The original instrument was prepared by Xavier I. Alexander. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

DIGEST

SB 538 Engrossed 2018 Regular Session Ward

Present law provides legislative findings that the consumption of alcoholic beverages, rather than the sale or serving or furnishing of alcoholic beverages, is the proximate cause of injury or death inflicted by an intoxicated person upon himself or upon a third party.

Present law provides that no social host or person holding a permit to sell alcoholic beverages, nor any agent, servant, or employee of such person, who sells or serves alcoholic beverages to a person of lawful age shall be liable to such person or to any other person for injuries or wrongful death and property damage because of the intoxication of the person to whom the intoxicating beverages were sold or served.

Present law provides that the limitation on liability shall not apply to any person who causes or contributes to the consumption of alcoholic beverages by force or falsely representing the beverage has no alcohol.

Proposed law retains present law and further provides that the limitation of liability shall not apply to an establishment licensed to sell alcoholic beverages that is also licensed to conduct riverboat gaming or operate the land-based casino and whose personnel served alcoholic beverages in violation of law or in violation of the establishment's responsible beverage service and security personnel training, and the purchaser's intoxication caused injury to himself or another person.

Effective August 1, 2018.

(Amends R.S. 9:2800.1(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Limits the provisions of proposed law to establishments licensed to conduct riverboat gaming or licensed to operate land-based gaming.