

## DESCRIPTIONS OF OTHER STATE LIABILITY LAWS

**Common Law Decisions** - The penalties for liquor law violations can be criminal, civil, and administrative. Common criminal penalties are monetary fines and jail sentences. Licensees found guilty of civil actions can be made to pay damages to the injured party bringing the suit. Administrative penalties may include suspension or revocation of the license. Typically, the penalty for serving or selling alcohol to a minor is a 6-day suspension of the license for the first offense.

**Negligence Liability** - It is a criminal misdemeanor for servers to sell or serve alcohol to either a minor or an intoxicated person. Any licensee who violates this law will have his license suspended or revoked, and may face a fine of up to \$10,000.

**Case Law** - The penalties for violating the liquor act include license revocation, license suspension for up to 3 years and up to a \$500 fine for the first offense, \$750 for the second offense, and \$1,000 for the third offense. A licensee can be fined and have their license suspended for the same citation. A licensee can also negotiate payment of a fine of up to \$5,000 and suspension to avoid a hearing.

**Minors Only** - Licensees are subject to license suspension or revocation or fines ranging from \$50 to \$1,000 for most violations. Licensees who violate the law regarding sales to minors, improper entertainment, prostitution, controlled substances, corruption of minors, or public nuisances are subject to license suspension or revocation or fines ranging from \$1,000 to \$5,000. If a licensee receives three citations within a period of four years, the licensee is subject to a mandatory suspension or revocation of the license. In addition to the above penalties, any person who violates the Liquor Code shall be found guilty of a misdemeanor and sentenced to pay a fine between \$100 and \$500, and one to three months imprisonment if the fine is not paid. For subsequent offenses, a fine between \$300 and \$500 will be levied, and if unpaid the violator faces three months to one year imprisonment. For violations relating to prostitution, controlled substances, or corruption of minors, the person related to the licensed premise could be sentenced to pay a fine of not more the \$5,000 and/or be imprisoned for three months to one year.

**Protects from Civil Liability** - Selling alcohol to an underage person or someone who is obviously intoxicated is a Class 1 misdemeanor. However, no licensee is civilly liable to any injured person or his estate due to the sale of any alcohol beverage in violation of these provisions. No social host who furnishes any alcohol beverage is civilly liable to any injured person or his estate because of the intoxication of any person due to the consumption of such alcohol beverages.

**Dram Shop** - holds alcohol servers responsible for harm that intoxicated or underage patrons cause other people (or, in some cases, to themselves).



## SAMPLE LETTER TO STATE REPRESENTATIVE SOCIAL HOST LIABILITY LAWS

**NOTE:** Consult the “government” section of your local phone book to find out the name of your local state representative. Contact the representative’s office for address information.

Date

Include your name, group name and address

Include your state representative’s name and address

Dear Mr. or Ms. Representative:

I am writing to ask for your help in addressing a serious problem in our state - underage drinking. Recent surveys of high school students show that underage kids who drink get up to half of their alcohol from adults. Whether these adults realize it or not, underage drinking has many harmful consequences:

- car crashes
- assault
- addiction
- accidents and suicide
- vandalism
- unplanned, unwanted, and unprotected sexual encounters
- teen pregnancy and sexually transmitted diseases

To help keep kids safe by reducing youth access to alcohol, many states have enacted social host liability laws that hold adults either civilly or criminally responsible for supplying alcohol to underage youth. We need these laws in our state, and I’m asking for your help. Please consider championing this issue for the kids of our state.

Feel free to contact me if I can help in any way, and thank you for your consideration.

Sincerely yours,

your signature and group name

Source: FACE Truth and Clarity on Alcohol.



## SAMPLE LETTER TO THE EDITOR FROM LAW ENFORCEMENT

Dear Editor:

The time for proms and graduation parties is upon us. We congratulate the graduates on this milestone in their lives and wish them success, health, and happiness in all their future endeavors. Of utmost concern is making this graduation season safe for all participants. Don't let this time be marred by an incident involving alcohol or other drugs.

