

# connecticut

**beer wholesalers association**

The Connecticut Beer Wholesalers Association (CBWA) represents six family-owned businesses with a mission of responsibility. Connecticut Beer wholesalers take pride in the safe and efficient delivery of alcohol beverages to authorized permittees, as well as providing a quality work environment for the men and women that live and work in Connecticut.

CBWA opposes House Bill 6700 An Act Concerning The Dram Shop Act. At a blood alcohol content of .08, a liquor retailer literally has no way to determine whether someone is intoxicated, short of administering a Breathalyzer test before each drink.

It is our understanding that the reason for the proposed legislation is to reverse the Connecticut Supreme Court decision in O'Dell vs. Kozee where the Court both affirmed and enhanced the existing "visibility" standard for intoxication under the Dram Shop Act.

The plaintiff argued that the standard should be that any person who has a blood alcohol level of .08 is intoxicated for civil liability against the liquor seller – the Supreme Court rejected this position.

It is important to note that the Court's decision in O'Dell vs. Kozee enhanced Connecticut's existing visibility standard by adding "and other perceivable signs" which not only requires visible signs of intoxication, but also creates an affirmative duty on the part of the liquor seller to monitor their patron's intoxication level.

While the visibility standard gives the liquor seller an opportunity to cease service if it is believed that a patron is intoxicated; the problem is that the liquor seller literally has no means to determine whether someone is intoxicated. This is because fewer than 1 in 3 people show any signs of visible intoxication at .08. For example, to enforce the criminal standard of .08, a police officer must often ask drivers to perform roadside tests, thus stressing the driver's abilities and making otherwise undetectable signs apparent.

As a result, of the decision in O'Dell vs. Kozee Connecticut's Dram Shop Act is amongst one of the strictest standard for intoxication in the nation. Wholesalers, retailers, and restaurateur's take very serious the responsibility of ensuring safe and responsible consumption of alcoholic products; however the standard proposed in House Bill 6700 is anything but reasonable, and will have a negative impact on the industry in Connecticut.

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