



## **SAPC**

Members of the Grand Forks Substance Abuse Prevention Coalition (SAPC) compiled the following excerpts from various statutes to illustrate optional language that may be used while discussing and amending the proposed social host ordinance. We noticed that in most states, social host laws only apply to adults (persons eighteen years of age and older) and that an individual cannot be found guilty if they take action (notify the police) to terminate the party. One thing that stands out is that many states have taken a serious stance against adults who allow underage drinking parties even though they don't provide the alcohol. In addition, some states include language that hold adults responsible for allowing drug use on property they control. And, the penalties for a social host violation are usually a misdemeanor or when an underage drinker who is allowed to consume alcohol is injured/killed or injures/kills another person, a felony. For your information, in addition to Grand Forks, the following community coalitions are proposing enacting a social host ordinance:

- Ransom County
- Rolette County
- Spirit Lake Tribe
- Upper Missouri Health District
- Wells County
- City of East Grand Forks

Members of SAPC believe a social host ordinance would provide another “tool” to assist law enforcement when dealing with adults who allow underage drinking especially on property they control, a leased hotel room, or a party bus/limousine. Studies have shown that social host laws reduce youth access to alcohol thus reducing the harms associated with underage drinking such as motor vehicle crashes, sexual and physical assaults, drowning, burns, alcohol poisonings and suicides.

Respectfully,

Bill Vasicek—Co-Chair

## Social Host Liability for Underage Drinking Statutes

National Conference of State Legislatures (NCSL)

<http://www.ncsl.org/research/financial-services-and-commerce/social-host-liability-for-underage-drinking-statutes.aspx>

Enacted in 1984, the National Minimum Drinking Age Act set the minimum drinking age at 21. To comply with federal law, states prohibit persons under 21 years of age from purchasing or publicly possessing alcoholic beverages.

According to the 2012 National Survey on Drug Use and Health, about 9.3 million persons aged 12 to 20 (24.3 percent of this age group) reported drinking alcohol in the past month and an estimated 11.2 percent of persons aged 12 or older drove under the influence of alcohol at least once in the past year.

In an effort to combat underage drinking, state legislators have enacted laws that assign responsibility to adults who allow minors to drink alcohol at social gatherings. Thirty-one states allow social hosts to be civilly liable for injuries or damages caused by underage drinkers. Thirty states and the Virgin Islands have criminal penalties for adults who host or permit parties with underage drinking to occur in the adults' homes or in premises under the adults' control. These social host statutory provisions do not apply to licensed establishments such as restaurants, bars, and liquor stores, which are covered by dram shop laws.

### Alabama (Code §13A-11-10.1)

(b) No adult (18+) having control of any residence, who has authorized an open house party at the residence and is in attendance at the party, shall allow the open house party to continue if all of the following occur:

- (1) Alcoholic beverages or controlled substances are illegally possessed or illegally consumed at the residence by a person under the age of 21.
- (2) The adult knows that an alcoholic beverage or controlled substance is in the illegal possession of or is being illegally consumed by a person under the age of 21 at the residence.
- (3) The adult fails to take reasonable action to prevent illegal possession or illegal consumption of the alcoholic beverage or controlled substance.

(c) Any adult who violates this section shall be guilty of a Class B misdemeanor.

### Alaska (Stat. §04.16.055)

A person may not rent a room in a hotel, motel, resort, or similar business for the purpose of providing alcoholic beverages to a person under the age of 21 years.

### Alaska (Stat. §04.16.057)

(a) Except as provided by AS 04.16.051, a person who is physically in possession and exercising dominion and control over a dwelling may not knowingly permit a person under 21 years of age to possess an alcoholic beverage in the dwelling.

(b) A person who violates this section is guilty of a violation and shall be punished as provided in AS 12.55.

**Arizona (Rev. Stat. Ann. §4-241)**

Q. A person who is of legal drinking age and who is an occupant of unlicensed premises is guilty of a class 1 misdemeanor if both of the following apply: 1. Such person knowingly allows a gathering on such unlicensed premises of two or more persons who are under the legal drinking age and who are neither: (a) Members of the immediate family of such person. (b) Permanently residing with such person. 2. Such person knows or should know that one or more of the persons under the legal drinking age is in possession of or consuming spirituous liquor on the unlicensed premises.

