

## FAQs - Frequently Asked Questions

RE: Social host/teen party law

### **1. Why does Georgia need a social host/teen party law?**

Private parties have repeatedly been identified as the primary source by which minors obtain alcohol; frequently lacking adult supervision and often a source of other drug use, risky sexual behaviors, violence and vandalism. Some adults believe underage drinking is just a part of growing up and therefore think it is acceptable to host underage drinking parties. In one study, 1 in 12 parents of teens said they allowed friends of their own teens to drink in their home under their supervision. A social host/teen party law would send a clear message to parents, adults and youth that allowing underage drinking to occur on property they control is unacceptable in Georgia.

### **2. Why should I care about this law?**

Alcohol causes more harm and death for youth than all illegal drugs, combined. There are also serious second hand effects of underage drinking, endangering public health, safety and quality of life, such as;

- 50% of alcohol related traffic fatalities with drinking driver under age 21 - the dead are persons other than the drinking driver
- 50% of criminal cases (assault, traffic, fraud, theft, sex crimes, etc.) in the juvenile justice system involve alcohol
- The costs to Georgia citizens from underage drinking alone in 2010 was \$1.4 billion

### **3. What problems would this law address?**

Currently in Georgia, minors (persons under 21 years of age) can be charged with possession or consumption of alcohol and adults can be charged with furnishing alcohol to a minor. However, what often happens is law enforcement officers will arrive at a party where minors are drinking alcohol, but they will be unable to determine who furnished the alcohol. A new social host/teen party law would allow officers to cite or charge the individual who hosts the underage drinking party, with 'providing the place for underage drinking to occur'.

### **4. How would this law differ from the current state Dram Shop law?**

Georgia's Dram Shop Law was created by case law in 1985, allowing civil courts to settle lawsuits against adults (in commercial or social settings) who serve alcohol negligently. Social host/teen party laws impose civil and/or criminal liability against individuals responsible for underage drinking events that occur on property they own, lease, or otherwise control. These are 2 distinct laws; 'furnishing alcohol to a minor' and 'furnishing the place for underage drinking to occur'.

### **5. Doesn't current state law allow parents to let their own minor children drink alcohol?**

Georgia State Law O.C.G.A. 3-3-23 & 3-3-5 provides a "parental exception" which allows alcohol consumption by a person under age 21 under certain conditions; when the parent or guardian of the person gives the alcohol to the person while in the home of the parent or guardian and while such

parent or guardian is present. Georgia law does not allow parents to give alcohol to their children's friends who are under age 21, under any circumstances, even in their own home, even with their parent's permission. A new social host/teen party law would also help clarify the "parental exception" in Georgia's current underage drinking law.

**6. Would I be held responsible if my child hosts a party at my home where underage drinking takes place without my knowledge, under such a law?**

Parents may/may not be responsible if they did not know about the party. Parents, property owners, and tenants may be responsible whether they are present or not, under the following conditions;

- If they knew or reasonably should have known about the party or gathering, and/or
- If they failed to take reasonable steps to prevent alcohol possession or consumption by persons under age 21.

Records are kept and penalties increase if public safety personnel respond to an underage drinking party at the same location on subsequent occasions. Parents would not be off the hook if they leave town, with teens at home and unsupervised, without "taking reasonable steps" to prevent an underage drinking party from occurring on their property. Such "reasonable steps" may include but are not limited to; controlling access to alcoholic beverages, controlling the quantity of alcoholic beverages, verifying the legal minimum drinking age of persons at the party or gathering by inspecting drivers licenses or other government-issued identification cards, and supervising and monitoring the activities of underage persons at the party or gathering.

**7. How are these law enforced? What are the penalties?**

When public safety personnel respond to an event where underage persons are cited for alcohol possession or consumption, the individual host of the social event, and/or property owner or tenant, can be issued a citation and charged with violating the social host/teen party law. Charges can be criminal or civil or a combination. Penalties for violating social host/teen party laws are similar to other misdemeanor crimes and may include the following; fines up to \$1,000, restitution and community service, and confinement up to 12 months. Restitution will allow public safety agencies to recover costs incurred in breaking up private parties where underage drinking occurs, especially for multiple responses to the same location.

**8. Isn't this kind of law too much government intrusion?**

Of course that's a matter of opinion, but we don't think so. Such social host/teen party laws are type's of public nuisance law. Public nuisance law requires property owners to take steps to maintain their property so as not to endanger community health and safety. For example, swimming pools must have fences and toxic substances must be removed from private property - both widely accepted public policies that are implemented to protect community health and safety. Sufficient evidence has identified underage drinking parties as endangering community health and safety. This law is no more intrusive than other public nuisance laws.

**9. Have social host/teen party laws been effective elsewhere?**

In the past decade, about 35 states have passed "social host" laws. Currently all contiguous states to Georgia (AL, FL, MS, SC & TN) have such laws. Current research reports social host laws in general as among the most effective forms of public policy in reducing binge drinking and drinking and driving. The effects of such social host/teen party laws implemented elsewhere have been described as:

- Deterring adults and youth under age 21 from hosting parties where underage drinking occurs
- Increasing the awareness of dangers of underage drinking parties and providing an incentive for hosts to be vigilant to prevent underage consumption of alcohol
- Encouraging parents to take steps to prevent teenage drinking parties while they are away
- Holding underage youth accountable for underage drinking parties planned without the knowledge of their parents
- Reducing the incidence of law enforcement responses to the same party site
- Officially establishing a community "zero-tolerance" policy for underage drinking
- Helping to reduce harms, crimes and costs attributed to underage drinking