

**Disclaimer:**

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## ***Rhode Island***

<b>STATE LIQUOR AUTHORITY</b>	State of Rhode Island Division of Commercial Licensing Liquor Control Section 233 Richmond Street, Suite 230 Providence, Rhode Island 02903 Phone: 401-222-2416 Fax: 401-222-6654 General Internet Web Site: <a href="http://www.dbr.state.ri.us/liquor_comp.html">www.dbr.state.ri.us/liquor_comp.html</a>
<b>AGE TO CONSUME</b>	21
<b>AGE TO SERVE</b>	18
<b>AGE TO POUR</b>	18
<b>AGE TO SELL (PACKAGED LIQUOR)</b>	18
<b>MINORS ALLOWED ON PREMISE?</b>	
<b>CAN PARENTS SERVE?</b>	No.
<b>HOURS OF SERVICE</b>	On Premise Establishments: Monday through Sunday: 6 a.m. to 1:00 a.m. Off Premise / Retail Stores: Monday to Saturday - November to May: 7:00 a.m. to 10:00 p.m. June to October: 7:00 a.m. to 1:00 p.m. Sundays - Year round: 12:00 to 6:00 p.m. Rhode Island
<b>ACCEPTED ID'S</b>	<ul style="list-style-type: none"> <li>• Driver's license</li> <li>• Military ID</li> <li>• Passport</li> <li>• Rhode Island ID card</li> </ul>
<b>LEGAL LEVEL OF INTOXICATION WHILE DRIVING</b>	.08 BAC
<b>DRAM SHOP LAW</b>	Licenses and servers are liable for injuries or damages caused by minor or intoxicated guest who was served on premises if the injuries or damages resulted from the guest's consumption of alcohol.
<b>ID CONFISCATION</b>	
<b>HAPPY HOUR &amp; OTHER SERVICE RESTRICTIONS</b>	<p>The following is prohibited:</p> <ul style="list-style-type: none"> <li>• Reduced price drinks</li> <li>• Increasing volume of alcohol in drinks without raising the price</li> <li>• Unlimited number of drinks for a fixed price during a certain period of time</li> <li>• Drinking games or awarding alcoholic beverages as prizes for consumption on the premises.</li> <li>• Advertising or promoting in any way happy hours, open bars, two-for-one nights and/or free drink specials</li> </ul> <p>Towns and cities in Rhode Island are authorized to prohibit pub crawls, and any related advertising</p> <p>The following is allowed:</p> <ul style="list-style-type: none"> <li>• offering free food or entertainment at any time</li> <li>• including an alcoholic beverage as part of a meal package</li> <li>• the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person</li> <li>• free wine tastings.</li> </ul>

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	<ul style="list-style-type: none"> <li>except as noted above, there are no limits on how much a licensee can charge for a drink to be consumed on premise</li> </ul>
<b>PENALTIES FOR SERVING OR SELLING TO A MINOR</b>	Felony offense. 1st offense: \$350 - \$1,000 fine and/or up to 6 months imprisonment. 2nd offense: \$750 - \$1,000 fine and/or up to 6 months imprisonment. 3rd and subsequent offenses: \$1,000 fine and/or up to 6 months imprisonment.
<b>WARNING SIGNS REQUIRED ON EFFECTS OF ALCOHOL ON FETUS?</b>	No.

**ADDENDUM: RHODE ISLAND'S DRAM SHOP LAW**

§ 3-14-1 Short title. – This chapter shall be known as the "Rhode Island Liquor Liability Act".

## § 3-14-2 Purposes.

- (a) Primary legislative purpose. The primary legislative purpose of this chapter is to prevent intoxication-related injuries, deaths and other damages among Rhode Island's population.
- (b) Secondary purposes. The secondary legislative purposes are:
  - (1) To establish a legal basis for obtaining compensation for those suffering damages as a result of intoxication related incidents in accordance with this chapter;
  - (2) To allocate the liability for payment of damages fairly among those responsible for the damages, which will encourage liquor liability insurance availability; and
  - (3) To encourage all servers of alcohol to exercise responsible serving practices.

