



## #1 Free Legal Website

FindLaw.com is the leading and largest online resource for legal information. For basic legal issues to more complex ones, you'll find thousands of helpful articles, a legal community to get answers to your specific questions, an attorney directory, blogs, news, DIY forms, and much more.

### Social Host Liability

Most states have enacted laws holding party hosts liable for any alcohol-related injuries that occur as a result of providing alcohol to minors. This includes injuries to the minor as well as any other individuals whose injuries or death resulted from the minor being provided with alcohol. Some states have more general *social host liability* laws, which are not limited to just minors but to anyone who was encouraged or allowed to drink excessively to the point where he or she was injured or killed, or caused another's injury or death.

These laws also hold social hosts liable for property damage related to such an incident.

To be liable under social host laws, in many states, the host must have recognized that the guest was intoxicated and should not have been served more alcohol. Such laws also apply to other intoxicating substances. Individual cases are based on specific facts surrounding the incident.

Social host liability laws are similar to so-called *dram shop laws*, which hold bars and alcohol retailers liable for injuries or deaths related to the actions of severely intoxicated patrons. In fact, some states' dram shop laws (which apply to businesses that provide alcohol) also cover social hosts.

### **Social Host Liability and Common Law**

While common law has generally held that social hosts are *not* liable for injuries or deaths related to alcohol served to guests (in the absence of specific social host laws), there are some exceptions.

For example, adults typically have a duty to refrain from negligently or intentionally supplying alcohol to minors. Hosts can be found liable for negligence especially if they knew (or should have known) the minor would have driven a car while under the influence.

It is much less common, but not unheard-of, for a court to hold hosts liable for the actions of intoxicated adult guests as well (in the absence of specific social host laws). These cases usually involve drunk driving accidents and center around the question of whether the host knew the guest was both intoxicated and would soon be driving an automobile. Such legal actions are often filed as negligence claims.

### **Adult Responsibility for Underage Drinking**

Most social host liability laws are targeted toward reducing alcohol related injuries and deaths by minors. Specifically, these laws impose a duty of care on party hosts (typically a parent but any adult who is in charge) not to *furnish* or *serve* alcohol to minors. To "furnish" alcohol is to merely make it available, while to "serve" alcohol is to "knowingly and affirmatively deliver" alcohol.

The following is an example of how a social host liability law pertaining to minors might be invoked:

Two parents allow their son to hold a keg party at their house while they are present. One of the guests quickly becomes visibly intoxicated. Although the parents know the girl is drunk, they do nothing to stop her from leaving the party and driving home. But on the way, she rear-ends another car, causing the other driver to suffer a serious neck injury.

If this scenario took place in a state with a social host liability law, or where the courts allow negligence suits under common law, the injured third-party driver could sue the parents who hosted the party as well as the driver that caused the accident. Typically, the host may be held liable for knowingly providing alcohol to a minor who intended to drive a vehicle afterward.

### **State Social Host Laws**

Laws imposing liability on social hosts for alcohol-related deaths and injuries vary from state to state, while some states have passed statutes that explicitly give immunity to social hosts. Eighteen states have general social host liability

statutes and nine states have social host laws specific to minors, according to the National Institute on Alcohol Abuse and Alcoholism (NIAAA).

States with social host liability laws applicable to guests of all ages:

Alaska, Arkansas, Connecticut, Hawaii, Maine, Maryland, Massachusetts, Missouri, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Washington, Wisconsin

New Jersey's statute holds social hosts liable for third-party injuries caused by a guest who is "visibly intoxicated" where "the injuries are the result of negligent operation of a vehicle by the guest." New Jersey courts have held that "provide" includes self-service by guests. However, social hosts are not liable for injuries sustained by the guest (only the third party).

States with social host liability laws applicable only to minors:

Alabama, Arizona, Florida, Illinois, Kansas, Michigan, New Hampshire, Utah, Wyoming

The Illinois statute, called the "Drug or Alcohol Impaired Minor Responsibility Act," holds adults 18 and older "who willfully supply alcohol beverages or illegal drugs" to minors (under 18) liable for injuries or deaths resulting from their impairment. The law covers both the intoxicated minor and any third parties, applicable to an adult host "who sells, gives, or delivers" illegal drugs or alcohol.

# FINDLAW.COM EMPOWERS PEOPLE WITH TRUSTED, TIMELY AND INTELLIGENT LEGAL INFORMATION

**BLOGS** – FindLaw Blogs present timely news that has real-life implications, deliver important information and discuss law-related entertainment.

**FINDLAW ANSWERS** – A vibrant, interactive online community where everyday people can ask legal questions and get real-time answers from legal professionals and others with similar experiences.

**NEWS & NEWSLETTERS** – Updated throughout the day and night and covering a wide range of legal topics, FindLaw.com's News page presents current legal news, keeping people informed and educated.

**FIND A LAWYER** – An easy-to-search database of more than one million lawyers and law firms. It provides detailed information, enabling people to contact a qualified lawyer when they are ready.



**DO-IT-YOURSELF FORMS & CONTRACTS** – FindLaw.com provides accurate legal documents for common legal matters. Choose from a library of easy-to-use, low-cost, accurate legal forms for everyday legal issues.

**FINDLAW VIDEO** – On FindLaw.com, you'll find an online directory of more than 1,500 short videos dedicated exclusively to legal topics and attorney and law firm profiles.

## Connect With Us

FindLaw.com has an entire social media team dedicated to providing our users with as many options as possible to join, participate in, and learn from the FindLaw community. Some of the social key channels are the following:



[FindLaw for Consumers on Facebook](#)

Making the law easy to access with interactive legal updates aimed at starting conversations, informing followers of their legal rights and providing a forum for questions and resources



[@FindLawConsumer on Twitter](#)

Tweeting interesting, entertaining and informative legal news everyday

HAVE A LEGAL QUESTION?  
NEED TO FIND AN AFFORDABLE,  
QUALIFIED ATTORNEY?

Protect yourself, your family or  
your business with a legal plan  
or form from LegalStreet

[www.LEGALSTREET.com](http://www.LEGALSTREET.com)

Copyright © 2013 FindLaw, a Thomson Reuters business. All rights reserved. The information contained in this article is for informational purposes only and does not constitute legal advice. The use and distribution of this article is subject to the Creative Commons BY-NC-ND license, which can be viewed at <http://creativecommons.org/licenses/by-nc-nd/3.0/>. You must attribute the article by providing the title of the article, FindLaw copyright notice and link to the original work. You may not use the article for commercial purposes and you may not alter or transform this article in any way.

**FindLaw**<sup>®</sup>  
A Thomson Reuters Business