**2021 PSR UPDATE: STATUS OF STATE DRAM SHOP LIABILITY**

November 15, 2021

**Background**

In 2021, legal research was conducted to update the status of commercial host (dram shop) liability laws in states and the District of Columbia (DC), as reported by the Centers for Disease Control and Prevention (CDC) in the Chronic Disease Indicators (CDIs). This update reviewed dram shop liability in the 50 states and DC, and determined whether there had been any changes to these laws from January 1, 2015, when the last review was completed, to January 1, 2021.

**Scope of Legal Research**

The legal research specifically sought to identify whether the states and/or DC had added to or removed from state law either (1) dram shop liability or (2) a major limitation to imposing liability. A major limitation was defined as (1) increased evidence required for finding liability, (2) limits on permissible damage awards, or (3) restrictions on who may be sued.

**Legal Research Method**

A three-phase methodology was used to conduct this legal research. Phase one involved reviewing the laws and cases cited for CDI coding reflecting the status of dram shop liability as of January 1, 2015. In phase two, relevant sections of Liquor Liability Law,[[1]](#footnote-1) a summary of state alcohol liability provisions, and the Report to Congress on Underage Drinking Prevention and Reduction (STOP Act Report) were reviewed to obtain current information on dram shop laws in states.[[2]](#footnote-2) Finally, in phase three, Westlaw, an online legal research tool, was used to locate previously identified laws and conduct additional searches of relevant constitutional provisions, statutes, regulations, and related case law. Additional details on the legal research methods are described in Mosher JF, Cohen EN, Jernigan DH. Commercial host (dram shop) liability: current status and trends. American Journal of Preventive Medicine 2013;45:347–53.

**Changes Identified**

No changes were identified to the status of commercial host liability in states between 1/1/2015 and 1/1/2021, though updates were made to the citations relied on for coding.

