

Policy on Use of Alcohol at Church Functions



The Right Reverend Scott B. Hayashi, Eleventh Bishop of Utah
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The Episcopal Diocese of Utah
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PURPOSE

This policy relates to the serving of alcohol at church sponsored functions and those held on church property. It is applicable to governing bodies, diocesan staff, clergy, committees, commissions, institutional ministries, and laity. It is compliant with Title 32B of the Utah Code.

DEFINITION

Intoxicated: “Intoxicated” means that a person: (a) is significantly impaired as to the person’s mental or physical functions as a result of the use of: (i) an alcoholic product; (ii) a controlled substance; (iii) a substance having the property of releasing toxic vapors; or (iv) a combination of Subsections (55)(a)(i) through (iii); and (b) exhibits plain and easily observed outward manifestations of behavior or physical signs produced by the overconsumption of an alcoholic product.

POLICY

The Episcopal Diocese of Utah supports the Church's traditional theological affirmation of the inherent goodness of God's created order, and of each individual's responsibility for his or her acts and omissions. The Church has never endorsed the prohibition of using beverages containing alcohol among adult members. Scripture clearly accepts wine as a beverage and a gift of God. Reason and experience confirm that wine and other types of alcohol may be appropriately used; however, they also may be improperly used with serious personal, social, and legal consequences. The following relates to the serving, consumption, and use of alcohol at church sponsored/related functions or on church property within the Diocese of Utah. It shall not be construed to apply to the administration of wine in the Holy Eucharist or any other sacramental administration of wine.

1. Any beverage that contains alcohol must be clearly labeled as such. This requirement also applies to any food (such as fruit compotes, desserts, etc.) in which the alcohol has not been volatized (cooked out).
2. Whenever alcohol is served in any form, non-alcoholic alternatives must always be offered. Non-alcoholic beverages and foods must be served as attractively and accessibly as those containing alcohol so that people who choose not to consume alcohol would not feel any embarrassment, discomfort or inconvenience in exercising their preferences.
3. Although beverages and food containing alcohol may be offered together with non-alcoholic alternatives, they must not be promoted in such a way as to imply that eating or drinking them is a social requirement. Alcoholic beverages should not be used or advertised to promote attendance at any function. Those who abstain from alcohol should be made to feel welcome and safe at any such function.



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4. Except for the liturgy of the Eucharist, alcoholic beverages shall not be given, sold, provided or furnished:
 - 4.1 To anyone under the age of 21 years
 - 4.2 To anyone apparently under the influence of alcohol or drugs
 - 4.3 To anyone whom the person furnishing the alcohol knew or should have known from the circumstances was under the influence of intoxicating beverages or drugs.
5. Although these guidelines recognize the acceptability of serving and consuming alcohol, they also recognize that the use of alcohol may lead to unacceptable behavior. Responsible persons must be in control of the serving of alcohol. Care must be taken to insure this control. The group or organization sponsoring the activity or event at which alcohol is served must assume responsibility for those persons who become intoxicated. Such responsibility includes providing alternate transportation for anyone whose driving might be impaired.
6. No alcohol shall be given, sold, provided, furnished, consumed or possessed either by youth or adults at any event designed exclusively for youth; neither shall adult chaperons or others assigned to transport youth to or from youth events consume alcohol before or during the event. Adults responsible for youth groups at other church functions shall observe the same guidelines.
7. Except for events requiring a Single Event Permit under Utah law, invitations to church-sponsored functions or events at which alcohol is to be offered should be issued only to the congregation, church organizations, guests or friends--never to the general public.
8. All applicable federal, state and local laws and ordinances must be observed. Questions and requests for clarification should be addressed to the diocesan office. Provision of Utah law relating to alcoholic beverages, as contained in Title 32B of the Utah Code enacted in 1985 and revised in 2010 are applicable to this policy. The most significant are listed below:

PART 1

General Provisions

8.1 32B-15-201 Alcoholic Product Liability Act

8.2 32B-15-102 Definitions.

As used in this chapter:

- (1) "Death of a third person" includes recovery for all damages, special and general, resulting from the death, except punitive damages.
- (2) (a) "Injury" includes injury in person, property, or means of support.
(b) "Injury" also includes recovery for intangibles such as:
 - (i) Mental and emotional injuries;
 - (ii) Loss of affection; and
 - (iii) Loss of a companionship.

Enacted by Chapter 276, 2010 Session



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PART 2
Liability

8.3 32B-15-201 Liability for injuries and damage resulting from distribution of alcoholic products.

