ARE YOU LIABLE?

Student Social Host Liability Law FAQ

The answers provided are general and do not constitute legal advice. Keep in mind that the law varies from state to state and that the application of the law depends on the particular facts of each situation or incident.

I am under 21. Does the Social Host Law apply to me?
Yes. The law states “whoever” furnishes alcohol to persons under 21. “Whoever” means everyone (even a 14 year old, for example).

I live in a dorm room. Can I be held liable as a Social Host?
Yes. Since you control the room, Social Host Law applies. The law holds anyone in control of the property of premises liable.

If my roommate(s) host a party in our apartment while I am away, can I still be held liable?
Probably not criminally – particularly if you do not supply the alcohol or assist with the preparations for the party – civil liability is a different matter.

I live in a dorm room. Can I be held liable as a Social Host?
Yes. Since you control the room, Social Host Law applies. The law holds anyone in control of the property of premises liable.

I am a member of a fraternity/sorority. If my chapter allows underage members to drink at a chapter event, am I liable under the Social Host Law?
Probably – if you are an officer of the chapter or play an active role in obtaining and furnishing the alcohol to the underage members or guests. Every member present could be held liable.

If I host a party at my parents’ house while they are away, can they be held liable?
Probably not – unless they have a reason to believe that minors will be consuming alcohol in their home when they are not there. However, you would be the one held liable.

I am hosting a party at which I’ll be providing alcohol for people 21 and older. There will be people under 21 in attendance, but I will not be giving them alcohol. If I know that the guests under 21 brought their own alcohol, but I do not take it away, and simply ignore it, am I liable under the Social Host Law?
Probably – in many states the social host law extends beyond the supply of alcohol to minors to simply allowing underage persons to consume alcohol on premises that the host controls. Consult your state’s law for more specific information.

If I host a party in another state, does the Social Host Law apply?
Probably – 32 states (all New England states) now have Social Host Laws. Many states that have not yet enacted a Social Host Law are applying other laws to hold party hosts criminally responsible for allowing underage guests to consume alcohol.

The bottom line is that you are never “safe” from liability if you furnish alcohol to persons under 21. Allowing someone underage to drink is not worth the risk.