## § 3-14-3 Definitions. – As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings:

- (a) "Adult" means any person twenty-one (21) years of age or older.
- (b) "Intoxicated individual" means an individual who is in a state of intoxication as defined by this chapter.
- (c) "Intoxication" means a substantial impairment of a person's mental or physical faculties as a result of drug or alcoholic beverage use so as to diminish that person's ability to think and act in a manner in which an ordinary prudent and cautious person, in full possession of his or her faculties and using reasonable care, would act under like circumstances.
- (d) "Licensee" means the person to whom a license of any kind is issued by the local licensing authority and any person who is required to be licensed to serve or to permit the consumption of liquor.
- (e) "Liquor" means any intoxicating beverage which contains more than three and two tenths percent (3.2%) of alcohol by weight.
- (f) "Minor" means any person under the age of twenty-one (21) years.
- (g) "Person" means any individual, governmental body, corporation, or other legal entity.
- (h) "Service of liquor" means any sale, gift, or other furnishing of liquor.
- (i) "Visibly intoxicated" means a state of intoxication accompanied by a perceptible act or series of acts presenting an apparent sign or signs of intoxication.

## § 3-14-4 Plaintiffs.

- (a) Except as provided in subsection (b), any person who suffers damage, as provided in § 3-14-8, may bring an action under this chapter. This chapter shall not be construed to limit any currently existing common law or statutory right.
- (b) The following persons may not bring an action under this chapter against a defendant for negligently serving liquor to an individual, but may bring an action under this chapter against a defendant for recklessly serving liquor to an individual:
  - (1) The intoxicated tortfeasor if he or she was at least twenty-one (21) years old when served by the defendant;
  - (2) The estate of the intoxicated tortfeasor if he or she was at least twenty-one (21) years old when served by the defendant; and
  - (3) Any person asserting claims arising out of the personal injury or death of the intoxicated tortfeasor if the intoxicated tortfeasor was at least twenty-one (21) years old when served.

## § 3-14-5 Defendants. – The following persons who commit an act giving rise to liability, as provided in § 3-14-6, may be made defendants to a claim under this chapter:

- (1) An alcoholic beverage retail licensee, and any employee or agent of this licensee; or

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(2) Any person who, at the time of an act giving rise to liability, as provided in § 3-14-6, was required by law to have had an alcoholic beverage retail license under chapter 7 of this title and any employee or agent of that person.

**§ 3-14-6 Liability for negligent service of liquor.**

- (a) A defendant, as described in § 3-14-5, who negligently serves liquor to a minor is liable for damages proximately caused by the minor's consumption of the liquor.
- (b) A defendant, as defined in § 3-14-5, who negligently serves liquor to a visibly intoxicated individual is liable for damages proximately caused by the individual's consumption of the liquor.
- (c) Service of liquor to a minor or to an intoxicated individual is negligent if the defendant knows, or if a reasonable and prudent person in similar circumstances would know that the individual being served is a minor or is visibly intoxicated.
- (d) A defendant is not chargeable with knowledge of an individual's consumption of liquor or other drugs off the defendant's premises unless the individual's appearance and behavior, or other facts known to the defendant, would put a reasonable and prudent person on notice of that consumption.
- (e) Proof of service of alcoholic beverages to a person under twenty-one (21) years of age without request for identification forms a rebuttable presumption of negligence.

**§ 3-14-7 Liability for reckless service of liquor.**

- (a) A defendant, as defined in § 3-14-5, who recklessly provides liquor to a minor is liable for damages proximately caused by that minor's consumption of the liquor.
- (b) A defendant, as defined in § 3-14-5, who recklessly serves liquor to a visibly intoxicated individual is liable for damages proximately caused by that individual's consumption of the liquor.
- (c) Service of liquor is reckless if a defendant intentionally serves liquor to an individual when the server knows that the individual being served is a minor or is visibly intoxicated, and the server consciously disregards an obvious and substantial risk that serving liquor to that individual will cause physical harm to the drinker or to others.
  - (1) For the purposes of this chapter, the disregard of the risk, when viewed in light of the nature and purpose of the server's conduct and the circumstances known to him or her, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.
- (d) Specific serving practices that are admissible as evidence of reckless conduct include, but are not limited to, the following:
  - (1) Active encouragement of intoxicated individuals to consume substantial amounts of liquor;
  - (2) Service of liquor to an individual who is under twenty-one (21) years old when the server has actual or constructive knowledge of the individual's age; and
  - (3) Service of liquor to an individual that is so continuous and excessive that it creates a substantial risk of death by alcohol poisoning.