**Coding and Citations**

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| **State** | **Status of Commercial Host Liability**  | **Citation(s) - Adults** | **Citation(s) - Underage** |
| Alaska | State had commercial host liability with major limitations | Alaska Stat. 04.16.030, 04.21.020(a), 04.21.080; Gonzales v. Safeway Stores, 882 P.2d 389 (Alaska 1994)  | Alaska Stat. § 04.21.020; Gonzales v. Safeway Stores, 882 P.2d 389 (Alaska 1994). |
| Alabama | State had commercial host liability with no major limitations | Ala. Code 6-5-71; Jones v. BP Oil, 632 So. 2d 435 (1993)  | Ala. Code § 6-5-71; Jones v. BP Oil Co, Inc., 632 So. 2d 435 (Ala. 1993).  |
| Arkansas | State had commercial host liability with no major limitations | Ark. Code 16-126-104, 16-126-105; Sluder v. Steak & Ale of Little Rock, 206 S.W.3d 213 (Ark. 2005) | Ark. Code § 16-126-103; Ark. Code § 16-126-104; Ark. Code § 16-126-105; Cadillac Cowboy, Inc. v. Jackson, 69 S.W. 3d 383 (Ark. 2002). |
| Arizona | State had commercial host liability with no major limitations | Ariz. Rev. Stat. 4-311, 4-312; Ontiveros v. Borak, 667 P.2d 200 (Ariz. 1983); Young v. DFW, 908 P.2d 1 (Ariz. Ct. App. 1995) | Ariz. Rev. Stat. § 4-311; Schwab v. Matley, 793 P.2d 1088 (Ariz. 1990); Young v. DFW Corp., 908 P.2d 1 (Ariz. Ct. App. 1995).  |
| California | State had commercial host liability with major limitations | Cal. Bus. & Prof. Code 25602; Cory v. Shierloh, 629 P.2d 8 (Cal. 1981)  | Cal. Bus. & Prof. Code § 25602.1; Strang v. Cabrol, 691 P.2d 1013 (Cal. 1984).  |
| Colorado | State had commercial host liability with major limitations | Colo. Rev. Stat. 44-3-801; Strauch v. Build It & They Will Drink, Inc., 226 P.3d 1235, 1238-1239 (Colo. Ct. App. 2009), aff’d, 253 P.3d 302 (Colo. 2011).  | Colo. Rev. Stat. § 44-3-801; Sigman v. Seafood Ltd. P’ship, 817 P.2d 527 (Colo. 1991); Dickman v. Jackalope, Inc., 870 P.2d 1261 (Colo. Ct. App. 1994). |
| Connecticut | State had commercial host liability with major limitations | Conn. Gen. Stat. 30-102; Demond v. Project Serv., LLC, 331 Conn. 816 (2019); Hayes v. Caspers, 881 A.2d 428 (Conn. App. Ct.), appeal denied, 276 Conn. 915 (2005). | Conn. Gen. Stat. § 30-102; Bohan v. Last, 674 A. 2d 839 (Conn. 1996); Ely v. Murphy, 540 A.2d 54 (Conn. 1988); Hayes v. Caspers, 881 A.2d 428 (Conn. Ct. App.), app. denied, 276 Conn. 915 (2005); Davenport v. Quinn, 730 A.2d 1184 (Conn. Appt. Ct. 1999). |
| District of Columbia | State had commercial host liability with major limitations | Jarrett v. Woodward Bros., 751 A.2d 972 (D.C. 2000). | Rong Yao Zhou v. Jennifer Mall Restaurant, Inc., 534 A.2d 1268 (D.C.1987).  |
| Delaware | State had no commercial host liability | Acker v. Cantinas, 586 A.2d 1178 (Del. 1991) | McCall v. Villa Pizza Inc., 636 A.2d 912 (Del. 1994); Acker v. S.W. Cantinas, Inc., 586 A.2d 1178 (Del. 1991).  |
| Florida | State had commercial host liability with major limitations | Fla. Stat. 768.125; Persen v. Southland Corp., 656 So. 2d 453 (Fla. 1995). | Fla. Stat. § 562.11; Fla. Stat. § 768.125; Tobias v. Osorio, 681 So. 2d 905 (Fla. Dist. Ct. App. 1996). |
