



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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**Bill Number:** S. 1048    Introduced on February 14, 2024  
**Author:** M. Johnson  
**Subject:** Illegal Furnishing of Alcoholic Beverages Liability  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** February 28, 2024

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### **Fiscal Impact Summary**

This bill specifies that a licensee that provides alcohol to an adult is civilly liable for third party actual and punitive damages under certain circumstances. This bill codifies a current common law liability.

This bill will have no expenditure impact for Judicial, the Commission on Prosecution Coordination, and the Commission on Indigent Defense as the potential for any increase in workload due to this bill can be managed with existing staff and within existing appropriations.

### **Explanation of Fiscal Impact**

#### **Introduced on February 14, 2024**

#### **State Expenditure**

This bill provides that persons or entities licensed to sell alcoholic beverages that sell, serve, or otherwise furnish alcohol to an individual will only be civilly liable to a third party for actual or punitive damages arising out of the transaction under the following circumstances:

- If the individual served is at least twenty-one and
  - the licensee knew or should have known the individual was visibly intoxicated at the time of the transaction; and
  - the individual's intoxication was a proximate cause of bodily injury, death, or property damage to a third party; or
- If the individual is under the age of twenty-one and
  - the individual's intoxication was a proximate cause of bodily injury, death, or property damage to a third party.

This bill codifies a civil cause of action that is currently recognized in common law referred to as dram shop liability.

Judicial anticipates the codification of this cause of action may result in a slight increase in the number of actions filed in court. Judicial, the Commission on Prosecution Coordination, and the Commission on Indigent Defense, all indicate the potential increase in workload due to this bill can manage using existing staff and appropriations.

**State Revenue**

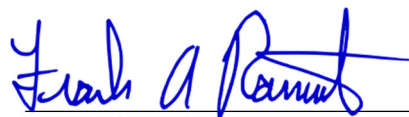
N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director