15. Hosting Underage Drinking Parties *(data current as of 1/1/12)*

Policy Description

Host party laws establish state-imposed liability against individuals (social hosts) responsible for underage drinking events on property they own, lease, or otherwise control. The primary purpose of these laws is to deter underage drinking parties by raising the legal risk for individuals who allow underage drinking events on property they own, lease, or otherwise

control. Underage drinking parties pose significant public health risks. They are high-risk settings for binge drinking and associated alcohol problems including impaired driving. Young drinkers are often introduced to heavy drinking behaviors at these events. Law enforcement officials report that, in many cases, underage drinking parties occur on private property, but the adult responsible for the property is not present or cannot be shown to have furnished the alcohol. Host party laws address this issue by providing a legal basis for holding persons responsible for parties on their property whether or not they provided alcohol to minors.

Host party laws often are closely linked to laws prohibiting the furnishing of alcohol to minors (analyzed elsewhere in this report), although laws that prohibit the hosting of underage drinking parties may apply without regard to who furnishes the alcohol. Hosts who allow underage drinking on their property and also supply the alcohol consumed or possessed by the minors may be in violation of two distinct laws: furnishing alcohol to a minor and allowing underage drinking to occur on property they control.

Two general types of liability may apply to those who host underage drinking parties. The first, analyzed here, concerns state-imposed liability. State-imposed liability involves a statutory prohibition that is enforced by the state, generally through criminal proceedings that can lead to sanctions such as fines or imprisonment. The second, social host liability (analyzed elsewhere in this report), involves an action by a private party seeking monetary damages for injuries that result from permitting underage drinking on the host's premises.

Although related, these two forms of liability are distinct. For example, an individual may allow a minor to drink alcohol, after which the minor causes a motor vehicle crash that injures an innocent third party. In this situation, the social host may be prosecuted by the state under a criminal statute and face a fine or imprisonment for the criminal violation. In a state that provides for social host civil liability, the injured third party could also sue the host for monetary damages associated with the motor vehicle crash.

State host party laws differ across multiple dimensions, including the following:

- They may limit their application specifically to underage drinking parties (e.g., by requiring a certain number of minors to be present for the law to take effect) or may prohibit hosts from allowing underage drinking on their property generally, without reference to hosting a party.
- Underage drinking on any of the host's properties may be included, or the laws may restrict their application to residences, out-buildings, and/or outdoor areas.
- The laws may apply only when hosts make overt acts to encourage the party, or they may require only that hosts knew about the party or were negligent in not realizing that parties were occurring (i.e., should have known based on the facts available).
- A defense may be available for hosts who take specific preventive steps to end parties (e.g., contacting police) once they become aware that parties are occurring.
- The laws may require differing types of behavior on the part of the minors at the party (possession, consumption, intent to possess or consume) before a violation occurs.
- Jurisdictions have varying exceptions in their statutes for family members or others, or for other uses or settings involving the handling of alcoholic beverages.

Status of Host Party Laws

As of January 1, 2012, 19 jurisdictions have general host party laws, 9 have specific host party laws, and 24 have no laws of either sort (see Exhibit 4.3.32). Of the jurisdictions with host party laws, 23 apply to both residential and outdoor property and 4 apply to residential property but not outdoor property. Twenty-six jurisdictions apply their law to other types of property (e.g., motels, hotels, campgrounds, out-buildings). Seven jurisdictions permit negation of violations when the host takes preventive action; 22 require knowledge standards to trigger liability; 3 rely on a negligence standard; 4 require an overt act on the part of the host to trigger liability; and 1 requires recklessness. Finally, 20 jurisdictions have family exceptions and 4 have resident exceptions.

Trends in Host Party Law Policies

Between 1998 and 2011, the number of jurisdictions that enacted specific host party laws rose from 5 to 9, and the number that enacted general host party laws rose from 11 to 19. In 1998, there were 16 host party laws of both types; in 2012 there are 28 (see Exhibit 4.3.33).

Exhibit 4.3.32: Prohibitions against Hosting Underage Drinking Parties as of January 1, 2012

