

# Recommendations on Dram Shop Liability and Overservice Law Enforcement Initiatives to Prevent Excessive Alcohol Consumption and Related Harms

Task Force on Community Preventive Services

**Summary:** The Task Force on Community Preventive Services recommends the use of dram shop liability laws, on the basis of strong evidence of effectiveness in preventing and reducing alcohol-related harms. The Task Force found insufficient evidence to determine the effectiveness of overservice law enforcement initiatives as a means to reduce excessive alcohol consumption and related harms, because too few studies were identified and findings were inconsistent.

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**D**ram shop liability allows the owner or server of a retail alcohol establishment where a customer recently consumed alcoholic beverages to be held legally responsible for harms inflicted by that customer, including death, injury, or other damages resulting, for example, from an alcohol-related car crash. (The term *dram shop* refers to any establishment where alcohol is sold.) Overservice law enforcement initiatives are proactive community efforts to increase the enforcement of laws that prohibit the service of alcoholic beverages to intoxicated customers in alcohol outlets. Alcohol Beverage Control personnel or plainclothes or uniformed police carry out enforcement, which may include fines or licensing actions.

These two approaches to preventing excessive alcohol consumption in the U.S. were recently examined by the Task Force on Community Preventive Services (Task Force). The findings, reported below, add to the growing body of recommendations and findings from the Task Force on ways to reduce the negative effects of alcohol use in this country. To date, the Task Force has issued four recommendations to reduce excessive alcohol use<sup>1–3</sup> ([www.thecommunityguide.org/alcohol/index.html](http://www.thecommunityguide.org/alcohol/index.html)) and nine recommendations to reduce alcohol-impaired driving<sup>4–6</sup> ([www.thecommunityguide.org/mvoi/AID/index.html](http://www.thecommunityguide.org/mvoi/AID/index.html)). In the present report, two new findings are presented: Dram Shop Liability and Overservice Law Enforcement Initiatives. The systematic reviews on which these findings are

**Table 1.** Selected Healthy People 2020 objectives for reducing excessive alcohol consumption in the U.S.

Objective no.	Objective
SA-14	Reduce the proportion of persons engaging in binge drinking of alcoholic beverages
SA-15	Reduce the proportion of adults who drank excessively in the previous 30 days
SA-17	Decrease the rate of alcohol-impaired driving ( $\geq 0.08$ blood alcohol content [BAC]) fatalities
SA-20	Decrease the number of deaths attributable to alcohol

*Note:* Objectives were selected from those relevant to alcohol dram shop and overservice law enforcement initiatives.

Source: [www.healthypeople.gov/2020/topicsobjectives2020/objectiveslist.aspx?topicid=40](http://www.healthypeople.gov/2020/topicsobjectives2020/objectiveslist.aspx?topicid=40).

based explored effective ways to prevent excessive alcohol consumption and related harms by regulating access to alcohol.<sup>7</sup> Healthy People 2020<sup>8</sup> also has goals and objectives for reducing excessive alcohol consumption in the U.S. (Table 1).

The Task Force, an independent, nonfederal group, is developing the *Guide to Community Preventive Services* (*Community Guide*) with the support of DHHS in collaboration with public and private partners. The CDC provides staff to the Task Force, but the recommendations presented here were developed by the Task Force and are not necessarily the recommendation of the CDC, DHHS, or collaborating agencies or partners. The specific methods for and results of the reviews of evidence on which this recommendation is based are provided in the accompanying article.<sup>7</sup> The methods for conducting systematic

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evidence reviews and translating the evidence on effectiveness into recommendations for the *Community Guide* have been previously published.<sup>9</sup>

## **Intervention Recommendation and Findings**

### **Dram Shop Liability**

The Task Force concludes on the basis of strong evidence of effectiveness that dram shop liability is effective in preventing and reducing alcohol-related harms. The Task Force finding is based on evidence from 11 studies that assessed the association of state dram shop liability with diverse outcomes, including motor vehicle fatalities overall, alcohol-related motor vehicle fatalities, alcohol consumption behaviors, alcohol-related violence, and alcohol-related diseases. Most studies assessed the relationships between dram shop liability and the alcohol outcomes of interest using national data over periods of several years, statistically controlling for other alcohol-related policies, state demographics, and other characteristics. All found reductions in alcohol-related outcomes associated with the presence of dram shop liability. Dram shop liability was associated with a median reduction of 6.4% (range of values 3.7%–11.3%) in alcohol-related motor vehicle fatalities, the most common outcome assessed in the reviewed studies. Similar effects were found in a study assessing the effects of dram shop liability suits in a single state (Texas) over time.

### **Overservice Law Enforcement Initiatives**

The Task Force concludes there is insufficient evidence to determine the effectiveness of overservice law enforcement initiatives as a means to reduce excessive alcohol consumption and alcohol-related harms, because of the small number of available studies and inconsistent findings. The Task Force finding is based on the availability of only two published studies of proactive overservice enforcement. Both of these studies compared the effects of increased and proactive enforcement of overservice laws in one region to comparison regions in which enforcement practices were unchanged. Both studies assessed the effect of enhanced enforcement on the likelihood that pseudo-intoxicated pseudo-patrons would be served in on-premise retail alcohol outlets; and on driving under the influence (DUI) arrests linked to study outlets as a place where the arrestee had recently consumed alcohol. One study found substantial benefits of the overservice enforcement initiative on all of the outcomes assessed; the second study, which had very small sample sizes, found inconsistent and nonsignificant results between outcomes assessing overservice and those assessing DUI.

## **Interpreting and Using the Recommendation and Findings**

### **Dram Shop Liability**

General tort reform efforts or specific attempts to limit the liability of commercial alcohol establishments may serve as barriers to maximally effective dram shop laws. A survey of proprietors of alcohol establishments suggests that in states with stronger liability, establishment owners perceive greater risk of law suits for service to intoxicated patrons. Many of the studies on which this review is based were conducted prior to the widespread implementation of such restrictions, and further research will be required to accurately estimate their influence on the effectiveness of dram shop laws. The Task Force identified no evidence on additional benefits or potential harms associated with dram shop liability.

### **Overservice Law Enforcement Initiatives**

Although the enforcement of laws prohibiting alcohol overservice is a time-consuming task for law enforcement agencies, if effective, it has the potential to be a cost-effective way to reduce problems related to excessive alcohol consumption that directly affect the workload of law enforcement personnel (e.g., in domestic violence and alcohol-impaired driving). Researchers have found that more than half of people who drive after binge drinking had consumed their alcohol in a bar, restaurant, or club. Enforcement of overservice laws has the potential to reduce the harms from this behavior.

Apart from the resource requirements for implementing enhanced enforcement programs, no harms were identified in the literature or by the review team. One potential benefit beyond those due to any effects on excessive alcohol consumption involves the effects of “community policing” on vandalism and other unwanted behaviors in and around drinking establishments. Improving the enforcement of overservice laws could also help create an environment that supports responsible beverage service by not placing law-abiding retailers at an economic disadvantage.

Further research is needed to evaluate the effectiveness of initiatives to enhance enforcement of overservice laws, to test new methods for conducting enforcement activities, and to assess the cost effectiveness of this intervention for reducing excessive alcohol consumption and related harms.

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Names and affiliations of the Task Force members can be found at [www.thecommunityguide.org/about/task-force-members.html](http://www.thecommunityguide.org/about/task-force-members.html).

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