- (1)
 - (a) Except as provided in Subsections 32B-15-202(2) and (3), a person described in Subsection (1)(b) is liable for:
 - (i) Any and all injury and damage, except punitive damages to:
 - (A) A third person; or
 - (B) The heir, as defined in Section (78B-3-105, of that third person; or
 - (ii) The death of a third person.
 - (b) A person is liable under Subsection (1)(a) if:
 - (i) The person directly gives, sells, or otherwise provides an alcoholic product:
 - (A) To a person described in Subsection (1)(b)(ii); and
 - (B) As part of the commercial sale, storage, service, manufacture, distribution, or consumption of an alcoholic product;
 - (ii) Those actions cause the intoxication of:
 - (A) An individual under the age of 21 years;
 - (B) An individual who is apparently under the influence of intoxicating alcoholic products or drugs;
 - (C) An individual whom the person furnishing the alcoholic product knew or should have known from the circumstances was under the influence of intoxicating alcoholic products or drugs; or
 - (D) An individual who is a known interdicted person; and
 - (iii) The injury or death described in Subsection (1)(a) results from the intoxication of the individual who is provided the alcoholic product
- (2)
 - (a) A person 21 years of age or older who is described in Subsection (2)(b) is liable for:
 - (i) Any and all injury and damage, except punitive damages to:
 - (A) A third person
 - (B) The heir, as defined in Section 78B-3-105, of that third person; or
 - (ii) The death of the third person
 - (b) A person is liable under Subsection (2)(a) if:
 - (i) That person directly gives or otherwise provides an alcoholic product to an individual who the person knows or should have known is under the age of 21 years;
 - (ii) Those actions caused the intoxication of the individual provided the alcoholic product;
 - (iii) The injury or death described in Subsection (2)(a) results from the intoxication of the individual who is provided the alcoholic product; and



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(iv) The person is not liable under Subsection (1), because the person did not directly give or provide the alcoholic product as part of the commercial sale, storage, service, manufacture, distribution, or consumption of an alcoholic product.

(3) This section does not apply to a business licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

Enacted by Chapter 2756, 2010 General Session

8.4 32VB-15-202 Liability for employees – Employees protected in exercising judgment.

(1)

(a) Except for a violation of Subsection 32B-15-201(2), an employer is liable for the actions of its staff in violation of this chapter.

(b) This Subsection 91) does not apply to a business licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

(2) An employer may not sanction or terminate the employment of individual staff of a retail licensee or other establishment serving an alcoholic product as a result of the staff having exercised the staff's independent judgement to refuse to sell an alcoholic product to a person the staff considers to meet one or more of the conditions described in Subsection 32BV-15-201(1)(b).

(3) An employer who terminates an employee or imposes sanctions on the employee contrary to this section is considered to have discriminated against that employee and is subject to the conditions and penalties set forth in Title 34A, Chapter 5, Utah Antidiscrimination Act.

Enacted by Chapter 276, 2010 General Session

8.5 32B-15-203 Governmental immunity.

This title does not create civil liability on the part of the following arising out of one of the following's actions in regulating, controlling, authorizing, or otherwise being involved in the sale or other distribution of an alcoholic product:

- (1) The state;
- (2) A state agency;
- (3) A state employee;
- (4) The commission;
- (5) The department; or
- (6) A political subdivision.

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PART 3
Civil Action

8.6 32B-15-301 Cause of action – Statute of limitations.

(1)

(a) A person who suffers an injury under Section 32B-15-201 has a cause of action against the person who provided the alcoholic product in violation of Section 32B-15-201.

(b) If a person who provided the alcoholic product under this chapter dies, the rights or liabilities provided by this chapter survive to or against that person's estate.

(2) The total amount that may be awarded to any person pursuant to a cause of action for injury and damage under this chapter that arises after January 1, 2010, is limited to \$1,000,000 and the aggregate amount which may be awarded to all persons injured as a result of one occurrence is limited to \$2,000,000.

(3) An action based upon a cause of action under this chapter shall be commenced within two years after the date of the injury and damage.

(4)

(a) Nothing in this chapter precludes any cause of action or additional recovery against the person causing the injury.

(b) A cause of action or additional recovery against the person causing the injury and damage, which action is not brought under this chapter, is exempt from the damage cap in Subsection (2).

(c) A cause of action brought under this chapter is exempt from Sections 78B-5- through 78B-5-823.

(5) This section does not apply to a business licensed in accordance with Chapter 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

Enacted by Chapter 276, 2010 General Session

8.7 32B-15-302 Action for contribution by provider of an alcoholic product.

(1)

(a) Except as provided in Subsections (2) and (3), a person, as defined under Section 32B-15-201 or Subsection 32B-15-202(1), against whom an award is made under this chapter, may bring a separate cause of action for contribution against any person causing the injury and damage.



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(b) The maximum amount for which a person causing the injury and damage may be liable to a person seeking contribution is that percentage or proportion of the damages equivalent to the percentage or proportion of fault attributed to that person causing the injury and damage.

(2) This action for contribution under this section may not be brought against:

(a) A person entitled to recovery as described in Subsection 32B-15-201(1)(a)(i) or (ii);
or

(b) A person entitled to recover as described in Subsection 32b-20192)(a)(i) or (ii).

(3) An action for contribution under this section may not diminish the amount of recovery for injury or damages awarded and received to a person entitled to recover as described in Subsection 32b-15-201(1)(a)(i) or (ii) or 32b-15-201(2)(a)(i) or (ii):

(a) In a cause of action brought under this chapter; or

(b) In a separate cause of action for injury and damage that is not brought under this chapter.

Enacted by Chapter 276, 2010 General Session

9. It is the responsibility of the clergy in charge, wardens, bishop's committees, vestries, and heads of institutional ministries to disseminate this policy and ensure compliance.