

## Serving Alcohol and Other Liability Issues

### Contract Liability

Once you sign a contract, you are responsible for some or all of the dollar value of that contract, even if the wedding is postponed or cancelled. Most deposits are non-refundable. In addition, cancellation charges range from 50 to 100% of the total contract amount, unless the date can be rebooked.

### Alcohol Liability

For some, a little bit of alcohol may be fun. However, intoxicated guests can create embarrassing, if not downright dangerous situations for themselves, other guests, and wedding vendors. While approximately 70% of the adult population in the US consumes alcoholic beverages, not everyone knows how (or chooses not) to drink in moderation. In South Carolina, alcohol (including beer, wine, and liquor) liability varies, based on two factors:

#### **Social Host (Open) Bar v. Cash Bar**

In a “cash bar” situation, guests purchase their own beverages. The cash bar provider is responsible for all activities, including age verification and addressing intoxicated guests. The cash bar provider assumes virtually all alcohol-related liability. In a “social host bar” or open bar environment, the event host and bar provider share the final responsibility for the consequences of their guests’ actions, even if the bar provider addresses underage and intoxicated guests. Further, if alcohol is served by anyone other than a licensed caterer, bartending service, or event facility, the event host assumes full liability.

#### **Underage Drinking**

In South Carolina, it is illegal for any person under the age of 21 to purchase, possess, or consume alcohol. It is also illegal for an adult to provide alcohol to a person under the age of 21. A recent state Supreme Court ruling has further established that the “social host” of a private event (like a wedding) is legally responsible for the actions and injuries of any guest under the age of 21 who becomes intoxicated, regardless of the location - - a residence, private club, or rental facility). That liability extends to any third-party who is adversely affected as a result of the actions of the intoxicated person. The social host (and potentially the caterer, bartending service, event planner, and facility) could face a lawsuit and criminal charges.

Example: An 18-year-old guest becomes intoxicated at an open bar during a wedding and, afterwards, causes a multi-vehicle auto accident. The social host would be liable for damages and injuries of the guest AND those involved in the accident.

## Premises Liability

This type of liability includes damage caused by guests or vendors to an event facility, equipment, and other property, as well as physical injury to guests, facility employees, and other vendors.

You are responsible for damage and injuries caused by your guests. If your vendors are not properly insured, you are responsible for any damage or injuries they cause.

## Suggestions

Read the fine print on all contracts BEFORE you sign.

Carefully consider the size of your guest list when choosing ceremony and reception locations.

Only use reputable facilities and vendors who carry appropriate insurance.

Use TIPS (Training in Intervention Procedures) trained bartenders.

Have a cocktail "hour" versus all night service. Don't announce Last Call. Serve only beer and wine.

Consider special event insurance or a temporary increase in your homeowners' insurance policy.

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