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of the United States of America
Department of Licensing and Consumer Affairs**

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**H. Nathalie Hodge
Commissioner**

**Testimony Before the
36th Legislature of the Virgin Islands**

**Hon. Avery L. Lewis, Chair
Committee on Government Operations, Veterans Affairs, and Consumer Protection**

March 23, 2026

"Serving Businesses & Assisting, Educating and Protecting Consumers"

Good day Honorable Senator Avery L. Lewis, Chair of the Committee on Government Operations, Veterans Affairs, and Consumer Protection, esteemed members of the 36th Legislature of the Virgin Islands, Committee members, non-Committee members present, and the listening and viewing audience. I am H. Nathalie Hodge, Commissioner of the Department of Licensing and Consumer Affairs (DLCA). Joining me today is Assistant Commissioner Horace Graham.

The DLCA licenses and regulates businesses that sell or serve alcohol, including bars and restaurants, and is charged with protecting the public. Because Bill No. 36-0113 addresses liability related to alcohol service, the Department respectfully submits testimony in support of this measure to modernize and clarify the standard for civil liability.

The Virgin Islands currently regulates the manufacture, distribution, and sale of alcoholic beverages through the licensing framework established under Title 8 of the Virgin Islands Code. This framework requires establishments to obtain and maintain appropriate liquor licenses and operate under government oversight. It is designed to ensure that businesses engaged in the sale of alcohol do so responsibly and in compliance with the law.

However, the current liability standard contained in the law requires a claimant to prove that a server provided alcohol to a person “habitually addicted” to alcohol. This standard is outdated and difficult to apply in practice. It focuses on a long-term characterization of the drinker rather than the immediate and observable conduct that responsible alcohol service laws are designed to address. In many cases, it creates an unrealistic burden of proof that prevents otherwise valid claims from being fairly considered.

Bill No. 36-0113 appropriately replaces that archaic standard with a more practical and commonly understood one: whether a server continued to serve alcohol to a person who was

obviously intoxicated prior to a car accident. By focusing on observable intoxication and responsible service practices, the bill better aligns the law with the real-world responsibilities of alcohol servers and establishments.

At the same time, the legislation is carefully structured to ensure fairness. It limits claims to innocent individuals who are injured by a drunk driver and does not allow the intoxicated driver to bring a claim against the establishment. This reinforces the principle that individuals must be held accountable for their own unlawful conduct.

The bill also excludes most passengers in an intoxicated driver's vehicle from bringing claims, while preserving a narrow exception for passengers under the age of 21. This recognizes that minors may not have the ability to refuse a ride or fully appreciate the risks involved. These limitations help prevent misuse of the law while maintaining accountability where it is most appropriate.

In addition to supporting this bill, the Department believes that responsible alcohol service training is a critical component of preventing the very situations this legislation seeks to address. Accordingly, we respectfully recommend that the Legislature consider requiring servers working in establishments licensed for on-premises consumption—such as bars, taverns, and nightclubs—to obtain responsible alcohol service certification, such as ServSafe Alcohol or an equivalent recognized program.

These training programs provide alcohol servers with practical tools to recognize the visible signs of intoxication, identify and prevent service to underage individuals, responsibly refuse service when necessary, and reduce the risk of alcohol-related harm to patrons and the public.

Many jurisdictions across the United States have incorporated responsible beverage service training into their alcohol regulatory frameworks. For example, Rhode Island, Alaska, the District of Columbia, and New Mexico require alcohol servers to complete approved training programs designed to help identify visible intoxication and prevent over-service, while jurisdictions such as Puerto Rico and other tourism-driven areas strongly encourage similar certification as part of responsible alcohol service practices. Establishing a similar requirement in the Virgin Islands would complement this legislation by promoting responsible service practices, enhancing public safety, and providing clear guidance to licensees.

By narrowing who may bring claims, clarifying the evidentiary standard and encouraging responsible service practices through training and certification, this bill strikes a thoughtful balance between protecting innocent victims and providing clear expectations for alcohol service establishments. It promotes responsible service without creating unnecessary or overly broad liability.

For these reasons, the DLCA supports this measure and respectfully urges the Committee to advance the bill.

Thank you for the opportunity to provide testimony. The Department is available to answer any questions the Committee may have.