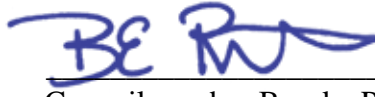


Councilmember Christina Henderson



Councilmember Brooke Pinto

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 25 of the District of Columbia Official Code to define the term “intoxicated”, to clarify that licensed establishments can only be held liable for consequent injury and damages if they knowingly serve, sell, or deliver alcohol to a person under 21 years of age or a person that is obviously or noticeably exhibiting signs of intoxication, to limit civil action to third parties, and to cap monetary damages in civil actions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Dram Shop Clarification Amendment Act of 2023”.

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) Section 25-101 is amended by adding a new paragraph (26A) to read

as follows:

“(26A) ‘Intoxicated’ means a condition in which a person has consumed enough alcoholic beverages to observably affect their manner, disposition, speech, muscular movement, or general appearance of behavior”.

(b) Chapter 7 is amended as follows:

(1) Section 25-781(a) is amended to read as follows:

“(a) Knowingly selling or delivering alcoholic beverages to the following persons is prohibited.

(2) Section 25-781(a)(2) is amended to read as follows:

“(2) An obviously intoxicated person, or person who is in a state of noticeable

31 intoxication.”

32 (3) Section 25-781(b) is amended to read as follows:

33 “(b) A retail licensee shall not knowingly permit at the licensed establishment the
34 consumption of alcoholic beverages by any of the following persons:”

35 (4) Section 25-781(b)(2) is amended to read as follows:

36 “(2) An obviously intoxicated person, or a person who is in a state of noticeable
37 intoxication.”

38 (5) Section 25-781 is amended by adding a new subsection d-1 to read as
39 follows:

40 “(d-1) No licensee is civilly liable to any injured individual or his or her estate
41 for any injury to such individual or damage to any property suffered because of the
42 intoxication of any person due to the sale, delivery, or service of any alcohol beverage to
43 such person, except when it is proven that the licensee knowingly sold, delivered, or
44 served an alcohol beverage to a person under 21 years of age or a person who was
45 obviously or noticeably intoxicated.”

46 (6) Section 25-781 is amended by adding a new subsection d-2 to read as
47 follows:

48 “(d-2) No civil action may be brought pursuant to this subsection (25-781)
49 by the person to whom the alcohol beverage was sold or served or by his or her estate,
50 legal guardian, or dependent.”

51 (7) Section 25-781 is amended by adding a new subsection d-3 to
52 read as follows:

53 “(d-3) In any civil action brought pursuant to this subsection (3), the total liability

54 in any such action shall not exceed \$250,000.”

55 Sec. 3. Fiscal impact statement.

56 The Council adopts the fiscal impact statement in the committee report as the
57 fiscal impact statement required by section 4a of the General Legislative Procedures Act
58 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

59 Sec. 4. Effective date.

60 This act shall take effect following approval by the Mayor (or in the event of veto
61 by the Mayor, action by the Council to override the veto), a 30-day period of
62 congressional review as provided in 602(c)(2) of the District of Columbia Home Rule
63 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)),
64 and publication in the District of Columbia Register.