



# OLR RESEARCH REPORT

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## **PENALTIES FOR SERVING ALCOHOL TO INTOXICATED PERSONS**

By: Duke Chen, Legislative Analyst II

You asked (1) what the penalties are for an alcoholic liquor permittee who serves alcohol to an intoxicated person and (2) whether the Department of Consumer Protection (DCP) is notified after an accident involving alcohol.

### **SUMMARY**

The Liquor Control Act prohibits an alcoholic liquor permittees or their employees from providing alcohol to intoxicated persons ([CGS § 30-86\(b\)\(1\)](#)). Violations are punishable by up to a \$1,000 fine, up to one year imprisonment, or both, for each offense ([CGS § 30-113](#)).

In addition to these criminal penalties, DCP, through the Liquor Control Commission, may suspend or revoke a permittee's license to sell alcohol. DCP may also require the permittee's employees to participate in an alcohol seller and server training program ([CGS § 30-47](#)).

Someone who serves alcohol to an intoxicated person may be civilly liable for damages under certain circumstances. The Dram Shop Act makes a permittee liable if the permittee or his or her employee sells alcohol to an intoxicated person who injures a person or damages property. The court may award damages up to \$250,000 ([CGS § 30-102](#)).

Law enforcement officials have no legal duty to inform DCP of traffic accidents involving alcohol. In 2010, a bill (HB 5229) would have required such notification for accidents resulting in serious injury to, or death of, anyone under age 21. The bill passed the House, but died in the Senate.

## **CRIMINAL PENALTIES**

The Liquor Control Act prohibits alcoholic liquor permittees or their employees from selling or delivering alcohol to intoxicated persons ([CGS § 30-86\(b\)\(1\)](#)).

Although the statute does not define "intoxicated persons," the Connecticut Supreme Court held in 1937 that someone can conclude that a defendant is intoxicated if he or she is staggering and not able to run very well (*State v. Katz*, 122 Conn. 439).

Violations are punishable by up to a \$1,000 fine, up to one year imprisonment, or both, for each offense ([CGS § 30-113](#)).

## **DCP LICENSE PENALTIES**

DCP, through the Liquor Control Commission, has the power to revoke or suspend a permittee's license, issue a reprimand, place an individual on probation, require additional education, or issue fines ([CGS §§ 21a-7\(7\)](#) and [30-57](#)).

Often, the Liquor Commission settles with violators by accepting offers from the permittees to pay fines instead of permit suspension ([CGS § 30-58a](#)). In considering the amount that may be accepted as an offer in compromise in lieu of suspension, DCP may use the following formula: \$75 x number of suspension days = offer (Conn. Agencies Regs. § 30-6-A8(k)).

If the permittee does not make a compromise offer and no other agreement is reached, the full three-member commission holds a penalty hearing and sets the penalty.

## ***Server Training***

The DCP commissioner may require a permittee, who has had his or her permit suspended or revoked, to have his or her employees take an alcohol seller and server training program ([CGS § 30-47](#)). He may also take this action instead of suspending or revoking the permit. The commissioner may require proof of completion before reactivating or reissuing the liquor permit.

The alcohol seller and server training includes:

1. five hours of classroom instruction, excluding breaks and test administration;
2. live instruction with an instructor present, though he or she may show videos or use other interactive programs or manuals; and
3. curriculum that includes information on preventing sales to minors, over-service of alcohol, drink promotion restrictions, and criminal, civil, and administrative liability (Conn. Agencies Regs. § 30-6a-H1).

### **LIABILITY OF PROVIDERS OF ALCOHOL**

A person who provides alcohol to someone who causes an injury or death due to intoxication may also be liable under certain circumstances (CGS § 30-102). The Dram Shop Act makes a permittee liable if the permittee or his or her employee sells alcohol to an already-intoxicated person who injures a person or damages property. The actual amount of liability in a particular case is decided in court. The act limits the damages a permittee must pay to injured people to \$250,000. (For more information on DUI Civil Liability, see OLR Report 2010-R-0288.)

### **LAW ENFORCEMENT NOTIFYING DCP**

Law enforcement officials have no legal duty to inform DCP of traffic accidents involving alcohol that may have been served by liquor permittees or their employees.

In 2010, HB 5229 would have required law enforcement officials to inform the DCP commissioner after completing an investigation regarding a serious injury or death of a person under age 21 who was served alcohol by a liquor permittee or his or her employee. The bill required the law enforcement officials to make this notification within one week of completing the investigation and include (1) the name of the victim, (2) the date and time of the alleged incident, (3) the permit holder's name and address, and (4) the investigation's outcome. The bill did not pass.

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