

**13-1665. Liability for social hosts outside of a licensed establishment.**

To establish the claim against \_\_\_\_\_ (*name of defendant*), \_\_\_\_\_ (*name of plaintiff*) has the burden of proving the following elements:

1. \_\_\_\_\_ (*name of defendant*) provided alcoholic beverages to \_\_\_\_\_ (*name of guest or plaintiff*);
2. At the time \_\_\_\_\_ (*name of defendant*) provided the alcoholic beverages to \_\_\_\_\_ (*name of guest or plaintiff*), \_\_\_\_\_ (*name of guest or plaintiff*) was intoxicated;
3. \_\_\_\_\_ (*name of defendant*) provided the alcoholic beverages recklessly; and
4. \_\_\_\_\_ (*name of guest or plaintiff*)'s intoxication was a cause of \_\_\_\_\_ (*name of guest or plaintiff*)'s [injuries and] damages.

USE NOTES

This instruction is based on NMSA 1978, Section 41-11-1(E). It should be given when the plaintiff claims injury resulting from the provision of alcohol in a social setting outside of a licensed establishment. This instruction is to be used either when the claim is brought by a third party or by the person who was provided with the alcohol. The instruction should be given with the appropriate definitions from UJI 13-1660 NMRA. If the provision of the alcoholic beverages takes place in a licensed establishment, UJI 13-1666 NMRA should be used instead of this instruction.

[Adopted by Supreme Court Order No. 15-8300-005, effective for all cases pending or filed on or after December 31, 2015.]