

Superseded 5/3/2023

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; or
 - (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
 - (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.