



SPONSOR: Sen. Peterson & Rep. Keeley  
Sens. Henry & Sokola

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 51

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO DRAM SHOP LIABILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Title 4, Delaware Code, by adding a new section 728, to read as follows:

2 “§728. Dram Shop; Seller liability for damages by intoxicated person.

3 If any person or holder of a license, individually, or through an agent, intentionally or recklessly sells  
4 any alcoholic liquor to an intoxicated person, and such purchaser, in consequence of such intoxication, thereafter injures  
5 the person or property of another, such seller is liable for damages to the person injured.”

6 Section 2. This Act shall be known as “Shaun’s Law”.

#### SYNOPSIS

This Bill, know as “Shaun’s Law”, creates dramshop liability under the limited circumstances of when a bar, liquor store, or someone illegally selling liquor, intentionally or recklessly sells alcohol to an intoxicated person, and that person later injures an innocent party. Delaware courts examining whether sellers of alcohol are liable for injuries to third persons have consistently recognized that a bar owner could not be found liable absent a statutory cause of action. This Bill creates such a cause of action, but only under the limited circumstances of intentional and reckless conduct by bar or liquor store personnel.

Author: Senator Peterson