

DRAM SHOP THEORY

1. **DEFINITION:** The theory of dram shop liability creates a legal requirement that servers of alcoholic beverages do not serve alcohol in any form to a person who appears to be visibly intoxicated. A person who appears visibly intoxicated is someone who is slurring speech, drinking large amounts of alcohol in a short amount of time, not in complete control of their faculties, or acting in a manner inconsistent with a sober person. Dram shop liability statutes exist in a number of states including Colorado. Dram shop or civil damages actions allow civil suits against a server of alcohol to a person who is visibly intoxicated and later injures or kills another individual.

Under existing Colorado law, serving alcohol to an intoxicated person or serving alcohol to a minor can result in civil liability.

2. **APPLICATION:** Dram shop liability applies to all personnel serving alcoholic beverages.

a. The person serving alcohol is responsible for making a determination that a customer or patron should no longer be served alcohol. If the individual requesting an alcoholic beverage is visibly intoxicated, service must be refused. Instead of serving alcohol, a server could offer soft drinks or coffee free of charge. In addition, transportation to the individual's residence can be provided.

b. The individual who arrives intoxicated requesting more alcohol, or the individual who drinks to the point of intoxication, will be denied alcohol. It is the duty of the server to deny service to any person who appears to be visibly intoxicated at all times.

3. **IDENTIFICATION:** Individuals must present an identification card prior to being served alcohol. Anyone who is under the age of 21 years old will be denied alcohol.

I UNDERSTAND MY RESPONSIBILITY UNDER THE DRAM SHOP THEORY OF
LIABILITY NOT TO SELL OR SERVE ALCOHOLIC BEVERAGES TO PERSONS WHO
APPEAR TO BE NEARING INTOXICATION AND NOT IN COMPLETE CONTROL OF
THEIR FACULTIES.

SIGNATURE OF RESPONSIBLE INDIVIDUAL TO SERVE ALCOHOLIC BEVERAGES

NAME/DATE(S) OF FUNCTION

CURRENT DATE