



Online-only: Liability laws for alcohol retailers weaken nationwide, study says

1. Natalie McGill

Laws that hold alcohol retailers responsible for harm resulting from illegal sales have weakened, and the change should have public health advocates on alert, according to a recent study.

Limits to so-called state “commercial host liability” laws, such as caps on how much money a person injured in an alcohol-related collision can sue a retailer for in damages, have increased over 25 years, according to the study scheduled to be published in September’s *American Journal of Preventive Medicine*. Commercial host liability laws hold a retailer responsible for alcohol-related injuries if the retailer served intoxicated adults or underage patrons.

As the liability laws weakened, public health practitioners have not done a good job in saying how effective commercial host liability laws are, said APHA member David Jernigan, PhD, one of three study authors and an associate professor at Johns Hopkins University’s Bloomberg School of Public Health.

The study cited a finding from the Guide to Community Preventive Services that there was a 6.4 percent median reduction in alcohol related motor vehicle crash deaths in states with commercial host liability laws compared to ones without them. The guide is a list of public health interventions recommended by the Community Preventive Services Task Force, which was created by the U.S. Department of Health and Human Services.

“It’s pretty clear that states that do a good job of promoting health liability have fewer motor vehicle crashes as a result,” Jernigan told *The Nation’s Health*. “The public health voice is not as strong as we’d like it to be in making the case for maintaining this as part of the package of preventing alcohol-related motor vehicle crashes.”

The study reviewed commercial host liability laws in all 50 states and the District of Columbia as of 2011 compared with the laws in 1989. When it came to serving intoxicated adults, there was a 67 percent increase in restrictions to the law, such as limits on who can be sued or proof the retailer acted recklessly and knew a patron was intoxicated. There was a 77 percent increase in similar restrictions when it came to serving underage patrons.

Jernigan said there has been a model commercial host liability law in place since 1985 that suggests responsible beverage service practices. The study lists practices such as training staff to recognize intoxicated patrons, identification checks and hiring security.

“I don’t think it’s a restriction or burden on small business serving alcohol that they be required to adhere to a certain minimum set of standards to keep the community safe around the product that they’re serving,” Jernigan said.

Jernigan said there seems to be a stronger small business voice than a community and public health voice. He said he does not want to rely on crash survivor horror stories to keep commercial host liability laws in place.

“The most important thing is that local public health departments need to be aware of what the liability situation is in their state and their locality,” Jernigan said. “They need to monitor the laws and if the laws are about to be weakened, they need to be a voice at the table.”

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