

Are bars responsible for monitoring a patron's sobriety?

Alcohol can be dangerous, and those serving it are accountable



TOM WAGNER

point

On 7 October, 2007, Tammy Kobylka was found dead at her home in Calmar from alcohol poisoning. The bar that served her is now being charged—as it should be—under the Alberta Gaming and Liquor Act for allowing an overly intoxicated individual to consume liquor in a licensed premise.

Of course, as with most government legislation, the charge is a complete understatement of how drunk you really have to be in order to drink yourself to death. Your body puts out serious and obvious warning signs after that amount of alcohol has been consumed, such as passing out and vomiting.

As a result, there's simply no weight to the argument that it's too hard for bar staff to know whether or not someone is too drunk to keep drinking safely. Even in a crowded club, the tell-tale signs of being that shitfaced are easy to spot.

Realistically, a number of factors complicate this process. After all, due to what are often extortionate prices, most people pre-drink before they get to the bar—and the number of drinks someone can safely consume varies wildly anywhere from three or four to over 20.

But this misses the point, which is that bars serve an admittedly dangerous substance that seriously affects your judgment and can kill you. As a result, it's reasonable that they should be expected to take special care in serving it to patrons who are, generally, already drunk.

Admittedly, this is an exceptional responsibility. After all, the only people allowed into bars

are adults, who are deemed by society to be old enough to be responsible for themselves. But for anybody that's ever been the designated driver or has dealt with drunks in the past, it's worse than handling bratty children. We don't let the drunk drive because they're seriously irresponsible and have compromised judgment.

So while people do choose to drink, it can hardly be considered a responsible choice when they come even close to drinking themselves to death. People can hardly speak or move—let alone make good decisions—once they reach this point.

As a result, the bar needs to pick up the slack—a task that they're well-suited for because they only serve drinks one or two at a time, rather than the full bottles and cases at a liquor store.

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I don't think it's too much to ask for the only supposedly sober people in the room—the bartenders—to cut off people who can no longer take care of themselves. This doesn't even require huge changes to the business of a bar. They won't need to give patrons a breathalyzer before they ask for a drink—they just need to ensure that they can speak well enough to order it. If you're slurring so much that “rum and Coke” might as well be Rickard's Red, it's time you stop drinking.

The simple fact is that drunks are huge idiots that need to be baby-sat. As a result, it's reasonable that we should continue to ask the very institutions that profit the most from irresponsible drinking to do their part to curb this dangerous behaviour.

You're responsible for your safety; they don't have to babysit you



CODY CIVIERO

counterpoint

The Kobylka incident is tragic, but ultimately, it's an issue of personal responsibility. The potential dangers of alcohol are well known, and there's an implied risk that goes along with its consumption. If establishments are permitted to obtain liquor licenses, we can't completely fault them for alcohol-related mishaps.

Anyone who has had a few nights out at the bar can attest to the sneakiness of drunken customers in avoiding being cut off.

Bar staff are trained to detect their patrons' levels of intoxication, and they expel people who are clearly very intoxicated. Generally, they do this to the best of their ability—after all, nobody enjoys drunken assholes throwing up on their floors—but customers are simply in a much better position to gauge their own levels of sobriety. Bars can't have absolute control over the alcohol consumption of their customers—plus, there's also no universal safe amount of alcohol, and different people respond to alcohol in different ways.

Even if we were to agree that bars should be held responsible for customer over-consumption, there are far too many variables at play to determine the bar's responsibility for Kobylka's death.

The fact that she was actually able to walk home demonstrates that, at the very least, it wasn't as if they were funnelling beer into her mouth while she was passed out. She must have had some degree of consciousness when she had been in the bar. It's difficult, if not impossible, to determine whether alcohol consumption continued after the patron left a bar, and it's also hard to know whether the bar served the customer directly.

Anyone who has had a few nights out at the bar can attest to the sneakiness of drunken customers in avoiding being cut off. It's not much of a stretch to think that someone may employ their less-drunk friends to retrieve the next round. If none of this persuades the government to drop the charges, then it's a guilty-until-proven-innocent situation for the bar. Whether or not there was negligence on the part of the staff is difficult to discern, but what's certain is that the person who drank was directly responsible for overdrinking.

If there were extenuating circumstances in which the bar held more responsibility for the death, then charges may have been warranted. In this case, however, the bar wasn't sponsoring a drinking game or otherwise encouraging excessive drinking. They exchanged alcoholic drinks for money to someone whose apparent level of intoxication can only be speculated upon. There's an implied health risk when purchasing alcohol, just as there is with cigarettes and fast food—but, then again, that never stops lawsuits.

If this kind of thing flies, you better get a pen ready to sign a waiver next time you go to the bar, and you can look forward to staring at big warning labels reminding you that you're killing yourself with every pint.

Alcohol is great when consumed in moderation, but it's inevitable that there will be the occasional person who takes it too far. Alcohol is an intoxicant, plain and simple, so we must be prepared for this unfortunate eventuality. Bankrupting bar owners won't bring anyone back.

“There's no money in poetry, but then there's no poetry in money, either.”

—Robert Graves, 1895–1985



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