R. For the purposes of subsection Q of this section, "occupant" means a person who has legal possession or the legal right to exclude others from the unlicensed premises.

**Arkansas (Stat. Ann. §3-3-219)**

(a) (1) A person who exercises control over private property shall not knowingly allow a person under 21 years of age who is not a family member of the person to consume alcohol on the private property. (2) This subsection applies only to a person who is present and in control of the private property at the time the consumption occurs. (3) This subsection does not apply to the owner of rental property or the agent of an owner of rental property unless the consumption occurs in the individual unit in which the owner or agent resides. (4) This subsection does not apply to any consumption of alcohol during religious ceremonies or for religious purposes.

(b) (1) A first violation of this section is a Class C misdemeanor. (2) A second violation of this section is a Class A misdemeanor. (3) A third or subsequent violation of this section is a Class D felony.

**Connecticut (Gen. Stat. §30-89a)**

(a) No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall (1) knowingly, recklessly, or with criminal negligence, permit any minor to possess alcoholic liquor in violation of subsection (b) of §30-89 in such dwelling unit or on such private property, or (2) fail to make reasonable efforts to halt such possession. For the purposes of this subsection, "minor" means a person under 21 years of age.

(b) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class A misdemeanor.

**Florida (Stat. §856.015)**

(2) A person having control of any residence may not allow an open house party to take place at the residence if any alcoholic beverage or drug is possessed or consumed at the residence by any minor where the person knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at the residence and where the person fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

(4) Any person who violates any of the provisions of subsection (2) commits a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083. A person who violates subsection (2) a second or subsequent time commits a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

(5) If a violation of subsection (2) causes or contributes to causing serious bodily injury, as defined in §316.1933, or death to the minor, or if the minor causes or contributes to causing serious bodily injury or death to another as a result of the minor's consumption of alcohol or drugs at the open house party, the violation is a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

**Illinois (Rev. Stat. ch. 235, §5/6-16)**

(a-1) It is unlawful for any parent or guardian to knowingly permit his or her residence, or any other private property under his or her control, to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this section. A parent or guardian is deemed to have knowingly permitted his or her residence, or any other private property under his or her control, to be used in violation of this section if he or she knowingly authorizes, or permits consumption of alcoholic liquor by underage invitees. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500. Where a violation of this subsection (a-1) directly or indirectly results in great bodily harm or death to any person, the person violating this subsection shall be guilty of a Class 4 felony. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service in observation of a religious holiday.

(b) Except as otherwise provided in this section whoever violates this section shall, in addition to other penalties provided for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly authorizes or permits a residence which he or she occupies to be used by an invitee under 21 years of age and: (1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and (2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. The sentence of any person who violates this subsection (c) shall include, but shall not be limited to, a fine of not less than \$500. Where a violation of this subsection (c) directly or indirectly results in great bodily harm or death to any person, the person violating this subsection (c) shall be guilty of a Class 4 felony. Nothing in this subsection (c) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service in observation of a religious holiday.

A person **shall not be in violation** of this subsection (c) if (A) he or she requests assistance from the police department or other law enforcement agency to either (i) remove any person who refuses to abide by the person's performance of the duties imposed by this subsection (c) or (ii) terminate the activity because the person has been unable to prevent a person under the age of 21 years from consuming alcohol despite having taken all reasonable steps to do so and (B) this assistance is requested before any other person makes a formal complaint to the police department or other law enforcement agency about the activity.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

**Kansas (Stat. Ann. §21-5608)**

(a) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is recklessly permitting a person's residence or any land, building, structure or room owned, occupied or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the unlawful possession or consumption therein of alcoholic liquor or cereal malt beverages by a minor.

(b) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a class A person misdemeanor, for which the minimum fine is \$1,000. If the court sentences the offender to perform community or public service work as a condition of probation, as described in subsection (b)(10) of K.S.A. 2011 Supp. 21-6607, and amendments thereto, the court shall consider ordering the offender to serve the community or public service at an alcohol treatment facility.

(c) As used in this section, terms mean the same as in K.S.A. 41-102, and amendments thereto.

(d) The provisions of this section shall not be deemed to create any civil liability for any lodging establishment, as defined in K.S.A. 36-501, and amendments thereto.