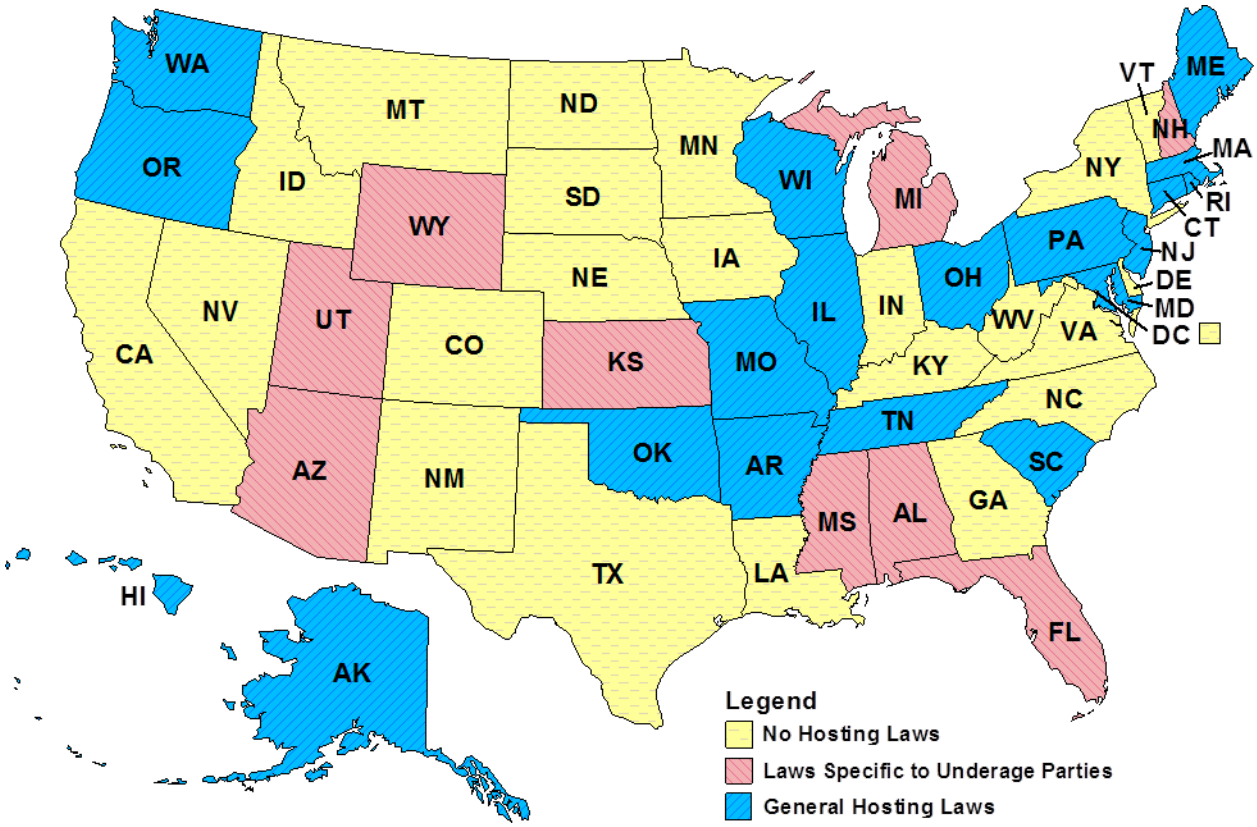
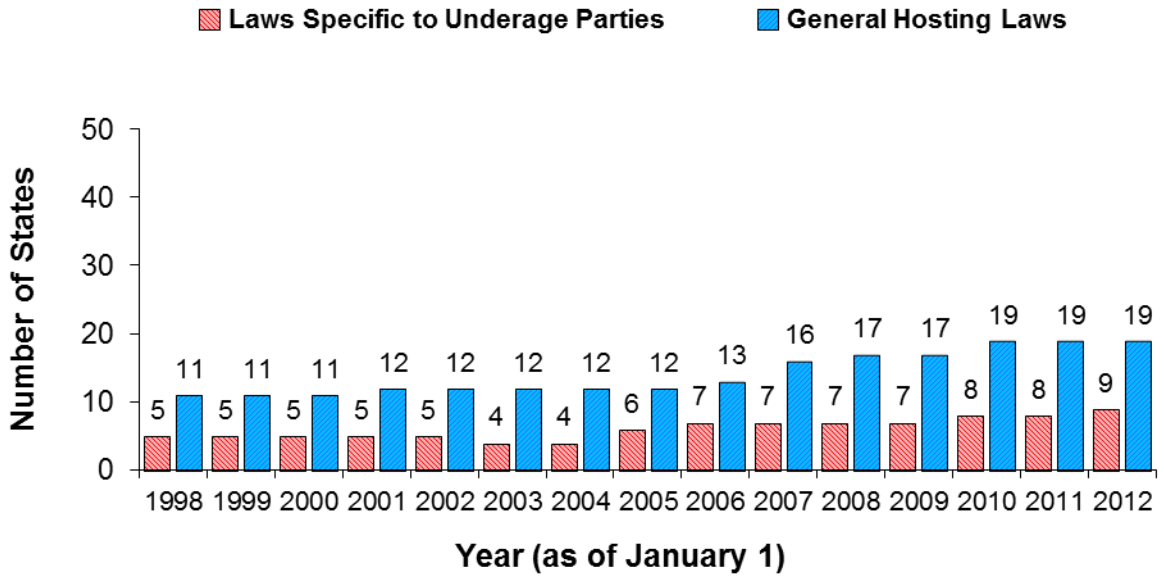


Exhibit 4.3.33: Number of States with Prohibitions Against Hosting Underage Drinking Parties, January 1, 1998, through January 1, 2012



References and Further Information

All data for this policy were obtained from APIS at www.alcoholpolicy.niaaa.nih.gov. Follow links to the policy entitled "Prohibitions against Hosting Underage Drinking Parties." APIS provides further descriptions of this policy and its variables, details regarding state policies, and a review of the limitations associated with the reported data. To see definitions of the variables for this policy, go to Appendix B.