

ALCOHOL LIABILITY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Alcoholic Product Liability Act.

Highlighted Provisions:

This bill:

- ▶ provides that a person who is liable for injury or damage that results from furnishing an alcoholic product is jointly and severally liable with any other person who is liable for the injury or damage;
- ▶ repeals provisions related to an action for contribution; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-15-201, as enacted by Laws of Utah 2010, Chapter 276

REPEALS:

32B-15-302, as enacted by Laws of Utah 2010, Chapter 276

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section 32B-15-201 is amended to read:

29 **32B-15-201. Liability for injuries and damage resulting from distribution of**
30 **alcoholic products.**

31 (1) (a) Except as provided in Subsections 32B-15-202(2) and (3), a person described in
32 Subsection (1)(b) is liable for:

33 (i) any and all injury and damage, except punitive damages to:

34 (A) a third person; or

35 (B) the heir, as defined in Section 78B-3-105, of that third person; or

36 (ii) the death of a third person.

37 (b) A person is liable under Subsection (1)(a) if:

38 (i) the person directly gives, sells, or otherwise provides an alcoholic product:

39 (A) to a person described in Subsection (1)(b)(ii); and

40 (B) as part of the commercial sale, storage, service, manufacture, distribution, or
41 consumption of an alcoholic product;

42 (ii) those actions cause the intoxication of:

43 (A) an individual under the age of 21 years;

44 (B) an individual who is apparently under the influence of intoxicating alcoholic
45 products or drugs;

46 (C) an individual whom the person furnishing the alcoholic product knew or should
47 have known from the circumstances was under the influence of intoxicating alcoholic products
48 or drugs; or

49 (D) an individual who is a known interdicted person; and

50 (iii) the injury or death described in Subsection (1)(a) results from the intoxication of
51 the individual who is provided the alcoholic product.

52 (2) (a) A person 21 years of age or older who is described in Subsection (2)(b) is liable
53 for:

54 (i) any and all injury and damage, except punitive damages to:

55 (A) a third person; or

56 (B) the heir, as defined in Section 78B-3-105, of that third person; or

57 (ii) the death of the third person.

58 (b) A person is liable under Subsection (2)(a) if:

- 59 (i) that person directly gives or otherwise provides an alcoholic product to an
- 60 individual who the person knows or should have known is under the age of 21 years;
- 61 (ii) those actions caused the intoxication of the individual provided the alcoholic
- 62 product;
- 63 (iii) the injury or death described in Subsection (2)(a) results from the intoxication of
- 64 the individual who is provided the alcoholic product; and
- 65 (iv) the person is not liable under Subsection (1), because the person did not directly
- 66 give or provide the alcoholic product as part of the commercial sale, storage, service,
- 67 manufacture, distribution, or consumption of an alcoholic product.

68 (3) If more than one person is liable for injury or damage under this section, the

69 persons are jointly and severally liable for the injury or damage.

70 [~~3~~] (4) This section does not apply to a business licensed in accordance with Chapter

71 7, Off-Premise Beer Retailer Act, to sell beer at retail only for off-premise consumption.

72 **Section 2. Repealer.**

73 This bill repeals:

74 Section **32B-15-302, Action for contribution by provider of an alcoholic product.**

Legislative Review Note
Office of Legislative Research and General Counsel