**Maine (Rev. Stat. Ann. tit. 28-A, §2081)**

1. Offense. Except as provided in subsection 2, a person may not knowingly:

B. Allow a minor under that person's control or in a place under that person's control to possess or consume liquor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than \$1,000 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a six-year period commits a Class D crime for which a fine of not less than \$2,000 may be imposed, none of which may be suspended.

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, §2, subsection 23.

**Maryland (Criminal Law Code Ann. §10-117)**

(b) Allowing possession or consumption of alcohol. -- Except as provided in subsection (c) of this section, an adult (18+) may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c) Exceptions. -- (1) The prohibition set forth in subsection (a) of this section does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished: (i) are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or (ii) are participants in a religious ceremony.

(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage: (i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or (ii) are participants in a religious ceremony.

**Maryland (Criminal Law Code §10-121)**

(b) Penalties. -- An adult who violates §10-116 or §10-117 of this subtitle is guilty of a misdemeanor and on conviction is subject to: (1) a fine not exceeding \$ 2,500 for a first offense; or (2) a fine not exceeding \$ 5,000 for a second or subsequent offense.

**Massachusetts (Gen. Laws Ann. ch. 138, §34)**

. . . [W]hoever furnishes any such beverage or alcohol for a person under 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged.

**Michigan (Comp. Law 750.141a)**

(2) Except as otherwise provided in subsection (3), an owner, tenant, or other person having control over any premises, residence, or other real property shall not do either of the following: (a) Knowingly allow a minor to consume or possess an alcoholic beverage at a social gathering on or within that premises, residence, or other real property. (b) Knowingly allow any individual to consume or possess a controlled substance at a social gathering on or within that premises, residence, or other real property.

(3) This section does not apply to the use, consumption, or possession of a controlled substance by an individual pursuant to a lawful prescription, or to the use, consumption, or possession of an alcoholic beverage by a minor for religious purposes.

(4) Except as provided in subsection (5), a person who violates subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or by a fine of not more than \$1,000, or both.

(5) For a second or subsequent violation of subsection (2) the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by a fine of not more than \$1,000, or both.

(6) Evidence of all of the following gives rise to a rebuttable presumption that the defendant allowed the consumption or possession of an alcoholic beverage or a controlled substance on or within a premises, residence, or other real property, in violation of this section: (a) The defendant had control over the premises, residence, or other real property. (b) The defendant knew that a minor was consuming or in possession of an alcoholic beverage or knew that an individual was consuming or in possession of a controlled substance at a social gathering on or within that premises, residence, or other real property. (c) The defendant failed to take corrective action.

(7) This section does not authorize selling or furnishing an alcoholic beverage to a minor.

(8) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

**Mississippi (Code Ann. §97-5-49)**

(2) No adult who owns or leases a private residence or private premises shall knowingly allow a party to take place or continue at the residence or premises if a minor at the party obtains, possesses or consumes any alcoholic beverage, light wine or beer if the adult knows that the minor has obtained, possesses or is consuming alcoholic beverages, light wine or beer.

(3) This section shall not apply to legally protected religious activities or gatherings of family members or to any of the exemptions set forth in §67-3-54.

(4) Each incident in violation of subsection (2) of this section or any part of subsection (2) constitutes a separate offense.

(5) Any person who violates subsection (2) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of \$1,000 or by imprisonment in the county jail for not more than 90 days, or by both the fine and imprisonment, in the discretion of the court.

**Missouri (Rev. Stat. §311.310)**

2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use

and enjoyment of any property who knowingly allows a person under the age of 21 to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of 21 from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of 21 to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of a class B misdemeanor. Any second or subsequent violation of this subsection is a class A misdemeanor.

**New Hampshire (Rev. Stat. Ann. §644:18)**

I. A person shall be guilty of a misdemeanor if such person owns or has control of the occupied structure, dwelling, or curtilage, where a drug or underage alcohol house party is held and such person knowingly commits an overt act in furtherance of the occurrence of the drug or underage alcohol house party knowing persons under the age of 21 possess or intend to consume alcoholic beverages or use controlled drugs at such drug or underage alcohol house party.

II. It is an affirmative defense to prosecution under this section if a person gives timely notice to a law enforcement official of the occurrence of the drug or underage alcohol house party or engages in other conduct designed to prevent the occurrence of such party, or takes action to terminate such party once underway.