(Michigan Law) is very specific when it comes to underage drinking; no person under the age of 21 can purchase, possess, or consume intoxicants. The first offense is a misdemeanor, carrying a \$100.00 fine, community service, and a substance abuse screening. Additionally, anyone under 21 who operates a vehicle after consuming alcohol, regardless of the blood alcohol level, will lose their driver's license.

The law is also very clear on liability associated with hosting a party where alcohol is served. It is against the law to furnish (or sell) alcohol to anyone under the age of 21. A mandatory \$1,000 fine and up to 60 days in jail are the consequences of this action. A party host also has civil liability to think about. Whether the party is in your home, your garage, in an out building, or in a field, if you own the property, you are civilly liable if a person (under 21 or over 21) leaves your property after consuming intoxicants and injures themselves or another.

If you are planning on hosting a party where alcohol is going to be consumed, please make sure that no one under 21 is allowed to consume alcohol. Anyone who appears to be intoxicated should not be allowed to continue drinking, and should be given a ride home.

Let's make 2001 the year when no one is arrested, injured, or killed because of celebrations that got out of hand. Let's honor our graduates and ensure their safety and their futures by not allowing alcohol to be part of the party.

Working together, we can make our community a safer and healthier place in which to live.

Sincerely,

your signature and group name

Source: Circle of Health Partnership, Midland, Michigan.



## SAMPLE LETTER TO THE EDITOR SOCIAL HOST LIABILITY LAWS

**NOTE:** Follow the instructions in the opinion section of your local newspaper for submitting a letter to the editor. Most newspapers print these instructions in the opinion-editorial section, or you can call the newspaper for instructions.

### **ISSUE: Social Host Liability Laws Needed in Our State**

Recent research of youth across the country shows that underage drinking is more prevalent than adults could have ever imagined. One survey of high school students showed that underage kids who drink obtain about one-half of their alcohol from adults - oftentimes from parents themselves. While some adults may think that drinking is just a part of growing up, the following list of problems associated with underage drinking should make every adult think again:

- car crashes
- assault
- addiction
- accidents and suicide
- death from alcohol poisoning
- vandalism
- unplanned, unwanted, and unprotected sexual encounters
- teen pregnancy and sexually transmitted diseases

One way to discourage adults from supplying alcohol to kids is by enacting and enforcing social host liability laws. Many states have enacted these laws that hold adults civilly and/or criminally responsible for providing alcohol to underage youth, or who knowingly allow underage drinking in their homes or on their property.

Although these laws certainly won't eliminate all underage drinking, it is one of the things that we can do to help reduce it here in [NAME OF YOUR STATE]. Join me in writing to our state representatives to quickly enact this type of legislation.

Sincerely,

Include your name here

Sources: "Social Host Liability: A State Policy to Reduce Access to Alcohol by Underage People," Alcohol Epidemiology Program, School of Public Health, University of Minnesota. 1998. "A Practical Guide to Preventing and Dispersing Underage Drinking Parties," Pacific Institute of Research and Evaluation. 2000.



## SAMPLE NEWS RELEASE - SOCIAL HOST LIABILITY

**NOTE:** Send this release to the local news editor at your newspaper. Call the newspaper for the editor's name and for instructions on submitting the release.

### **FOR IMMEDIATE RELEASE**

**For more information, contact: [INSERT YOUR NAME AND PHONE NUMBER]**

#### **Supplying Alcohol to Youth Poses Problems for Adults**

Recent surveys show that adults are contributing to the problem of underage drinking — and now they can be held responsible for it. Surveys conducted among high school students indicate that when kids get their hands on alcohol, about half of the time it's from an adult. These adults may be individuals over age 21 who purchase alcohol for their underage friends, but it's also common for underage kids to obtain alcohol from parents themselves.

What adults need to know is that they can be held responsible — criminally and/or civilly — for providing alcohol to underage youth. Increasingly, communities are enacting social host liability laws that allow people to bring civil suits against adults who provide alcohol to underage youth or who knowingly allow underage drinking in their home or on their property. Each state's laws vary in their provisions. In the state of [INSERT NAME OF STATE], social host liability laws have been enacted. [YOU MAY WANT TO INCLUDE A FEW SENTENCES HERE ABOUT THE SPECIFIC PROVISIONS OF LAWS THAT APPLY IN YOUR COMMUNITY.]

