



PREVENTION UPDATE

Social Host Ordinances and Policies

Overview

Social host liability laws (also known as teen party ordinances, loud or unruly gathering ordinances, or response costs ordinances) target the location in which underage drinking takes place. Social host liability laws hold noncommercial individuals responsible for underage drinking events on property they own, lease, or otherwise control. They differ from laws prohibiting individuals from providing alcoholic beverages to underage persons; social host laws target providing the venue where underage drinking takes place. According to a [College Alcohol Study report](#) on access to alcohol, among the most common settings for underage and heavy drinking for college students are house parties, outdoor parties, or fraternity and sorority parties.

According to [Model Social Host Liability Ordinance](#), “depending on the state and local jurisdiction, the hosting of a party on private property at which an underage drinker becomes intoxicated could result in three distinct types of liability against the social host: social host criminal liability, social host civil liability, and recovery of response costs. Each type of liability should be viewed as a separate legal strategy for deterring underage drinking parties.”

Social host criminal liability involves a state statutory violation, enforced by the state through criminal prosecution and leading to criminal sanctions, such as fines or imprisonment. The two types of these laws are (1) specific house party laws, or “open house party” laws, which address parties or other gatherings attended by underage persons on private property, and (2) general laws addressing adults permitting or allowing underage drinking, which prohibit social hosts from allowing or permitting underage drinking on their property. Although addressing the same problems, these laws are more general in nature than specific house party statutes as they do not provide specific guidelines commonly contained in specific house party laws, such as what steps a host can take to stop an underage party in progress to avoid criminal sanctions.

Social host civil liability holds social hosts potentially responsible for the injuries to third parties caused by guests whom the hosts had served or had allowed to consume alcoholic beverages. According to *Model Social Host Liability Ordinance*, this form of liability, which can be imposed by either statutes or common law negligence principles, involves private litigation and comes into play only if an injured third party decides to sue the social host. Only the state legislature or state courts (as opposed to city and county governments) have the authority to impose this form of civil liability.

The third type of social host liability occurs at the level of local government in the form of municipal (city or county) ordinances called “response costs recovery” ordinances. In general, these laws hold social hosts (including tenants) and landowners (including landlords) civilly responsible for the costs of law enforcement, fire, or other emergency response services associated with multiple responses to the scene of an underage drinking party or other gathering occurring on private property, whether or not the hosts or landowners had knowledge of the occurrence of the parties or gatherings. This type of ordinance can be the basis for a powerful new legal tool to deter underage drinking parties and other gatherings in communities.



What the Evidence Tells Us

A review of the research evidence on the effect of social host liability in the [Institute of Medicine 2004 report *Reducing Underage Drinking: A Collective Responsibility*](#) pointed out that there is “very little research on the effectiveness of social host liability laws and what evidence exists is conflicting.” It concluded that the conflicting findings on social host liability laws may reflect the lack of a comprehensive program that ensures that social hosts are aware of their potential liability exposure. “The prospect of liability for social hosts could send a powerful normative message to adults that providing alcohol to underage youth is unacceptable. However, that message must be effectively disseminated before it can have a preventive effect, either as a deterrent or as a moral injunction. Media campaigns to educate the public would have to be an integral part of implementing social host liability laws.”

Lessons Learned From Colleges and Universities

Social host “response cost” ordinances were a key component of the [Safer California Universities project](#), which was designed, implemented, and evaluated by the Pacific Institute for Research and Evaluation with funding from the National Institute for Alcohol Abuse and Alcoholism. This comprehensive community-based program focuses on the first weeks of the academic year and comprises several alcohol control measures (enforcement of underage sales laws; roadside DUI operations; social host party patrols with local ordinances) along with a multifaceted media advocacy campaign via channels unique to college student audiences. The program was implemented among campuses in the two California public university systems (University of California and California State University) and proved efficacious in reducing intoxication and alcohol-impaired driving among college students.

According to the [Daily Nexus](#), in Santa Barbara County, home to the University of California-Santa Barbara, a social host liability ordinance came into effect on Dec. 1, 2010. It grants county law enforcement the legal right to enter homes if they suspect a minor is drinking on the premises and allows local officers to cite hosts who knowingly permit minors to consume alcohol on their property during a party. A “host” is defined as any person owning, renting, or controlling a property, and a social gathering of five or more persons, at least one of whom is a minor, is classified as a “party, gathering or event.” Hosts violating the ordinance for the first time will be fined \$500 and required to complete a mandatory educational class. Second offenders are handed a \$1,000 fine, and subsequent offenses result in a \$2,000 fine. The law will affect the Isla Vista neighborhood, home to college students from UC-Santa Barbara and Santa Barbara City College. It is the site of the alcohol-fueled beach party Floatopia and an annual [Halloween spectacle](#) that draws 50,000 revelers.

Higher Education Center Resources

- [The Off-Campus Environment: Approaches for Reducing Alcohol and Other Drug Problems](#)
- [The Role of State, Community, and Institutional Policy in the Prevention of College Alcohol Problems](#)

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