| Georgia | State had commercial host liability with major limitations | Ga. Code 51-1-40(b); Hulsey v. Northside Equities, 548 S.E.2d 41, 44-45 (Ga. Ct. App. 2001), reconsideration denied (May 4, 2001), cert. granted and aff'd, 567 S.E.2d 4 (Ga. 2002)  | Ga. Code Ann. § 51-1-40; Flores v. Exprezit! Stores, 713 S.E.2d 368 (2011); Hulsey v. Northside Equities, Inc., 548 S.E.2d 41 (Ga. Ct. App. 2001), aff'd, 567 S.E.2d 4 (Ga. 2002).  |
| Hawaii | State had commercial host liability with no major limitations | Ono v. Applegate, 612 P.2d 533 (Haw. 1980)  | Haw. Rev. Stat. § 281-78; Reyes v. Kuboyama, 870 P.2d 1281 (Haw.1994); Ono v. Applegate, 612 P. 2d 533 (Haw. 1980). |
| Iowa | State had commercial host liability with major limitations | Iowa Code 123.49, 123.92; Kelly v. Sinclair Oil, 476 N.W.2d 341 (Iowa 1991)  | Iowa Code § 123.92; Iowa Code § 123.49; Hoth v. Meisner, 548 N.W.2d 152 (Iowa 1996); Kelly v. Sinclair Oil Corp., 476 N.W.2d 341 (Iowa 1991). |
| Idaho | State had commercial host liability with no major limitations | Idaho Code 23-808; Fell v. Fat Smitty's LLC, 167 Idaho 34 (2020); Mc Lean v. Maverik Country Stores, 135 P.2d 756 (Idaho 2006) | Idaho Code § 23-808; Mc Lean v. Maverik Country Stores, Inc., 135 P.3d 756 (Idaho 2006).  |
| Illinois | State had commercial host liability with major limitations | 235 Ill. Comp. Stat. 5/6-21; Simmons v. Homatas, 925 N.E.2d 459 (Ill. 2010) | 235 Ill. Comp. Stat. 5/6-21; Charles v. Seigfried, 651 N.E.2d 154 (Ill. 1995).  |
| Indiana | State had commercial host liability with major limitations | Ind. Code 7.1-5-10-15.5; Buffington v. Metcalf, 883 F. Supp. 1190 (S.D. Ind. 1994); Elder v. Fisher, 217 N.E.2d 847 (Ind. 1966)  | Ind. Code § 7.1-5-10-15.5; Merchants Nat. Bank v. Simrell's Sports Bar & Grill, 741 N.E.2d 383 (Ind. Ct. App. 2000).  |
| Kansas | State had no commercial host liability | Kudlackik v. Johnny's Shawnee, Inc. 309 Kan. 788 (Kan 2019); Bland v. Scott, 112 P.3d 941 (Kan. 2005) | Bland v. Scott, 112 P.3d 941 (Kan. 2005). |
| Kentucky | State had commercial host liability with no major limitations | Ky. Rev. Stat. 413.241; Taylor v. King, 2010 Ky. App. LEXIS 179 (Ky. Ct. App. Oct. 1, 2010) | Ky. Rev. Stat. § 413.241; DeStock # 14, Inc. v. Logsdon, 993 S.W.2d 952 (Ky. 1999). Fort Mitchell Country Club v. LaMarre, 394 S.W.3d 897 (Ky. 2012) . |
| Louisiana | State had commercial host liability with major limitations | La. Rev. Stat 9:2008.1; Berg v. Zummo, 786 So. 2d 708 (La. 2001) | La. Rev. Stat. Ann. § 9:2800.1; Berg v. Zummo, 786 So. 2d 708 (La. 2001).  |
| Massachusetts | State had commercial host liability with no major limitations | Nunez v. Carrabba's Italian Grill,ne (Mass. 2007); Cimino v. Milford Keg, 431 N.E.2d 920 (Mass. 1982)  | Mass. Gen. Laws ch. 231, § 85T; Cimino v. Milford Keg, Inc., 431 N.E.2d 920 (Mass. 1982); Adamian v. Three Sons, Inc., 233 N.E.2d 18 (Mass. 1968); Wiska v. St. Stanislaus Social Club, Inc., 390 N.E.2d 1133 (Mass. App. Ct. 1979). |
