MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2003  
By: Representative Watson  
To: Judiciary A  

HOUSE BILL NO. 1311  

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

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

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

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

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

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

(3) This section shall not confer immunity on a sponsor or advertiser of an event for willful acts or gross negligence, and a
sponsor or advertiser of an event shall not be considered to be a
part of a joint venture or the principal of an agent, with regard
to any other person, corporation or legal entity which is
participating in the event in a capacity other than that of a
sponsor or advertiser.

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

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

(2) Notwithstanding any other law to the contrary, no holder
of a package retailer's permit issued under Section 67-1-1 et
seq., or any agent or employee of such holder, which lawfully
sells alcoholic beverages to a holder of an on-premises retailer's
permit issued under Section 67-1-1 et seq., or a holder of a
temporary retailer's permit issued under Section 67-1-1 et seq.,
shall be liable to such holder or to any other person or to the
estate, or survivors of either, for any injury suffered off the
SECTION 4. This act shall take effect and be in force from and after its passage.