

LIABILITY CONTROL

LIQUOR LIABILITY

Overview:

At any given parish throughout the country, the potential exists for renting the parish facilities for various functions, as well as utilizing those facilities for various festivals and events. Whether the facility is rented to an outside group or used for a parish function, in many instances, liquor may be serviced. With the introduction of liquor into the event significant liability exposure exists. In order to minimize this risk, the following measures should serve as guidelines to be followed anytime liquor will be present for a parish function or when your facility is rented to outside groups.

Purpose:

The Catholic Church views the consumption of alcoholic beverages from the perspective of the cardinal virtue of temperance. "Temperance is the moral virtue that moderates the attraction of pleasures and provides balance in the use of created goods. It ensures the will's mastery over instincts and keeps desires within the limits of what is honorable. The temperate person directs the sensitive appetites toward what is good and maintains a healthy discretion" (Catechism of the Catholic Church, 1809).

Because the Catholic Church teaches temperance in the use of alcohol, the Diocese of Peoria takes very seriously the concerns associated with the misuse or abuse of the consumption of alcoholic beverages. Even the moderate use of alcohol can have negative consequences for young persons by conveying the message that the consumption of alcoholic beverages is a normative element of social gatherings.

The witness of parish policy which forbids the sale or consumption of alcoholic beverages on parish/institution property is of great value. Any pastor who, after consultation with the pastoral council, bans the consumption of alcoholic beverages on parish property will receive the full support of the diocese.

The moderate use of alcohol on parish property in appropriate circumstances can be morally acceptable. If a pastor allows the consumption of alcoholic beverages on parish property, the regulations and procedures set forth in this document are to be strictly enforced.

Rationale:

There is a particularly urgent concern in the country today regarding the sale and use of alcohol in society. The abuse of alcohol is the source of many social ills: in the family, among teenagers, in alcohol-related accidents, etc. Many groups have done much to underscore these dangers. The Church, wishing to eliminate any abuse of alcohol, seeks to educate its members and the general public about the dangers and concerns surrounding the use of alcohol. It also wishes to eliminate

any abuse of alcohol. The purpose of this diocesan policy is not only to address the issue of legal liability relating to the consumption and/or selling of alcohol at church functions or on church property, but also to address the more important issue of our moral stance as a community of Christians.

Traditionally, the Church has had no difficulty with the proper use of alcohol. It has always opposed the misuse or abuse of intoxicating substances. Insofar as possible, the Church does not wish to take an oppressive position. Rather, it desires to educate about the dangers of alcohol and to control and limit the use of alcohol at church functions and on church property in order to eliminate the dangers, liabilities, or scandals caused by an improper use of such substances.

It is in the spirit and light of the above rationale that this policy should be understood and applied.

This policy is effective immediately for all diocesan and parish sponsored activities and all activities involving property belong to the Diocese of Peoria.

Requirements of Illinois Law:

1. The sale of any alcoholic beverages by a parish or parish organization requires a temporary license in the parish name obtained for a single event, unless the parish has a permanent State alcoholic beverage license. It must be publicly displayed. This includes events where an entry fee is charged and drinks are included in that charge.
2. For individuals and non-parish groups or organizations that want to sell alcoholic beverages at a function, the State requires a temporary license from the State. (The Diocesan *Special Event Coverage* would not be applicable in this situation.)
3. Persons dispensing or serving alcoholic beverages must be at least twenty-one (21) years of age. It is strongly recommended that servers be carefully screened to insure knowledge of their responsibilities.
4. Alcoholic beverages may NEVER be served to anyone under the age of twenty-one (21). When there is even a slight doubt, the ID's must be checked.
5. Alcoholic beverages may never be served or sold to any person who is obviously intoxicated.
6. In the State of Illinois, alcohol of any kind should NEVER be given away as a prize of any kind.

Diocesan Requirements:

1. In obtaining permits and conducting the sale and service of alcoholic beverages, all state, county, city, municipality, and parish regulations must be strictly observed.

