

Law You Can Use: Consumer Information Column

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Ohio's Social Host Law: Parents Serving Teens

Q: *What does Ohio law say about serving alcohol to minors? Are there any penalties?*

A: With a few exceptions, no person can sell or furnish alcohol to an underage person in Ohio. Doing so is a first degree misdemeanor, which may result in up to a \$1,000 fine and up to six months in jail.

Q: *What exceptions apply to serving alcohol to underage persons?*

A: A parent or legal guardian can legally serve alcohol to his or her own underage children, and it is not illegal for a person to serve alcohol to someone else's underage children, on the condition that the parent or guardian is there to supervise. Also, it is not illegal for underage persons to consume alcohol for a religious purpose, or to receive alcohol from a physician "in the regular line of the physician's practice."

Q: *Can parents be held criminally liable for serving alcohol to underage persons in their own home?*

A: Yes. Under Ohio's "Social Host Law" (O.R.C. 4301.69(B)), "...no person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the premises while possessing or consuming beer or intoxicating liquor" unless the alcohol is provided to that underage person by a parent (or by someone else as long as that underage person's parent is present).

Q: *Might this law change in the future?*

A: There is a current movement by the "Coalition to Amend Ohio's Social Host Law" to change Ohio law so that parents and guardians will have increased responsibility for underage drinking. Citing statistics that teen drinking has increased dramatically since 1998, the coalition says that "house parties" are growing in popularity as a source for teens to obtain alcohol and binge drink. Right now, the law says that parents and guardians cannot "knowingly allow" their underage children to drink except under the circumstances mentioned above.

Some local communities have already amended their ordinances to reduce the Social Host Law standard. For example, parents and guardians in Dublin and Grove City, Ohio now face first degree misdemeanor penalties if they "negligently allow" underage children to drink; this means that they can't simply say they "didn't know" about underage drinking, and they are responsible if they "fail to perceive

or avoid a risk of” teen drinking. Under these amended ordinances, an adult could not claim ignorance if a house party were to be raided by police. Also, in theory, parents may be prosecuted if they go out to dinner or out of town when they “know or should know” that their children might have a house party where alcohol would be furnished to underage children.

Q: *What about parents who say they tried, but failed, to keep their underage children from drinking? Under the amended ordinances, is there a way for parents to defend themselves if charged under the Social Host Law?*

A: Yes. Under the amended ordinances in Dublin and Grove City, for example, parents can present what is called an “affirmative defense” that they took “reasonable precautionary measures . . . to restrict or prevent access by underage persons to alcoholic beverages.”

This “Law You Can Use” column was provided by the Ohio State Bar Association (OSBA). It was prepared by Bradley P. Koffel, a lawyer with the Columbus firm of Koffel & Jump, who limits his practice to DUI and criminal law. The column offers general information about the law. Seek an attorney’s advice before applying this information to a legal problem.