

Party Hosting and Underage Drinking

Although this is only the beginning of the school year, high school students are already looking forward to their upcoming prom and graduation. Parents and school districts are beginning to form committees to plan overnight parties to mark those defining rites of passage. The “safe” prom and graduation parties are supervised events that became popular in most school districts during the 1980’s and 1990s. They were established to create alternatives to the alcohol-related celebrations that used to be common when the legal drinking age was 18.

Recently, some students have started to balk at the idea of these parties, preferring instead to have private parties where alcohol will be served. Sometimes, parents volunteer to host these events with the idea that it is “safer” for students to drink in a “supervised” environment. These well-meaning adults may not understand that these parties are illegal, and may expose them to criminal and/or civil liability.

“Parents need to understand that there are legal ramifications for adults who host a party where alcohol is served to underage youth,” said Michele James, St. Lawrence County Special Programs Coordinator.

Under New York State Penal Law, the crime of Unlawfully Dealing with a Child provides that it is a misdemeanor “to give, sell, or cause to be given or sold,” any alcoholic beverage to a person under the age of 21 years old. There is an exception in the law for a parent or guardian who provides alcohol to his or her own child. However, criminal and civil penalties may still apply if the child has been given alcohol by a parent, and subsequently becomes ill or injured--or injures someone else. Also, there is no exception to the law for a person who gives alcohol to another person’s child, even if that person was given “permission” by the child’s parent.

Providing alcohol to an underage person is also a violation of the Alcohol Beverage Control Act (“ABC Laws). Charges under ABC laws may also apply to the person under age 21 who possesses alcohol with the intent to consume it, unless that possession falls within the legal exceptions. Violations of these laws may involve a fine, attendance at an approved alcohol education course, and/or community service.

Persons who supply alcohol to underage youth are legally responsible under the “General Obligation Law, section 11-100,” known as the “Social Host Law.” If an underage youth becomes intoxicated and becomes injured or injures someone else, the person who knowingly provided the alcohol can be subject to civil lawsuits. Some insurance policies may not cover judgments against the homeowner if they are the result of homeowner’s illegal actions.

“A party situation can get out of control very easily when teens binge on alcohol,” adds Mary Davison, St. Lawrence County Traffic Safety Information Specialist. “All it takes is one teen who trips and falls, gets into a fight, or gets behind the wheel.”