2. Outside of the Eucharistic Liturgies, alcohol may be sold or consumed only in certain areas of parish/institution facilities. These would include social areas or parish halls and parish grounds when used for parish-sponsored picnics, bazaars, or festivals. **At no time may alcoholic beverages be consumed in school facilities when children are present**, or on parish grounds outside the approved functions, or in parking areas.
3. Alcoholic beverages are NEVER permitted at “youth-oriented” events – even if adults are in attendance.
4. No alcoholic beverages shall ever be brought on to Church premises by individuals or groups without prior approval of the Pastor or his designated representative.
5. If alcohol is served, other non-alcoholic beverages must be available.
6. Every precaution should be taken to ensure that no alcoholic beverages be brought into the event, and that the only alcoholic beverages consumed are the ones being distributed under the guidance and control of the staff members of the event. Under no circumstances is “BYOB” allowed.
7. If liquor is to be served, it should be dispensed by a licensed bartender (or an individual who has had sufficient training in serving drinks and one who is proficient in the performance and accomplishment of this particular profession)
8. The individual dispensing drinks should only serve one drink at a time.
9. The drinks that are served should be carefully measured, and no doubles of any drink should ever be served. (The commonly accepted drink measurement should adhere to the following recommended standards: no more than 1½ ounces of whiskey in a highball, cocktail, or mixed drink; 12 ounces of beer as a maximum; and no more than 4–5 ounces of wine per serving.)
10. No one under the legal age of twenty-one (21) is to be allowed to serve alcoholic beverages.
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12. No person already under the influence of alcohol is to be served.
13. Access to the serving area must be limited and controlled.
14. Food is to be available with alcoholic beverages, when feasible. All individuals should be carefully observed throughout the event to make sure they are eating and not just drinking.
15. A pre-existing plan should be devised to handle an individual who has had too much to drink. This plan should include:
 - a. Alternative methods of transportation home after the event should the individual be in a diminished or incapacitated state and unable to drive their vehicle.

- b. A method to limit or stop an individual's consumption should he or she have had too much to drink in the opinion of the bartender handling the event. (This detection method can be handled through simple observation and if the individual exhibits slurred speech, staggering, stumbling behavior, or poor motor skill coordination).
16. At least 1½ hour before the scheduled end of the event, the bar should be shut down, and no further alcohol should be made available to the individuals present at the event.
 17. In this final 1½ hour time period, coffee and food should be made available and those present encouraged to remain and partake in the offerings. While coffee and food will not help those individuals who have been drinking sober up, the time certainly will.
 18. Law Enforcement officials are to be employed to assist with this policy if the event is so public or large to require them.

REMEMBER: For every one drink you consume, regardless of the type of drink it may be (12 ounces of beer, 4-5 ounces of wine, or 1½ ounces of whiskey); it will take at least one hour for that drink to be eliminated from your system. Consideration should be given to posting signs similar to this at any event where alcohol is served.

19. Groups renting or using church property must conform to all of the above guidelines. Contracts and agreements must reflect this policy. Rental contract agreements should also include the following:
 - a. If alcoholic beverages are to be served at the function, the lessee hereby agrees that these shall not be served to anyone under the age of twenty-one (21).
 - b. The lessee hereby agrees to indemnify the parish/school for any and all damages caused by or to any person participating at the function, whether such damage is caused by the use of alcohol or otherwise.
 - c. The lessee hereby agrees to pay for the defense of the parish/school/religious order and Diocese of Peoria in the event of any legal action arising as the result of the serving of alcoholic beverages and/or any other reason connected with the use of the premises. The parish/school/religious order and diocese shall have the right to choose their own attorney to defend them in the event of such a suit, with the lessee having the responsibility to reimburse the parish/school and/or the archdiocese in the event that such a suit is filed.
 - d. The lessee hereby agrees to hold the parish/school and/or Diocese of Peoria harmless from any damage caused to or by any person who is a participant at the function in the event there is legal action arising from the use of the premises and/or the sale or furnishing of alcoholic beverages on said premises
20. Non-Sponsored Special Event insurance **MUST** be obtained when alcoholic beverages are being served by lessees to the public in Diocesan owned or operated facilities.

OR

A Certificate of Insurance may be produced by the lessee in the minimum amount of one-million dollars (\$1,000,000) in general liability insurance **NAMING** the Diocese of Peoria and Parish being used as **ADDITIONAL INSUREDS**. If liquor is being served at the event, proof of dram shop coverage or liquor liability coverage is also required.

21. If alcoholic beverages are served or sold, all advertisements for the event must note the availability of non-alcoholic beverages and food as prominently as the availability of alcohol. Alcohol should not be the main emphasis of the advertisement.
22. Events where alcoholic beverages are sold or served may not feature "happy hours" or multiple drinks for the price of one special.
23. Event names or advertisements should reflect the purpose or subject of the event. Terms such as "Beer Blast" and "Keg Party" are to be avoided. In no way are promotions to encourage drinking as an important part of the event.
24. When a school or parish organization enters in joint sponsorship of events or programs with alcoholic beverage companies, the school or parish organization's name will be most prominent. A corporate sponsor's name or product may appear on printed advertisements or other materials however, it may not appear to be the primary sponsor.
25. Since open cans and bottles can constitute safety dangers, such containers are not to be used, except in appropriate gatherings.
26. At each function, the pastor or director of the institution, personally or through a delegate whom the pastor or director appoints, make certain that this policy is followed.