Social host liability laws have been created to help remedy the problems that are undeniably linked with underage drinking: car crashes, recreational vehicle accidents, vandalism, date rape, assault, teen pregnancy and sexually transmitted diseases, accidents, suicide, and death by alcohol poisoning.

Social host liability laws are especially relevant as the season for high school proms and graduation parties approach [**CUSTOMIZE FOR ANY TIME OF YEAR**]. Young adults and parents need to know that if they fail to take responsibility for supplying alcohol to kids, they may find themselves legally responsible.

Sources: "Social Host Liability: A state policy to reduce access to alcohol by underage people," Alcohol Epidemiology Program, School of Public Health, University of Minnesota 1998. "A Practical Guide to Preventing and Dispersing Underage Drinking Parties," Pacific Institute of Research and Evaluation, 2000.



DOES YOUR STATE HAVE SOCIAL HOST LIABILITY LAWS?

STATE	DRAM SHOP	SOCIAL HOST
ALABAMA	YES	YES
ALASKA	YES	NO
ARIZONA	YES	YES
ARKANSAS	YES	NO
CALIFORNIA	YES (LIMITED)	NO
COLORADO	YES	NO
CONNECTICUT	YES	NO
DELAWARE	NO	NO
FLORIDA	NO	YES
GEORGIA	NO	NO
IDAHO	YES (LIMITED)	FALLS UNDER DRAM
ILLINOIS	YES	NO
INDIANA	YES	YES
IOWA	YES	YES
KANSAS	NO	NO
KENTUCKY	NO	NO
LOUISIANA	NO	NO
MAINE	YES	YES
MARYLAND	NO	NO

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STATE	DRAM SHOP	SOCIAL HOST
MASSACHUSETTS	NO	COMMON LAW DECISIONS
MICHIGAN	YES	YES
MINNESOTA	YES	YES
MISSISSIPPI	YES	YES
MISSOURI	YES	NO
MONTANA	YES	YES
NEBRASKA	NO	NO
NEW HAMPSHIRE	YES	NO
NEW JERSEY	YES	YES
NEW MEXICO	YES	NEGLIGENCE LIABILITY
NEW YORK	YES	YES
NEVADA		
NORTH CAROLINA	YES	CASE LAW
NORTH DAKOTA	YES	YES
OHIO	YES	NO
OKLAHOMA	NO	NO
OREGON	YES	YES
PENNSYLVANIA	YES	MINORS ONLY
RHODE ISLAND	YES	NO

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STATE	DRAM SHOP	SOCIAL HOST
SOUTH CAROLINA	NO	NO
SOUTH DAKOTA	NO	PROTECTS FROM CIVIL LIABILITY
TENNESSEE	YES	NO
TEXAS	YES	NO
UTAH	YES	NO
VERMONT	YES	NO
VIRGINIA	NO	NO
WASHINGTON	NO	NO (TORT)
WEST VIRGINIA	NO	NO (TORT)
WISCONSIN	YES	YES
WYOMING	NO	NO
DISTRICT OF COLUMBIA	NO	NO
PUERTO RICO	NO	NO

Source: TIPS, State Law, January 2001.





## WAYS TO LIMIT INDIVIDUAL LIABILITY

In order to limit or avoid liability, social hosts should consider the following when planning social functions if alcohol is going to be served:

- Use professional, trained bartenders or caterers. These persons should be trained and instructed not serve alcoholic beverages to underage or intoxicated persons. In addition, hosts should make sure that the professional bartender or caterer carries sufficient liability insurance, and agrees to indemnify the host for any liability.
- Choose not to make alcohol the focus of the party. Have plenty of non-alcoholic beverages available, and offer a variety of food for your guests.
- Arrange for taxi service or designated drivers. By doing so, you reduce the chance that an intoxicated person will drive after the party. Though it is difficult to argue with friends, especially inebriated ones, the host should work hard to have guests use those services.

These suggestions may not be practical for every situation and other ideas may work in other circumstances.

Sources: James C. Worthington, Partner at Poe, Hoof and Reinhardt, Attorneys at Law, December 21, 1997.  
FACE - Truth and Clarity on Alcohol, 2001.