

CADY Corner 8/20/09

Hosting Teen Parties: What's Your Liability?

Here's the scenario. Your son or daughter has graduated from high school and is heading off to college in a few weeks. You throw a huge backyard bash to celebrate the occasion. You hire a caterer, find a DJ, and hit the store for cases of beer (for you and the other adults attending) and soda (for the teens). The attendees are an eclectic mix of family, your friends and co-workers, and your teen's friends. You've warned your teen that there will be no underage drinking at this party and he/she agrees to spread the word. Your teen and his/her friends have never given you an ounce of worry, so you trust them completely. Later in the day, you head to the garage to restock the coolers, and you come upon a few of your teen's friends drinking the beer – well on their way to being drunk. The party is going strong, and everyone is having a good time so you figure “what's the harm?” You collect their car keys and make them promise they won't go home – you've got it under control.

In the above scenario, since the party was at your house, and you provided the alcohol, you are known as the "social host." **Social host liability** is created by a statute or case law that imposes liability on *social hosts* as a result of their serving alcohol to persons or minors. A social host is most often a private individual who serves alcohol in a non-commercial setting.

In New Hampshire, RSA 644:18, or the "Party Host Law," as it has been dubbed, was signed into law on April 12, 2004, by then Governor Craig Benson. The law holds the “hosts” of parties responsible for the action of underage participants. This law can be applied to any adult.

So, what exactly does this mean? Well, under the Party Host Liability Law, a “host” means a person who is at least 17 years old; owns, rents or has control of the site; knows about the party; and knows that persons under the age of 21 have a plan to drink alcohol or use drugs. Under this law a “party” means five or more people under the age of 21 (not related to the host) are present; and at least one person under the age of 21 has an alcoholic drink or an illegal drug.

What can happen to “hosts?” Under this law, a person who hosts a party where minors drink alcohol or use drugs may be charged with a misdemeanor, fined up to \$2,000 and spend a year in jail. Law enforcement in NH takes underage drinking seriously. A recent article in the *Union Leader* reported on a NH couple in their 30's that were arrested for providing alcohol to more than a dozen teens. Officers responding to an anonymous call found a number of youth between the ages of 14 and 17, many of them with intoxication levels that ranged from .04 to .28 – 3 ½ times the legal limit for an adult operating a car. The adults arrested were charged with numerous misdemeanor counts, *each* charge comes with a maximum penalty of a year in jail or a \$2,000 fine.

Most people are aware that serving alcohol to minors is illegal, but believe it or not, most underage drinkers get their alcohol from adults. “Social sources” of alcohol include parents of other teens, older siblings and friends. The Party Host Liability Law was originally aimed at parents who hosted parties for prom, graduation, et cetera. The parents may have had the best of

intentions and took away the car keys, but it was "that set of keys that somehow doesn't get taken [which] ends up in a fatal accident." Just taking the keys away does not protect your child. Underage drinking is associated with a number of health risks, including risky sexual activity, injuries, drowning, suicide, violence, crime, alcohol poisoning and even death. Research from the American Medical Association (AMA) indicates that teenagers who drink alcohol may be permanently damaging their still developing brains. The damage from underage drinking may affect teens' memory, cognitive abilities and decision making skills for the rest of their lives. Underage drinking is illegal because it is dangerous.

How can you minimize the chances of the above scenario happening to you?

- Don't buy alcohol for parties when minors will be attending. Eliminate the alcohol and the problem goes away. However, be aware that this does not prevent others from bringing alcohol into your home.
- Stop thinking of your children and their friends as either "good" kids or "bad" kids. Good kids drink too! Most kids experiment with alcohol and drugs, no matter what their background, intelligence or level of responsibility. This, in and of itself, does not make them "bad" - it makes them "kids!" Allowing for the possibility up front may save a lot of heartache later on.

Avoiding liability may be achieved by not serving alcohol when youth are present or by strongly monitoring the liquor and the youth guests who are present. If you plan to serve alcohol at a gathering or party, it is important to understand your level of responsibility for your guests' actions during - and after - the party. For more information about the New Hampshire Party Host Liability Law visit the CADY web site at www.cadyinc.org. Or give our office a call at 536-9793, we'd be happy to talk with you about ways to prevent underage drinking and how to talk to your teens about the dangers of drugs and alcohol.

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