CONNECTICUT Restaurant ASSOCIATION

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Testimony Before the Judiciary Committee
April 15, 2013
HB 6700 An Act Concerning the Dram Shop Act

Good morning Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and Members of the Judiciary Committee. My name is Attorney Jan Trendowski and I am here today to testify on behalf of the Connecticut Restaurant Association in **opposition to HB 6700**.

The Connecticut Restaurant Association represents over 500 restaurants and affiliated businesses across the state. Our members range from quick serve to casual to fine dining establishments. The Connecticut hospitality industry employs 145,000 people, making up approximately 9% of the workforce. Restaurants are a driving force in the state's economy and generate tremendous tax revenue.

The Connecticut Restaurant Association supports responsible alcohol service and education. Connecticut's Dram Shop Act is strict liability, which means proof of causation is not required. Our laws are extremely strict and rely on the visible signs of intoxication. These standards were recently made more rigid by a Supreme Court case (O'Dell vs. Kozee) where the Court both affirmed and enhanced the existing visibility standard for intoxication under the Dram Shop Act.

The Connecticut Restaurant Association vehemently opposes HB 6700, AAC The Dram Shop Act. This bill is an attempt to create a new standard, that any person who is at a blood alcohol level of .08 is intoxicated for civil liability against the liquor seller. The liquor seller has no means to determine whether someone is intoxicated to a specific blood alcohol level.

The majority opinion in O'Dell vs. Kozee reviewed case law in several other states and brought Connecticut in line with the majority standard across the country. The Connecticut Supreme Court enhanced the 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.

The "visible and other perceivable signs" standard puts an already strict state among the most strict in the country. As a practical matter, if HB 6700 were to become law, insurers would not cover the risks it would create, nor would any on premise liquor selling establishment have the financial ability to afford such a risk. In short, this proposal would be devastating to any on premise seller of alcohol.

We urge your rejection.