III. In this section, "drug or underage alcohol house party" means a gathering of five or more people under the age of 21 at any occupied structure, dwelling, or curtilage, who are unrelated to the person who owns such occupied structure, dwelling, or curtilage or has control thereof, where at least one person under the age of 21 unlawfully possesses or consumes an alcoholic beverage or controlled drug. "Occupied structure" has the same meaning as in RSA 635: 1, and "dwelling" and "curtilage" have the same meaning as in RSA 627:9.

IV. The provisions of this section shall not apply to the use of alcoholic beverages at legally protected religious observances or activities, or to those persons using a controlled drug under a physician's care where the use of the drug is consistent with the directions of a physician.

**New Jersey (Rev. Stat. §2C:33-17)**

1. a. Anyone who purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices or encourages that person to drink an alcoholic beverage is a disorderly person.

This subsection shall not apply to a parent or guardian of the person under legal age for consuming alcoholic beverages if the parent or guardian is of the legal age to consume alcoholic beverages or to a religious observance, ceremony or rite. This subsection shall also not apply to any person in his home who is of the legal age to consume alcoholic beverages who offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or entices that person to drink an alcoholic beverage in the presence of and



with the permission of the parent or guardian of the person under the legal age for consuming alcoholic beverages if the parent or guardian is of the legal age to consume alcoholic beverages.

b. A person who makes real property owned, leased or managed by him available to, or leaves that property in the care of, another person with the purpose that alcoholic beverages will be made available for consumption by, or will be consumed by, persons who are under the legal age for consuming alcoholic beverages is guilty of a disorderly persons offense.

This subsection shall not apply if:

- (1) the real property is licensed or required to be licensed by the Division of Alcoholic Beverage Control in accordance with the provisions of R.S.33:1-1 *et seq*;
- (2) the person making the property available, or leaving it in the care of another person, is of the legal age to consume alcoholic beverages and is the parent or guardian of the person who consumes alcoholic beverages while under the legal age for consuming alcoholic beverages; or
- (3) the alcoholic beverages are consumed by a person under the legal age for consuming alcoholic beverages during a religious observance, ceremony or rite.

**Ohio (Rev. Code Ann. §4301.69)**

(D) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin, or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(F) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or §4301.63, §4301.633, or §4301.634 of the Revised Code.

**Ohio Rev. Code Ann. §4301.99**

(C) Whoever violates division (D) of §4301.21 , §4301.251 , 4301.58 , 4301.59 , 4301.60 , 4301.633 , 4301.66 , 4301.68 , or 4301.74 , division (B), (C), (D), (E)(1), or (F) of §4301.69 , or division (C), (D), (E), (F), (G), or (I) of §4301.691 of the Revised Code is guilty of a misdemeanor of the first degree.

**Oklahoma (Stat. tit. 37, §8.2)**

A. No person shall knowingly and willfully permit any individual under 21 years of age who is an invitee to the person's residence, any building, structure, or room owned, occupied, leased or otherwise procured by the person or on any land owned, occupied, leased or otherwise procured by the person, to possess or consume any alcoholic beverage as defined by §506 of this title, any low-point beer as defined by §163.2 of this title, any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, or any combination thereof, in such place.

B. Except as provided for in subsection C of this section, punishment for violation of this section shall be as follows:

1. Any person who is convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor for the first offense and be punished by a fine of not more than \$500;
2. Any person who, within 10 years after previous convictions of a violation: a. of this section, or b. of the provisions of any law of another state prohibiting the offense provided for in subsection A of this section, or c. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000;
3. Any person who, within 10 years after two or more previous convictions of a violation: a. of this section, or b. of the provisions of any law of another state prohibiting the offense provided for in subsection A of this section, or c. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section, or d. or any combination of two or more thereof, shall be guilty of a felony and shall be punished by a fine of not more than \$2,500, or by imprisonment in the custody of the Department of Corrections for not more than five years, or by both such fine and imprisonment.

C. Any person who violates this section, and such actions cause great bodily injury or the death of a person, shall, in addition to any other penalty provided by law, be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than five years, a fine of not less than \$2,500 nor more than \$5,000, or both such fine and imprisonment.