**§ 3-14-8 Damages.**

- (a) Damages may be awarded for all injuries recognized under Rhode Island common or statutory law.
- (b) Punitive damages may be awarded in all actions based on reckless conduct, as set forth in § 3-14-7(c). Punitive damages may not be awarded for actions based on negligent conduct, as set forth in § 3-14-6(c).
- (c) Damages may be recovered under chapter 7 of title 10 and § 10-7-8, as in other tort actions.

**§ 3-14-9 Common law claims and defenses.** – Common law claims and defenses applicable to tort actions based on negligence and recklessness in this state shall not be limited by this chapter.

**§ 3-14-10 Settlement – Release – Contributions – Indemnity.**

- (a) A plaintiff's settlement and proper release of either the intoxicated tortfeasor or a defendant, as defined in § 3-14-5, will not bar potential claims against any other defendant(s).
- (b) The amount paid to a plaintiff in consideration for the settlement and proper release of any defendant will be offset against all other subsequent judgments received by the plaintiff.
- (d) The liability of the intoxicated tortfeasor and any defendant, as defined in § 3-14-5, who served alcoholic beverages, shall be joint and several.
- (e) In cases of negligent conduct, the intoxicated tortfeasor and any defendant, as defined in § 3-14-5, who served alcoholic beverages have a right of contribution and not a right of indemnification.
- (f) In cases of reckless conduct, nonreckless defendants have a right of either indemnification or contribution from any reckless defendants.

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§ 3-14-11 Statute of limitations. – Any action under this chapter against a defendant alleging negligent or reckless conduct must be brought within three (3) years after the cause of action accrues.

§ 3-14-12 Evidence of responsible serving practices.

(a) Proof of defendant's responsible serving practices is admissible as evidence that the server was not negligent or reckless.

Responsible serving practices include, but are not limited to:

- (1) Defendant's and defendant's employees' attendance at a server education training course; and
- (2) Defendant's implementation, at the time of service, of responsible management policies, procedures, and actions.

(b) Proof or disproof that the defendant was adhering to responsible serving practices is not by itself proof or disproof of negligence or recklessness.

§ 3-14-13 Privileges.

(a) No licensee is liable for damages resulting from a good faith refusal to serve liquor to any individual who:

- (1) Fails to show proper identification of age;
- (2) Reasonably appears to be a minor; or
- (3) Is refused service in a good faith effort to prevent him or her from becoming visibly intoxicated.

(c) No licensee is liable for retaining identification documents presented to the licensee as proof of the individual's age for the purpose of receiving liquor provided:

- (1) Retention is for a reasonable length of time in a good faith effort to determine whether the individual is of legal age; and
- (2) The licensee informs the individual why he or she is retaining the identification documents.

(d) This section does not limit a licensee's right to assert any other defense provided by law.

(e) A licensee may not be held liable under this chapter for failing to exercise any privilege provided in this section; however, this subsection does not provide immunity from liability under §§ 3-14-6 and 3-14-7.

§ 3-14-14 Insurance records.

(a) The commissioner of insurance shall keep records and shall collect and maintain records on the following statistics concerning liquor liability insurance in this state:

- (1) The number and names of companies writing liquor liability insurance, either as a separate line or in a larger policy;
- (2) The number and dollar amount of premiums collected for liquor liability insurance policies; and
- (3) The number and dollar amount of claims paid out under liquor liability insurance.

(b) The commissioner of insurance shall make records available. The commissioner of insurance shall make available to the legislature the information collected and maintained under subsection (a).