Overview

Minnesota has a statutory cause of action (dram shop act) against licensed alcohol vendors who make an illegal sale to a person who becomes intoxicated and then injures another person. Over the years, statute and case law have varied on whether a similar action could be brought against a social host who provided alcohol to a guest who then injured another person. A current statute states that nothing precludes a common law action against someone 21 or older, who is not a licensed alcohol vendor, and who provides alcohol to an underage drinker. This bill would create a statutory cause of action to cover that situation.

1 Civil action; intoxication of person under age 21.

Subd. 1. Right of action. (a) Gives a right of action to a spouse, parent, guardian, child, employer, or other person who (1) is injured in person, property, or means of support or (2) incurs other pecuniary loss by an intoxicated person under 21. The action exists against a person over age 21 who:

- had control over the premises and furnished, purchased for, sold, bartered, or gave (other than by a licensed sale of alcohol) alcoholic beverages to a person under 21 which caused the person's intoxication;
- had control of the premises and was in a reasonable position to prevent the underage drinker's alcohol consumption; knowingly or recklessly permitted consumption; and the consumption caused the intoxication of the underage drinker; or
- sold, bartered, furnished, gave to, or purchased for (other than by a licensed sale) an underage drinker, alcohol which caused that person to be intoxicated.

(b) Provides for paying damages recovered by a minor in such a case to the minor or the parent, guardian, or next friend, as the court orders.

(c) Provides that an intoxicated person under age 21 who caused an injury has no right of action under this section.
Subd. 2. Subrogation. Provides that an insurer has no subrogation claim under motor vehicle insurance as a result of payments made by the insurer to persons with claims arising in whole or in part under this section.