

Massachusetts Dram Shop Law



The liquor laws do not provide statutory causes of action, but courts permit lawsuits against businesses and social hosts in various situations.

Massachusetts General Laws Chapter 138 Section 69 provides that alcohol must not be sold or delivered to an intoxicated person on any premises licensed under the liquor law. Section 34 in the same Chapter also prohibits selling, delivering, or furnishing alcohol to a person under 21. However, these are criminal statutes and do not provide an independent ground for civil liability beyond a traditional common-law claim.

The Massachusetts Supreme Judicial Court has ruled that a plaintiff in a common-law dram shop claim must prove the elements of negligence: duty, breach of duty, causation, and damages. A violation of a statute does not automatically establish a breach of duty but is only “some evidence” of negligence. In a case involving an intoxicated adult, the Supreme Judicial

Court explained that the plaintiff must introduce some evidence showing that the defendant was on notice that they were serving an intoxicated patron.

In a notable decision involving social host liability, the Supreme Judicial Court ruled that a social host may be liable to someone injured by an intoxicated guest’s negligent operation of a vehicle if the host knew or should have known that the guest was drunk but still gave or allowed them to consume alcohol. The Court also noted that a relevant consideration is whether the host knew or reasonably should have known that the intoxicated guest might operate a vehicle.

Source: Justia