



Social Host Laws

Background

Alcohol remains the most abused drug by American adolescents despite all 50 states restricting alcohol possession to those under the age of 21. Research has shown that the majority of underage drinkers gain access to alcohol through a variety of social means including parents, friends and acquaintances. In surveys published by top publications such as the Journal of Health Economics, results show that underage individuals are introduced to binge drinking at parties and social gatherings. The American Medical Association conducted a survey that showed that the most common connection between the underage person and the party is an adult who either provides the alcohol or provides a setting where underage drinking can occur. This is where social host liability can play a role in preventing underage drinking. Social host liability laws hold adults responsible for alcohol served to underage individuals on the adult's property.

Social Host Liability Explained

When police arrive at the scene of a gathering that includes underage drinking, it is often difficult to determine who provided the alcohol. This makes it difficult to enforce laws that target those who furnish alcohol to underage individuals. Social host liability takes a practical approach and focuses on where the drinking occurred regardless of who furnished the alcohol. Social host ordinances create a platform for adults to be held accountable in their communities with regards to alcohol on their property.

Clarifying who qualifies as a "social host" can limit confusion about this law. A social host is

an adult who, with or without knowledge, hosts underage drinking on property that he or she owns, leases, or otherwise controls (Dills, 2010). Parents may feel that their children are safer if they drink under parental supervision, but this still holds parents responsible under the law as social hosts, and they may be prosecuted. Other potential examples of social hosts include parents who are not home when their teenage child hosts a party that involves alcohol, parents who are present but deny any knowledge of the drinking that occurred on their property, and owners of a vacant property that is the setting of underage drinking.

Indiana Social Host Law

In Indiana, the social host law is described in the Indiana Code 7.1-5-7-8. It outlines several charges that may be brought against adults who barter, exchange, provide, or furnish alcohol to a minor. It is a Class B misdemeanor for someone to provide alcohol to a minor or provides a personal location where alcohol can be consumed by a minor, and is punishable by up to 180 days in jail and fines reaching \$1000. The offense is increased to a Class A misdemeanor, punishable by up to 1 year in jail and fines reaching \$5000, if this is a repeat conviction. A Level 6 felony charge can be brought forth against a person if someone else suffers serious injury or death due to the consumption of alcohol. It carries a penalty upon conviction of up to 2 ½ years in prison and fines of up to \$10,000. This particular section of the code is what is known as dram shop liability, which is slightly different from the social host law. Dram shop liability is a



legal term that holds a business which sells alcoholic drinks to an individual who is already intoxicated strictly liable for injury caused to that person or if the intoxicated person injures or harms others.

This same section of the Indiana Code does provide legal protection to educational institutions, provided that employees of an institution do not knowingly provide alcohol or a designated area for drinking to minors. Postsecondary institutions, i.e. colleges and universities, are not held liable if a minor is caught drinking on it's grounds or if the drinking results in personal or property damage.

Research Findings

Research on social host laws shows their impact in various ways. One study found that in communities that had preexisting social host policies, adolescents drank less in groups when compared to those adolescents who lived in communities without a specific policy (Wagoner et al., 2013). However, it was also noted within this study that communities with recent passing of social host ordinances had higher rates of drinking at gatherings with peers compared to those with preexisting policies or no policy what so ever. This suggests that time-dependence may play a role in policies eventually reducing the amount of underage parties that incorporate alcohol. With time, policies can be promoted by community leaders and law enforcement officers, leading to lower rates of adolescents drinking at parties (Wagoner et al., 2013).

In a large-scale study in California 50 localities were studied to see the effect of passing of social host laws. Half of the communities established the law and the other half did not. Although the research was stated to be preliminary, the result showed

the adolescents in areas with enforced social host laws were less likely to report drinking at parties (Thomas et al., 2012).

A.K. Dills (2010) published a study, which reported that social host laws concerning minors reduced the drunk-driving fatality rate within the United States. Stricter social host laws reduce the occurrence of underage drinking in private residences and, in turn, this reduces the number of intoxicated underage drivers.

Impact in Your Community

The ultimate goal of social host laws is to reduce underage drinking. However, a collective effort must to put forth by schools, law enforcement officials, schools, and parents if this is to be possible. Education, outreach, and enforcement of policy will allow communities to be healthier and safe, limiting problems related to alcohol such as drinking and driving, injuries, alcohol poisoning, and binge drinking. Speak to your local city council or public officials about passing a social host ordinance in your community.

References

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- Wagoner, K. G., Sparks, M., Francisco, V. T., Wyrick, D., Nichols, T., & Wolfson, M. (2013). Social host policies and underage drinking parties. *Substance use & misuse*, 48(1-2), 41-53.