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ADOBE STOCK

Bartenders who serve intoxicated customers may be at risk for legal and civil charges.

When to Stop Serving Alcohol and Refuse Service

SAFEGUARD YOUR BUSINESS, EMPLOYEES, AND CUSTOMERS BY IMPLEMENTING REGULAR AND RECURRING SERVICE TRAINING.

MAY 16, 2022 > SHELBY BLUNDELL

Restaurants and bars face unique risks and complexities. As an alcohol-serving establishment, your business can be especially

vulnerable to legal challenges. It is crucial that your bartenders and staff know what signs to look for in an intoxicated person and when to stop serving patrons. For National Alcohol Awareness Month, Society Insurance has compiled some helpful tips.

Right to Refuse Service

At some point, bartenders will likely have to address a belligerent or highly intoxicated person. There are several legitimate reasons for bartenders to refuse service. For example, underage individuals, those who have over-consumed or are showing symptoms of intoxication, excessively rowdy or unruly customers, a person harassing staff or other customers, or if the establishment is at capacity.

It is important that employees are educated on the conditions that a business can not refuse service. Enforced by the Civil Rights Act of 1964, a business cannot refuse service based on: race or color, national origin or citizenship status, religion or creed, sex or sexual orientation, age, disability, pregnancy, genetic information, or veteran status. In addition, always review your state laws as some states offer additional protections that your business must be aware of and adhere to. The right to refuse service applies to certain criteria.

What to Say When Refusing Service

A server or bartender should take steps to slow down service and make sure a manager is aware of the situation. The manager should keep a close eye on the situation to decide the appropriate next steps. Consider offering food and water. Try to slow down service as much as possible by making yourself less available to patron. An intoxicated person should never get behind the wheel, impaired driving carries significant consequences.

It is important that restaurant and bar staff members are prepared to appropriately handle the situation. Don't refuse service to a patron in front of other customers if you can help it. A manager and another member of the staff should request the person to accompany him or her off to the side to break the news. Keep it calm, state the facts and do not be accusatory or aggressive. "I think you should call it a night. We are not serving you anymore. Do you have a ride, or can I call you a car?" Instruct your bartenders and staff to not serve the person anymore.

The Consequences of Over-Serving Customers

Bartenders who serve intoxicated customers may be at risk for legal and civil charges. Many states have legislation in place that allows prosecution and civil suits of commercial establishments that service alcohol to visibly intoxicated individuals or minors.

Restaurants and bars are also at risk of litigation. Dram Shop liability laws govern commercial establishments that sell and serve alcoholic beverages to people who are intoxicated, or to minors, who go on to cause harm or death to themselves or others. Most states have some sort of dram shop law in effect.

Safeguard your business, employees, and customers by implementing regular and recurring service training, including how to deal with intoxicated patrons.

Shelby Blundell is a Society Insurance Risk Control representative. He has a master's degree from St. Louis University's School of Public Health. He has worked as a Risk Improvement Representative for Society Insurance since 2010. Shelby has been a safety and risk management resource for contractors, supermarkets, convenience stores, the hospitality industry, health care and higher education. He is a member of the American Society of Safety Professionals (ASSP) and the Insurance Loss Control Association (ILCA).

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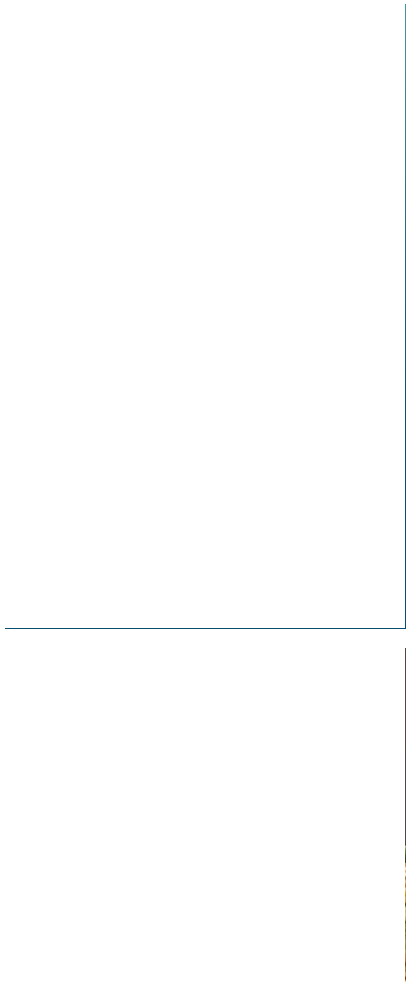


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