



ARIZONA LICENSED BEVERAGE ASSOCIATION

HIGHLIGHTS OF THE TORRES ARIZONA SUPREME COURT DECISION AND WHAT THIS MEANS FOR ARIZONA LICENSEES

Pete Schelstraete has previously described the Court opinion in *Torres v JAI Dining services, Inc.*, the Arizona Supreme Court case that re-established limitations on dram shop liability in Arizona. ALBA thanks Pete for representing Arizona retail licensees' interest on this very important subject regarding liquor liability. We wanted to take the opportunity again to emphasize the positive changes that will result from the Torres decision.

- First, there is no liability beyond what is specifically provided in statute;
- Secondly, the statute imposes maximum responsibility on the drinker; under the statute, a drinker, unless obviously intoxicated, as defined in the statute, cannot sue the establishment that served him or her;
- Third, individuals who accompany the drinker, and who are aware that the drinker is obviously intoxicated, are also prevented from suing the establishment that served the drinker;
- The bar or restaurant or other establishment can be sued by an innocent person when the establishment serves an obviously intoxicated individual (for example, someone who is jogging, and struck by an automobile driven by an obviously intoxicated person who was served by that establishment);
- The definition of obviously intoxicated is fair to the server and to the establishment; it requires that there be some clearly visible cue that the drinker has crossed the line and is now intoxicated;
- For the benefit of all other servers of alcohol at family picnics, etc., the law provides that there is no "social host" liability; the only individuals that can be sued for over service, are licensees who violate the specific terms of the statute.

ALBA was successful in having the statute passed in 1986. After the statute was passed, a series of Arizona Supreme Court decisions invalidated its provisions. Now, the Arizona Supreme Court has had the opportunity to take a fresh look at the statute and has determined that it is constitutional. It is now fully part of Arizona's liquor laws, and provides both fairness to licensees, and consequences to individuals who drink to the point of becoming intoxicated.

-Highlights provided by Don Isaacson

Hopefully this update regarding the Supreme Court decision will make clear the importance of ALBA's continued effort to support, protect, and fight for all things that are of importance to our industry.

We could not do it without you our members, and I thank you for the trust you have put into ALBA and myself.

We continue to be the oldest and only association that retains a full time lobbyist exclusively for liquor licensees across the state.

Please spread the word regarding ALBA's success and review the benefits we continue to provide <https://albainc.org/alba-membership>. Joining ALBA for \$300.00 is the best investment a responsible business can make.

THANK YOU FOR YOUR SUPPORT!

NO ONE OF US IS AS STRONG AS ALL OF US TOGETHER!

Sincerely,

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