**Oregon (Rev. Stat. 471.410)**

(3)(a) A person who exercises control over private real property may not knowingly allow any other person under the age of 21 years who is not a child or minor ward of the person to consume alcoholic liquor on the property, or allow any other person under the age of 21 years who is not a child or minor ward of the person to remain on the property if the person under the age of 21 years consumes alcoholic liquor on the property. (b) This subsection: (A) Applies only to a person who is present and in control of the location at the time the consumption occurs; (B) Does not apply to the owner of rental property, or the agent of an owner of rental property, unless the consumption occurs in the individual unit in which the owner or agent resides; and (C) Does not apply to a person who exercises control over a private residence if the liquor consumed by the person under the age of 21 years is supplied only by an accompanying parent or guardian.

(4) This section does not apply to sacramental wine given or provided as part of a religious rite or service.

(5) Except as provided in subsection (6) of this section, a person who violates subsection (1) or (2) of this section commits a Class A misdemeanor. Upon violation of subsection (2) of this section, the court shall impose at least a mandatory minimum sentence as follows: (a) Upon a first conviction, a fine of at least \$500. (b) Upon a second conviction, a fine of at least \$1,000.

(c) Upon a third or subsequent conviction, a fine of at least \$1,500 and not less than 30 days of imprisonment.

(7) The court may waive an amount that is at least \$200 but not more than one-third of the fine imposed under subsection (5) of this section, if the violator performs at least 30 hours of community service.

(8) Except as provided in subsection (7) of this section, the court may not waive or suspend imposition or execution of the mandatory minimum sentence required by subsection (5) or (6) of this section. In addition to the mandatory sentence, the court may require the violator to make restitution for any damages to property where the alcoholic liquor was illegally consumed or may require participation in volunteer service to a community service agency.

(9)(a) Except as provided in paragraph (b) of this subsection, a person who violates subsection (3) of this section commits a Class A violation. (b) A second or subsequent violation of subsection (3) of this section is a specific fine violation, and the presumptive fine for the violation is \$1,000.

#### **Rhode Island (Gen. Laws §3-8-11.1)**

(b) Except as otherwise provided in subsection (d) of this section it is unlawful for any person 21 years of age or older: (5) to otherwise permit the consumption of alcohol by underaged persons in his or her residence or on his or her real property.

#### **South Carolina (Code Ann. §45-2-40)**

(A) A person who on the premises or property of a lodging establishment: (2) consumes or possesses beer, wine, or alcoholic liquors in violation of §63-19-2440 or 63-19-2450; is guilty of a misdemeanor under the jurisdiction of the magistrates or municipal court, notwithstanding the provisions of §§22-3-540, 22-3-545, 22-3-550, and 14-25-65, and, upon conviction, must be fined not more than \$500 or imprisoned not more than 30 days.

(C) A person who rents or leases a room in a lodging establishment for the purpose of allowing the room to be used by another to do any act enumerated in subsection (A) or (B) of this section is guilty of a misdemeanor under the jurisdiction of the magistrates or municipal court, notwithstanding the provisions of §§22-3-540, 22-3-545, 22-3-550, and 14-25-65, and, upon conviction, must be fined not more than \$1,000 or imprisoned not more than 30 days.

#### **South Dakota (2014 S.B. 163)**

No person, acting as a social host, may, knowingly, permit any person under the age of 18 to illegally consume any alcoholic beverage, regardless of the source of the alcoholic beverage, on or at the premises of the person acting as social host. Any violation of this section is a Class 1 misdemeanor.

No person, acting as a social host, may, knowingly, permit any person aged 18, 19, or 20 to illegally consume any alcoholic beverage, regardless of the source of the alcoholic beverage, on

or at the premises of the person acting as social host. Any violation of this section is a Class 2 misdemeanor.

It is not a defense of a violation of sections 1 and 2 of this Act that the social host was not physically present on or at the premises if the social host knew that illegal consumption of alcoholic beverages would occur in his or her absence.

**Tennessee (Code Ann. §39-15-404)**

(a) Except as provided in §39-15-413:

(3) (A) As used in this subdivision (a)(3), "underage adult" means a person who is at least 18 years of age but less than 21 years of age;

(B) It is an offense for any owner, occupant or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine or beer on the property; provided, that the owner, occupant or other person knows that, at the time of the offense, the person consuming is an underage adult;

(C) It is an affirmative defense to prosecution under subdivision (a)(3)(B) that the defendant acted upon a reasonably held belief that the underage adult was 21 years of age or older;

(D) Subdivision (a)(3)(B) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by an underage adult as permitted by §1-3-113(b)(2);

(E) Nothing in this subdivision (a)(3) shall be construed, in any way whatsoever, to affect: (i) Standards for imposing civil liability on social hosts pursuant to §57-10-101; (ii) Standards, established pursuant to §37-1-156(a), for imposing criminal liability on adults who contribute or encourage the delinquency or unruly behavior of a child, as defined in §37-1-102(b)(4); or (iii) Standards, established pursuant to §39-11-404, for imposing criminal liability on corporations.

