

By: Representative Watson

To: Judiciary A

HOUSE BILL NO. 1311

1 AN ACT TO PROVIDE THAT A SPONSOR OR ADVERTISER OF AN EVENT
 2 SHALL NOT BE HELD VICARIOUSLY LIABLE FOR THE NEGLIGENCE OF ANOTHER
 3 IN CONNECTION WITH HIS INVOLVEMENT AS A SPONSOR OR ADVERTISER, IF
 4 HE DOES NOT EXERCISE ANY CONTROL OR SUPERVISION OVER ANY ASPECT OF
 5 THE EVENT; TO PROVIDE THAT A LAWFULLY PERMITTED WHOLESALER OR
 6 DISTRIBUTOR OF LIGHT WINE OR BEER SHALL NOT BE LIABLE FOR THE
 7 LAWFUL DISTRIBUTION OF LIGHT WINE OR BEER TO A LAWFULLY LICENSED
 8 RETAIL PERMIT HOLDER; TO PROVIDE THAT NO HOLDER OF AN ALCOHOLIC
 9 BEVERAGES MANUFACTURER'S PERMIT WHICH LAWFULLY SELLS ALCOHOLIC
 10 BEVERAGES TO THE STATE TAX COMMISSION SHALL BE LIABLE FOR ANY
 11 INJURY SUFFERED BECAUSE OF THE INTOXICATION OF A PERSON TO WHOM
 12 THE ALCOHOLIC BEVERAGES WERE SOLD; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** (1) For purposes of this section, the following
 15 words and phrases shall have the meanings ascribed in this section
 16 unless the context clearly indicates otherwise:

17 (a) "Sponsor" or "advertiser" means any person,
 18 corporation or legal entity who, for charitable purposes or to
 19 promote goodwill in the community, donates or contributes
 20 products, material, money or pays fees for advertising or
 21 displaying trademarks in order that an event may be held or
 22 conducted.

23 (b) "Event" means a concert, benefit, fundraiser,
 24 auction or other occasion at which entertainment, food or
 25 beverages are provided.

26 (2) A sponsor or advertiser of an event shall not be held
 27 vicariously liable for the negligence of another in connection
 28 with or as a consequence of his involvement as a sponsor or
 29 advertiser of an event if he does not exercise any control or
 30 supervision over any aspect of the event.

31 (3) This section shall not confer immunity on a sponsor or
 32 advertiser of an event for willful acts or gross negligence, and a



33 sponsor or advertiser of an event shall not be considered to be a
34 part of a joint venture or the principal of an agent, with regard
35 to any other person, corporation or legal entity which is
36 participating in the event in a capacity other than that of a
37 sponsor or advertiser.

38 **SECTION 2.** A lawfully permitted wholesaler or distributor of
39 light wine or beer shall not be liable for the lawful distribution
40 of light wine or beer to a lawfully licensed retail permit holder.
41 Further, there is no liability on a manufacturer or importer
42 authorized by the State Tax Commission to sell light wine or beer
43 in Mississippi for the lawful distribution of light wine or beer
44 to a permitted wholesaler or distributor of light wine or beer.

45 **SECTION 3.** (1) Notwithstanding any other law to the
46 contrary, no holder of an alcoholic beverages manufacturer's
47 permit issued under Section 67-1-1 et seq., or any agent or
48 employee of such holder, which lawfully sells alcoholic beverages
49 to the State Tax Commission under Section 67-1-1 et seq., shall be
50 liable to the commission or to any other person or to the estate,
51 or survivors of any person, for any injury suffered, including
52 wrongful death and property damage, because of the intoxication of
53 a person to whom the alcoholic beverages were sold or served by a
54 holder of an on-premises retailer's permit issued under Section
55 67-1-1 et seq., a holder of a package retailer's permit issued
56 under Section 67-1-1 et seq., or a holder of a temporary
57 retailer's permit issued under Section 67-1-1 et seq.

58 (2) Notwithstanding any other law to the contrary, no holder
59 of a package retailer's permit issued under Section 67-1-1 et
60 seq., or any agent or employee of such holder, which lawfully
61 sells alcoholic beverages to a holder of an on-premises retailer's
62 permit issued under Section 67-1-1 et seq., or a holder of a
63 temporary retailer's permit issued under Section 67-1-1 et seq.,
64 shall be liable to such holder or to any other person or to the
65 estate, or survivors of either, for any injury suffered off the



66 licensed premises of the holder of the on-premises retailer's
67 permit, or the holder of the temporary retailer's permit,
68 including wrongful death and property damage, because of the
69 intoxication of a person to whom the alcoholic beverages were sold
70 or served by the holder of the on-premises retailer's permit or
71 the holder of the temporary retailer's permit.

72 **SECTION 4.** This act shall take effect and be in force from
73 and after its passage.

