

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative DeLay

# A Bill

HOUSE BILL 1482

## For An Act To Be Entitled

"AN ACT TO PROVIDE THAT A PERSON WHO GIVES, SELLS, OR  
SERVES ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES TO A  
PERSON UNDER AGE TWENTY-ONE (21) MAY BE SUBJECT TO CIVIL  
LIABILITY FOR DAMAGES CAUSED BY THE UNDER AGE PERSON WHILE  
INTOXICATED; AND FOR OTHER PURPOSES."

## Subtitle

"AN ACT TO PROVIDE THAT A PERSON WHO  
GIVES, SELLS, OR SERVES ALCOHOLIC  
BEVERAGES OR CONTROLLED SUBSTANCES TO A  
PERSON UNDER AGE TWENTY-ONE (21) MAY BE  
SUBJECT TO CIVIL LIABILITY FOR DAMAGES  
CAUSED BY THE UNDER AGE PERSON WHILE  
INTOXICATED."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this Act:

(1) "Intoxicant" means any beverage or controlled substance which is  
capable of causing a person to become intoxicated;

(2) "Intoxicated" means an impairment of a person's mental or physical  
faculties as a result of consumption of alcoholic beverages or controlled  
substance so as to diminish that person's ability to think and act in a  
manner in which an ordinary prudent and cautious person, in full possession  
of his or her faculties and using reasonable care would act under like  
circumstances;

(3) "Underage person" means any person who is under the age of twenty-

1 one (21) years old.

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3 SECTION 2. (a) Any person, business, or corporation who directly  
4 gives, sells, or serves alcoholic beverages or controlled substances to an  
5 underage person shall be held civilly liable for any damages which are  
6 proximately caused by the intoxication of the underage person, if:

7 (1) the damages were caused by the underage person while  
8 intoxicated;

9 (2) consumption of the alcoholic beverages or controlled  
10 substances caused or contributed to the intoxication of the underage person;  
11 and

12 (3) the person knew or a reasonably prudent person in like  
13 circumstance would have known that the person to whom the alcoholic beverages  
14 or controlled substances were given, sold, or served was an underage person.

15 (b) No person, business, or corporation shall be held civilly liable,  
16 if:

17 (1) the alcoholic beverage was given, sold or served upon the  
18 presentation of false identification; or

19 (2) the controlled substance was given, sold or served to the  
20 underage person pursuant to a legal prescription.

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22 SECTION 3. A warning notice that includes the provision of Section 1  
23 and 2 of this act shall be posted in public view in each place of business  
24 where alcoholic beverages are sold. The warning notice shall be posted in a  
25 manner prescribed by the Alcoholic Beverage Control Board.

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27 SECTION 4. All provisions of this act of a general and permanent  
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
29 Code Revision Commission shall incorporate the same in the Code.

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31 SECTION 5. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

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SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

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