

Social Host Laws and Penalties for Adults Who Provide Alcohol to Minors

Social host laws and ordinances are designed to reduce underage alcohol consumption by imposing liability on adults who knowingly host parties or allow the consumption of alcohol on the property they own, lease, or control. Under these laws, adults can be held liable for alcohol-impaired driving crashes regardless of whether they are the ones who provided the alcohol to minors. Several jurisdictions also have laws that can be applied even if the adult was unaware that underage alcohol consumption occurred on their property.

Parents may believe their teens are likely to consume alcohol and, subsequently, think that it is a safer option for minors and their friends to drink under the supervision of adults in the home. However, binge drinking is a common occurrence in these situations. Social host laws are passed with the purpose of deterring this practice and can carry both criminal and civil penalties.

Social host laws are closely linked to laws that prohibit adults from furnishing alcohol to minors. Individual states vary in terms of penalties but these typically include fines and imprisonment. While it is illegal in every state to provide alcohol to minors, there are also several exemptions that are common (e.g., parent/guardian, legal age spouse). These exemptions do not extend to other youth who are not the child/spouse of the individual furnishing the alcohol.

Research Highlights:

- Research has consistently shown that most youth obtain alcohol from individuals over the age of 21 (Dills, 2010; Fabian et al., 2008; Jones-Webb et al., 1997; Wagenaar et al., 1996). When asked where they were the last time they consumed five or more drinks in a row, 32% of 18-20 year olds reported that they were in their own home and an additional 51% reported that they were at another person's home (Dills, 2010).
- Wagenaar et al. (2001) found that 93% of individuals surveyed agreed that the liability of the host who provided or allowed for the consumption of alcohol on their property was at least equal to the liability of an underage drinking driver who was responsible for causing injury.
- In another study, Wagoner et al. (2013) found that communities with social host policies concerning underage drinking parties had minors with lower odds of drinking in large peer groups compared to minors in communities that lacked these policies.
- In a study of 50 California communities, Paschall et al. (2012) found that teens are less likely to report drinking at parties when they live in communities with particularly strong social host laws. Stronger social host policies are also associated with less frequent drinking at parties among youth who have already initiated alcohol use.
- Dills (2010) analyzed national survey data and Fatality Analysis Reporting System (FARS) data among 18-20 year olds. The study found that social host civil liability laws were associated with a 3% decrease in reported heavy drinking, a 4% decrease in reported drinking and driving, and a 5-9% decrease in alcohol-related fatal crashes.

- In their study, Paschall et al. (2012) identified components of strong social host laws. These provisions include:
 - Specifically targeting underage drinking;
 - Application to a full range of property types (make policies as inclusive as possible);
 - No knowledge of a party on the premise required (which makes it possible to enforce when property owners claim they did not know about the underage drinking);
 - Civil penalty that is swiftly administered;
 - Adequate levels of enforcement; and,
 - High level of public awareness of the laws.
- Highly publicizing social host laws is imperative; if adults do not know that they can be held responsible for underage drinking, there will be no deterrent effect.

Prevalence:

Thirty-two states¹ allow social hosts to be held civilly liable for injuries or damages caused by underage drinkers. Thirty states² have criminal penalties for adults who host or permit parties with underage drinking to occur in the adults' home or on premises under the adults' control (NCSL, 2014).

Responsibility.org Position:

The Foundation for Advancing Alcohol Responsibility supports social host laws that prohibit adults from knowingly providing and/or serving alcohol to individuals under the legal drinking age of 21. Responsibility.org recommends that adults who knowingly provide alcohol to minors should face sanctions such as driver's license suspension, mandatory community service, mandatory fines dedicated to underage drinking prevention, potential jail time, graduated penalties for repeat offenses, and other sanctions deemed appropriate by judicial discretion. Both of these types of laws should be highly publicized to maximize deterrence.

References:

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¹ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Oregon, South Dakota, Texas, Utah, Vermont, Wisconsin, and Wyoming.

² Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Florida, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

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