



Module 3 – Part 2

Intoxicated People and Alcohol Sales

In this module, we will focus on preventing illegal alcohol sales to people that are intoxicated. This module will take 5 minutes.

Codes and Rules



Sec. 2.02 – Causes of Action (Texas Alcoholic Beverage Code)

(a) This chapter does not affect the right of any person to bring a common law cause of action against any individual whose consumption of an alcoholic beverage allegedly resulted in causing the person bringing the suit to suffer personal injury or property damage.

(b) Providing, selling, or serving an alcoholic beverage may be made the basis of a statutory cause of action under this chapter and may be made the basis of a revocation proceeding under Section 6.01(b) of this code upon proof that:



Codes and Rules



Sec. 2.02 - Continued

(1) at the time the provision occurred it was apparent to the provider that the individual being sold, served, or provided with an alcoholic beverage was obviously intoxicated to the extent that he presented a clear danger to himself and others; and

(2) the intoxication of the recipient of the alcoholic beverage was a proximate cause of the damages suffered.

(c) An adult 21 years of age or older is liable for damages proximately caused by the intoxication of a minor under the age of 18 if:



Codes and Rules



Sec. 2.02 - Continued

(1) The adult is not:

(A) The minor's parent, guardian, or spouse; or

(B) An adult in whose custody the minor has been committed by a court; and

(2) The adult knowingly:

(A) served or provided to the minor any of the alcoholic beverages that contributed to the minor's intoxication; or

(B) allowed the minor to be served or provided any of the alcoholic beverages that contributed to the minor's intoxication on the premises owned or leased by the adult.



What It Means & Key Points

“**Dram Shop**” is a legal term referring to a bar, or retailer where alcoholic beverages are sold.



The law known as the Dram Shop Act deals with the responsibility of businesses that sell alcohol to people who are obviously intoxicated to the extent that he or she presents a clear danger to him or herself or others, who subsequently cause property damage, injury, or death to themselves or others.



Key Points Continued

- ✓ This means that if alcohol is sold to an intoxicated person, and that person is involved in an accident, then who ever sold, served, or provided the alcoholic beverages may be found liable for personal injury or property damage caused in the accident.
- ✓ This law says that YOU, as a seller-server of alcohol, have the responsibility of making sure that alcohol is not sold to someone that is intoxicated.

[Texas Alcoholic Beverage Code Sec. 2.02]





Dram Shop Act



Definition:

Dram Shop Act refers to the law governing the civil liability of a provider who sells/serves/provides alcohol beverages; including, but not limited to licensees or permittees.

Civil liability allows a person(s) who is injured or suffers property damage to sue the provider in civil court.



Dram Shop Act



Background:

Texas Legislature enacted the Dram Shop Act on June 1, 1987 in Chapter 2 of the Texas Alcoholic Beverage Code. Section 2.03 of the Code says Chapter 2 is the exclusive means of pursuing the provider for damages resulting from intoxication.



Dram Shop Act



What it means:

The Act establishes that providers including licensees/permittees are liable for actions of their employees, customers, members or guests who are or become intoxicated and cause injury or property damage to themselves or a third party.

Establishments can be held liable in civil court when an employee sells/serves/provides alcohol to an obviously intoxicated person (including minors) who presents a clear danger to him/herself or others and who subsequently causes injury or damage.



Dram Shop Act



Penalties:

The licensee/permittee is subject to revocation of their license/permit for violating the Dram Shop Act. Liability for damages caused would be determined in a civil court.

Discussion Questions



THINK:

“Do you want to take responsibility for the actions of an intoxicated person?”