| Maryland | State had no commercial host liability | Felder v. Butler, 438 A.2d 494 (Md. 1981); Wright v. Sue & Charles, 749 A.2d 241 (Md. Ct. Spec. App. 2000), cert. denied, 755 A.2d 1140 (2000) | Warr v. JMGM Group, LLC, 70 A.3d 170 (Md. 2013), Felder v. Butler, 438 A.2d 494 (Md. 1981); Moran v. Foodmaker, 594 A.2d 587 (Md. Spec. Ct. App. 1991), writ denied, 599 A.2d 90 (Md. 1991). |
| Maine | State had commercial host liability with major limitations | Me. Rev. Stat. tit. 28-A, 2501 et seq., Swan v. Sohio Oil, 618 A.2d 214 (Me. 1992)  | Me. Rev. Stat. Ann. tit. 28-A, § 2503; Me. Rev. Stat. Ann. tit. 28-A, § 2505; Me. Rev. Stat. Ann. tit. 28-A, § 2506; Me. Rev. Stat. Ann. tit. 28-A, § 2507; Me. Rev. Stat. Ann. tit. 28-A, § 2508; Me. Rev. Stat. Ann. tit. 28-A, § 2509; Me. Rev. Stat. Ann. tit. 28-A, § 2511; Me. Rev. Stat. Ann. tit. 28-A, § 2515; Jackson v. Tedd-Lait Post No. 5, 723 A.2d 1220 (Me. 1999).  |
| Michigan | State had commercial host liability with no major limitations | Mich. Comp. Laws 436.1801(3), 436.1801(10); Mann v. Shusteric Enters., 683 N.W.2d 573 (Mich. 2004)  | Mich. Comp. Laws § 436.1801; Mich. Comp. Laws § 436.1815; Longstreth v Gensel, 377 N.W.2d 804 (Mich. 1985).  |
| Minnesota | State had commercial host liability with no major limitations | Minn. Stat. 340A.502, 340A.801 | Minn. Stat. § 340A.801; Minn. Stat. § 340A.503. |
| Missouri | State had commercial host liability with major limitations | Mo. Rev. Stat. 537.053(2), (4); Snodgras v. Martin & Bayley, 204 S.W.3d 638 (Mo. 2006) | Mo. Rev Stat. § 537.053; Snodgras v. Martin & Bayley, Inc., 204 S.W.3d 638 (Mo. 2006). |
| Mississippi | State had commercial host liability with no major limitations | Miss. Code 67-3-73; Bridges v. Park Place Entertainment, 860 So. 2d 811 (Miss. 2003).  | Bryant v. Alpha Entertainment Corp., 508 So. 2d 1094 (Miss. 1987); Moore v. K&J Enters., 856 So. 2d 621 (Miss. Ct. App.), cert. granted, 860 So.2d 1223 (Miss. 2003), cert. dismissed (Mar. 4, 2004). |
| Montana | State had commercial host liability with major limitations | Mont. Code 27-1-710; Rohlfs v. Klemenhagen, 227 P.3d 42 (Mont. 2009) | Mont. Code Ann. § 27-1-710; Rohlfs v. Klemenhagen, LLC, 227 P.3d 42 ( Mont. 2009) |
| North Carolina | State had commercial host liability with major limitations | N.C. Gen. Stat. 18B-128; Estate of Mullis by Dixon v. Monroe Oil Co., 488 S.E.2d 830 (N.C. Ct. App. 1997), aff’d, 505 S.E.2d 131 (N.C. 1998).  | N.C. Gen. Stat. § 18B-120; N.C. Gen. Stat. § 18B-121; N.C. Gen. Stat. § 18B-122; N.C. Gen. Stat. § 18B-123; Estate of Mullis by Dixon v. Monroe Oil Co., 488 S.E.2d 830 (N.C. Ct. App. 1997), aff’d, 505 S.E.2d 131 (N.C. 1998).  |
| North Dakota | State had commercial host liability with major limitations | N.D. Cent. Code 5-01-06.1; Hoff v. Elkhorn Bar, 613 F. Supp. 2d 1146 (S.D.N.D 2009); Zueger v. Carlson, 542 N.W.2d 92 (N.D. 1996); Thoring v. Bottonsek, 350 N.W.2d 586 (N.D. 1984). | N.D. Cent. Code § 5-01-06.1; N.D. Cent. Code § 32-21-02; Thoring v. Bottonsek, 350 N.W.2d 586 (N.D. 1984). |
| Nebraska | State had commercial host liability with major limitations | Arant v. G.H., 428 N.W.2d 631 (Neb. 1988) | Neb. Rev. Stat. § 53-401; Neb. Rev. Stat. § 53-402; Neb. Rev. Stat. § 53-403; Neb. Rev. Stat. § 53-404; Neb. Rev. Stat. § 53-405; Neb. Rev. Stat. § 53-406; Neb. Rev. Stat. § 53-407; Neb. Rev. Stat. § 53-408; Pelzek v. American Legion, 463 N.W.2d 321 (Neb. 1990). |