(d) A violation of subsection (a) is a Class A misdemeanor and, in addition to the penalties authorized by §40-35-111, the offender shall be sentenced to 100 hours of community service work. In addition to the penalties established in this subsection (d), the court having jurisdiction over the offender may, in its discretion, prepare and send an order for denial of the offender's driving privileges to the department of safety, driver control division. The offender may apply to the court for a restricted driver license, which may be issued in accordance with the provisions of §55-50-502. In the event an offender does not possess a valid driver license, the court having jurisdiction over the offender may, in its discretion, increase the offender's sentence to a maximum of 200 hours of community service work.

**Utah (Code Ann. §78B-6-1601 *et seq.*)**

(1) An individual may not knowingly conduct, aid, or allow an underage drinking gathering.

(2) A law enforcement officer may issue a written citation to an individual who violates Subsection (1).

(3) An individual issued a citation under this section is subject to a civil penalty equal to the sum of: (a) (i) a fine of \$250 for a first citation; or (ii) double the fine imposed for an immediately

preceding citation for each subsequent citation; and (b) the response costs of the underage drinking gathering, not to exceed \$1,000.

(4) Two or more individuals who violate Subsection (1) for the same underage drinking gathering are jointly and severally liable under this section for response costs attributable to the underage drinking gathering.

(5) An individual who violates Subsection (1) is liable under this part regardless of whether the individual is present at an underage drinking gathering.

(6) If a minor is issued a citation under this section, the minor's parent or legal guardian may not be held liable for an amount of civil penalty imposed on the minor as a result of the minor's citation.

**Washington (Rev. Code §66.44.270)**

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of 21 years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(3) Subsections (1) and (2)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of 21 years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of 21 years on any premises licensed under chapter 66.24 RCW.

**Wisconsin (Stat. §125.07)**

(1) ALCOHOL BEVERAGES; RESTRICTIONS RELATING TO UNDERAGE PERSONS. (a) Restrictions. 3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

(b) Penalties. 1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.

2. A person who commits a violation may be: a. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation. b. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a

previous violation within 30 months of the violation. c. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed two previous violations within 30 months of the violation. d. Fined not more than \$10,000 or imprisoned for not more than nine months or both if the person has committed three or more previous violations within 30 months of the violation.

3. A court shall suspend any license or permit issued under this chapter to a person for: a. Not more than three days, if the court finds that the person committed a violation within 12 months after committing one previous violation; b. Not less than three days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing two other violations; or c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing three other violations.

4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.

6. Only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.

#### **Wyoming (Stat. §6-4-406)**

(a) No person who owns, rents, leases, subleases or has control of any residence or premises shall allow a house party to take place at the residence or premises if any alcoholic liquor, malt beverage or drug prohibited by law to be possessed by a minor is possessed or consumed at the residence or premises by any minor and the person knowingly permitted the residence or premises to be used for that purpose.

(b) The provision of this section shall not apply to: (i) The furnishing or giving of any alcoholic liquor or malt beverage by an adult to any person under the age of 21 years, if the recipient is the legal ward, medical patient or member of the immediate family of the adult furnishing or giving the alcoholic liquor or malt beverage; (ii) The consumption, use or possession of a drug pursuant to a lawful prescription issued for the drug; (iii) Religious observance or prescribed medical treatment; (iv) The possession of alcoholic liquor, malt beverage or lawfully prescribed drugs incidental to lawful employment.

(c) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than six months, a fine of not more than \$750, or both.

(d) For purposes of this section: (i) "Minor" means as defined in W.S. 8-1-102(a)(iii)(B); (ii) "Premises" includes, but is not limited to, a rented, leased or donated hotel or motel room, a manufactured home or any other public or private facility that is not licensed under chapter 4, title 12 of the Wyoming statutes.