**Sales/ Service to Intoxicated Persons (SIP) Law Fact Sheet**

***Florida needs a statute that prohibits sales/ service to intoxicated persons: Amend FS 562.50***

Florida is one of only two states in the U.S. that does not prohibit alcohol sales to obviously intoxicated persons. Intoxication leads to many consequences including increased crime, violence, injuries, alcohol poisoning, and impaired driving crashes, injuries and fatalities. Research on “place of last drink” surveys shows that over 50% of impaired driving arrests originate from alcohol serving establishments. In Hillsborough County, “last drink” surveys are conducted on persons arrested for DUI, and 56% of persons arrested reported drinking at bars, clubs or restaurants in 2009 (HCSO). Laws prohibiting sales to obviously intoxicated persons can reduce intoxication and associated consequences when combined with consistent law enforcement and responsible vendor training.

**Annual Economic Impact of Alcohol Use in Florida (***Miami Behavioral Health Center, 2009)*

* **Alcohol Attributable Crimes: $3,437,232,519**
* **Illness Related to Alcohol Use:** **$1, 468,009,352**
* **Injury Costs due to Alcohol Use:** **$8,905,099,640**
* **Traffic Injuries and Fatalities Due to Alcohol Use:** **$7,275,015,532**
* **Total $21,085,357,042**

**2012 Florida Traffic Crash Statistics, DHSMV**

* **877** Alcohol Related Fatalities
* **12,066** Alcohol related Injuries

**Laws Prohibiting Alcohol Sales to Intoxicated Persons (Legal Research Report, NHTSA, 2009, Summary)**

* 48 States and D.C. have laws that prohibit sales of alcohol to intoxicated persons
* 46 states and DC have both criminal and administrative SIP Laws
* Only Florida and Nevada have neither type law at the state level; Wyoming law applies only to licensees with drive-in facilities
* States use a variety of terms to define the type of service that is prohibited: drunk, visibly intoxicated, obviously intoxicated.
* At least 7 states define the term “intoxicated”. Other states that do not define intoxication
* Courts infer the requirement that the individual’s impairment be visible, apparent or obvious; Visible intoxication involves multiple outward observable signs
* 2 States statutes specify BAC readings. Nebraska specifies a BAC of .10 or higher can be used as evidence. New Mexico specifies that a BAC of .14 or higher within 1 hour of service of alcohol creates a rebuttal presumption that the person was visibly intoxicated
* Criminal Penalties: 45 states permit imprisonment of up to 3 years; Most are 6 months to 1 year. Fines may be imposed ranging from up to $500 to up to a maximum of $10,000 (Alaska).
* Administrative Penalties: SIP violations administrative penalties target the retail license or the alcohol servers permit. All but one state (South Dakota) allows for revocation of the retailer’s license for one offense and allows lesser penalties including suspensions and fines.
* Participation in Responsible Vendor programs may mitigate administrative penalties

 *For more information contact: Tampa Alcohol Coalition* [*www.tampatac.org*](http://www.tampatac.org)*er.snelling@verizon.net*