| New Hampshire | State had commercial host liability with no major limitations | N.H. Rev. Stat. ch. 507-F, esp. 507-F:4  | N.H. Rev. Stat. Ann. § 507-F:1, N.H. Rev. Stat. Ann. § 507-F:2, N.H. Rev. Stat. Ann. § 507-F:3, N.H. Rev. Stat. Ann. § 507-F:4, N.H. Rev. Stat. Ann. § 507-F:5, N.H. Rev. Stat. Ann. § 507-F:6, N.H. Rev. Stat. Ann. § 507-F:7, N.H. Rev. Stat. Ann. § 507-F:8. |
| New Jersey | State had commercial host liability with no major limitations | N.J. Stat. 2A:22A, esp. 2A:22A-4, 22A-5; Fisch v. Richard Bellshot, 640 A.2d 801 (N.J. 1994) | N.J. Rev. Stat. § 2A:22A-5.  |
| New Mexico | State had commercial host liability with no major limitations | N.M. Stat. 41-11-1; Trujillo v. City of Albuquerque, 965 P.2d 305, 314 (N.M. 1998) | N.M. Stat. Ann. § 41-11-1; Trujillo v. City of Albuquerque, 965 P.2d 305 (N.M. 1998). |
| Nevada | State had no commercial host liability | Nev. Rev. Stat. 41.1305; Hinegardner v. Marcor Resorts, 844 P.2d 800 (Nev. 1992) | Nev. Rev. Stat. § 41.1305; Hinegardner v. Marcor Resorts, L.P.V., 844 P.2d 800 (Nev. 1992). |
| New York | State had commercial host liability with no major limitations | N.Y. Gen. Oblig. Law 11-100; Sherman v. Robinson, 606 N.E.2d 1365 (N.Y. 1992); D'Amico v. Christie, 518 N.E.2d 896 (N.Y. 1987)  | N.Y. Gen. Oblig. Law § 11-100. |
| Ohio | State had commercial host liability with major limitations | Ohio Rev. Code 4301.22(B), 4399.18; Lesnau v Andate Enterprises, 756 N.E.2d 97 (Ohio 2001); Studer v. Veterans of Foreign Wars Post 3767, 925 N.E.2d 629 (Ohio Ct. App. 2009). | Ohio Rev. Code § 4399.18; Ohio Rev. Code § 4301.69; Lesnau v. Andate Enters., Inc., 756 N.E.2d 97 (Ohio 2001). |
| Oklahoma | State had commercial host liability with no major limitations | Boyle v. ASAP Energy, Inc., 408 P.3d 183 (2017); Brigance v. Velvet Dove Restaurant, 725 P.2d 300 (Okla. 1986) | Mansfield v. Circle K. Corp., 877 P.2d 1130 (Okla. 1994); Busby v. Quail Creek Golf and Country Club, 885 P.2d 1326 (Okla. 1994); Tomlinson v. Love's Country Stores, Inc., 854 P.2d 910 (Okla. 1993); Brigance v. Velvet Dove Restaurant, Inc., 725 P.2d 300 (Okla. 1986). |
| Oregon | State had commercial host liability with major limitations | Or. Rev. Stat. 471.565(2); Hawkins v. Conklin, 767 P.2d 66 (Ore. 1988) | Or. Rev. Stat. § 471.567.  |
| Pennsylvania | State had commercial host liability with no major limitations | Pa. Stat. tit. 47,4-493(1), 4-497; Jardine v. Uper Darby Lodge No. 1973, 198 A.2d 550 (Pa. 1964); Rivero v. Timblin, 12 Pa. D. & C.5th 233 (2010) | 47 Pa. Cons. Stat. § 4-493; Matthews v. Konieczny, 527 A.2d 508 (Pa. 1987). |
| Rhode Island | State had commercial host liability with no major limitations | R.I. Gen. Laws Tit. 3, ch. 14 (3-14-1 to 13-14-14)  | R.I. Gen. Laws § 3-14-4; R.I. Gen. Laws § 3-14-5; R.I. Gen. Laws § 3-14-6; R.I. Gen. Laws § 3-14-7; R.I. Gen. Laws § 3-14-8; R.I. Gen. Laws § 3-14-9; R.I. Gen. Laws § 3-14-12. |
