

## Social Host Liability FAQ's

- 1. Does the Social Host Law apply to my son, who is not yet 21 years old?** Yes. The law states "whoever" furnishes alcohol to persons under 21, and that "whoever" applies to everyone.
- 2. Can I avoid liability by renting a hotel room for my son/daughter's graduation party?** No. Since you rented the room, you control the room. The law applies to the person(s) in control of the premises or property.
- 3. If my child hosts a party while I am away, can I still be held liable?** Yes. If you have reason to believe that minors will be consuming alcohol in your home even when you are not there, you may be charged criminally or held liable civilly.
- 4. Can I serve alcohol to my own children?** An exception to the law in Massachusetts allows you to serve alcohol to your children and grandchildren. However, should an injury result, you may still be liable for substantial monetary damages in a civil suit.
- 5. What should I do if my son/daughter's underage friends bring alcohol into my home and start drinking?** Call the parents of the underage friend(s) in question, and call the police
- 6. Will my homeowner's policy cover the costs of litigation and any judgment against my child or me?** Probably not. If you are charged criminally, your policy will most likely not apply. If it does apply, or you are charged civilly, the limits of your policy will likely be too small to cover the legal fees and substantial damages awarded for death or catastrophic injury.
- 7. One of my underage children is in college; the other is in the military. Why can't I serve alcohol their friends in the safety of my own home if their parents give permission?** The law is clear: you cannot serve alcohol to persons under 21 years of age or allow them to consume alcohol in your home or on any premises you control. The law against underage drinking applies to you even if exceptions permit minors to consume alcohol in other places.
- 8. If my guest, underage or over 21, caused injury to another person and we both were sued, why do I have to pay?** Massachusetts applies the rule of joint and several liability, (sometimes called the "deep pocket rule"). This rule makes each and every defendant in a tort (civil) lawsuit liable for the entire amount of the plaintiff's awarded damages in a judgment. This holds true regardless of the defendant's relative degrees of fault or responsibility. If an underage guest causes injury to a third party after consuming alcohol in your home, the third party is likely to pursue you, as the "deeper pocket," for the full amount of the judgment. Judgments in social host cases are often in the millions of dollars.

- 9. If someone obtains a judgment against me as a social host, do I still have to pay if I declare bankruptcy?** Not at present. Currently, the bankruptcy laws do not allow the discharge of debts for death or personal injury caused by the debtor's operation of a motor vehicle if the debtor was intoxicated. Social hosts may still discharge debts resulting from the actions of their guests. However, there is a growing trend to prevent this from happening, and the law is subject to change.
- 10. 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 or premises liable.
- 11. 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—but civil liability is a different matter.
- 12. If I host a party at my parents' house while they are away, can they be held liable?** Probably not—unless they have 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.
- 13. I am a member of a fraternity/sorority. If my chapter allows underage members to drink in our house, 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.
- 14. 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.
- 15. 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, 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 supplying 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.

**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.**

The **Massachusetts Interscholastic Athletic Association (MIAA)** announced a new zero-tolerance policy punishing student-athletes caught drinking alcohol, using drugs, smoking or chewing tobacco at any time of year.

Now, any athlete caught violating the Chemical Health rule in the summer or any off-season period will be punished just as if he or she were caught in season: 25% suspension for a first offense; 60% suspension for the second offense and completion of an approved dependency program (e.g., Alcoholics Anonymous) for a third offense.

If the student-athlete attends a school with more restrictive rules, the more restrictive local rules govern. Last year Framingham implemented a stricter policy that held athletes accountable all year. The policy permitted a student to work off the penalty by the time his or her sport began. The new MIAA rule will permit athletes to work off only summertime violations.

Parents and students should understand clearly: the MIAA will continue to enhance its regulations so that they are truly "zero tolerance." Rules and penalties will be stiffened, not relaxed. As incidents occur in particular towns, towns will tighten their rules and enhance their penalties. Regardless of when or where, any student-athlete who drinks, smokes, or chews tobacco directly jeopardizes his or her right to play scholastic sports regardless of the sport or season.