of each state's statutes on these issues, is available in the accompanying spreadsheet.

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