| South Carolina | State had commercial host liability with no major limitations | Hartfield v. Getaway Lounge & Grill, Inc., 697 S.E.2d 558 (2010) | Norton v. Opening Break of Aiken, Inc., 443 S.E.2d 406 (S.C. Ct. App. 1994), affirmed, 462 S.E.2d 861 (S.C. 1995); Whitlaw v. Kroger Co., 410 S.E.2d 251 (S.C. 1991). |
| South Dakota | State had no commercial host liability | 388 S.C. 407, 697 S.E.2d 558 | S.D. Codified Laws § 35-4-78; S.D. Codified Laws § 35-11-1; Baatz v. Arrow Bar, 426 N.W.2d 298 (S.D. 1988); Wildeboer v. South Dakota Junior Chamber of Commerce, Inc., 561 N.W.2d 666 (S.D. 1997). |
| Tennessee | State had commercial host liability with major limitations | Tenn. Code 57-10-101, 57-10-102; Manoloules v. Tent Restaurant Operations, 2009 U.S. Dist. LEXIS 50785 (M.D. Tenn. June 16, 2009); Worley v. Weigel's, 919 S.W.2d 589 (Tenn. 1996). | Tenn. Code Ann. § 57-10-102; Worley v. Weigel's, Inc., 919 S.W.2d 589 (Tenn. 1996). |
| Texas | State had commercial host liability with major limitations | Tex. Alco. Bev. Code 2.01 to 2.0, 106.14; 20801 v. Parker, 249 S.W.3d 392 (Tex. 2008); D. Houston v. Love, 92 S.W.3d 450 (Tex. 2002). | Tex. Alco. Bev. Code Ann. § 2.01; Tex. Alco. Bev. Code Ann. § 2.02; Tex. Alco. Bev. Code Ann. § 2.03. |
| Utah | State had commercial host liability with major limitations | U.C.A. 1953 § 32B-15-201; U.C.A. 1953 § 32B-15-301; Miller v. United States, 104 P.3 1202 (Utah 2004) | Utah Code Ann. § 32B-15-201; Utah Code Ann. § 32B-15-301; Mackay v. 7-Eleven Sales Corp., 995 P.2d 1233 (Utah 2000); Adkins v. Uncle Bart’s, Inc., 1 P.3d 528 (Utah 2000). |
| Virginia | State had no commercial host liability | Robinson v. Matt Mary Moran, 525 S.E.2d 559 (Va. 2000) | Robinson v. Matt Mary Moran, Inc., 525 S.E.2d 559 (Va. 2000). |
| Vermont | State had commercial host liability with no major limitations | Vt. Stat. tit. 7, 501; Swett v. Haig's, 663 A.2d 930 (Vt. 1995)  | Vt. Stat. Ann. tit. 7, § 501. |
| Washington | State had commercial host liability with no major limitations | Barrett v. Lucky Seven Saloon, 96 P.3d 386 (Wash. 2004)  | Crowe v. Gaston, 951 P.2d 1118 (Wash. 1998); Schooley v. Pinch's Deli Market, Inc., 951 P.2d 749 (Wash. 1998).  |
| Wisconsin | State had commercial host liability with major limitations | Wis. Stat. 125.035; Doering v. WEA Ins. Group, 532 N.W.2d 118 (Wis. 1995)  | Wis. Stat. § 125.035; Meier v. Champ’s Sport Bar & Grill, 623 N.W.2d 94 (Wis. 2001).  |
| West Virginia | State had commercial host liability with no major limitations | Bailey v. Black, 394 S.E.2d 58 (W. Va. 1990) | Anderson v. Moulder, 394 S.E.2d 61 (W. Va. 1990). |
| Wyoming | State had commercial host liability with major limitations | Wyo. Stat. 12-5-301, 12-8-301; Greenwalt v. Ram Rest., 71 P.3d 717 (Wyo. 2003)  | Daniels v. Carpenter, 62 P.3d 555 (Wyo. 2003). |

1. Mosher, J., et al. (2021). Liquor liability law. Newark, NJ: LexisNexis. [↑](#footnote-ref-1)
2. Substance Abuse and Mental Health Services Administration. Report to Congress on the prevention and reduction of underage drinking. Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services; Washington, DC: October, 2021. [↑](#footnote-ref-2)