

### 13-1666. Liability for social hosts in 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.

[To prove that \_\_\_\_\_ (*name of defendant*) provided alcoholic  
beverages to \_\_\_\_\_ (*name of guest or plaintiff*),  
\_\_\_\_\_ (*name of plaintiff*) must prove that \_\_\_\_\_  
(*name of defendant*) had some responsibility for or control over the service of alcohol to  
\_\_\_\_\_ (*name of guest or plaintiff*). You must consider all of the circumstances.  
For example, you may consider whether \_\_\_\_\_ (*name of defendant*) set up  
a gathering for a specific purpose or benefit to \_\_\_\_\_ (*name of defendant*),  
such as to celebrate an event, or to promote business goodwill; whether  
\_\_\_\_\_ (*name of defendant*) arranged in advance for the provision of food and  
beverages or; whether \_\_\_\_\_ (*name of defendant*) invited  
\_\_\_\_\_ (*name of guest or plaintiff*) to attend as [his] [her] [its] guest. The  
presence or absence of a particular circumstance does not necessarily resolve whether  
\_\_\_\_\_ (*name of defendant*) had some responsibility for or control over the  
provision of alcohol to \_\_\_\_\_ (*name of guest of plaintiff*).]

#### 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 inside 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. If the provision of the alcoholic beverages takes place outside a licensed establishment, UJI 13-1665 NMRA should be used instead of this instruction. The instruction should be given with the appropriate definitions from UJI 13-1660 NMRA. The bracketed paragraph should only be used when there is a factual dispute regarding whether the defendant provided alcohol to the person whose intoxication is at issue and may be modified based on the facts of the case.

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