

Overview of Social Host Liability Laws

Social host liability laws hold individuals who knowingly provide or allow the use of alcohol by minors or intoxicated adults liable for resulting property damage, injury, or death.

The Illinois social host law holds parents or other adults accountable for knowingly permitting underage youth to consume alcoholic beverages at their residence or on other property they own or otherwise control.

Property individuals otherwise control includes, but is not limited to not only residences, but any property controlled by an individual, including a hotel/motel room, limousine, bus, boat, or rental unit.

The Illinois state law, Public Act 097-1049, was passed on August 22, 2012, and the Illinois social host law went into effect on January 1, 2013.

Illinois Statutes: 235 ILCS 5/6-16 a-1, 235 ILCS 5/6-16 (c) & 235 ILCS 5/6-16 (d) 2

Potential Fine: \$500 up to \$25,000

Potential Jail Time: 1 day up to 3 years

Additional Sanctions Available: Probation and/or court supervision

Safe Harbor Provision: If the person who occupies a residence where underage drinking is occurring contacts the police for assistance in removing the offenders (before anyone else makes a formal complaint) the person may avoid prosecution for a violation of the statute.²

In addition to the state social host law, it is important to check with your local municipality since there are some communities that have enacted additional local ordinances which can include additional fines and other penalties.

The Goal of Social Host Laws

Social host laws are focused on reducing social access to alcohol by underage youth. Reducing social access to alcohol is one of the best strategies for preventing underage drinking. Social access of alcohol not only includes underage youth accessing alcohol from friends, parents, and relatives, but also includes social availability from noncommercial venues where young people consume alcohol such as parties and private events.

Why Social Host Laws are Important to Communities

Alcohol is the most commonly used substance among youth in Illinois and most underage drinkers obtain alcohol socially from parties and friends.

During the past year, 74% of Illinois 12th grade students reported getting alcohol from a social source (excluding parents).³

In Illinois, 55% of 12th grade students who reported using alcohol in the past year reported getting it from parties.³

Social host ordinances give communities a practical tool for holding adults accountable. In addition, social host ordinances send a message that hosting underage drinking parties are not acceptable, empowers concerned citizens to report suspected underage drinking, and provides law enforcement with a tool to address underage drinking parties that are a threat to community health.

These laws allow law enforcement to cite the individual who hosted the underage drinking party on their property.

Considerations for Implementing a Local Social Host Law

In addition to the state of Illinois social host law, local municipalities can pass ordinances aimed at stiffer and more stringent consequences. In recent years, many Illinois municipalities have enacted local social host ordinances aimed at preventing adults from hosting underage drinking parties on private property.

Communities considering developing a local social host ordinance must first identify whether local/regional policies exist. Key stakeholders can assist in identifying if a social host ordinance exists in a community. If a community does not have a local social host ordinance building relationships with key stakeholders is necessary and stakeholder involvement is critical for gaining support and assisting in the development of a local social host ordinance. Some stakeholders who need to be a part of the conversation about local efforts are local government, law enforcement, city or county attorney, parents, and youth.

Helpful Tips and Suggestions

Laws only work if people know of the existence of the law and have a realistic expectation that their failure to obey the law is going to be met with consequences. Publicizing the law and informing the community about both State and local social host laws and the consequences of violating the law are an important part of the process. Media advocacy can include public service announcements, advertisements, letters to the editor, editorial columns, press events, etc.

It is also an important part of the process to seek support from law enforcement and adjudicators. Advocating for proactive enforcement of the law and increased enforcement during peak times of the year can assist in reducing underage drinking at the community level.

Resources and Tools

Alcohol Policy Information Center (APIS) – <http://alcoholpolicy.niaaa.nih.gov/>

Illinois Youth Survey – <https://iys.cprd.illinois.edu/>

Illinois Liquor Control Commission – <https://www.illinois.gov/ilcc>

Substance Abuse and Mental Health Services Administration (SAMHSA). Environmental Prevention of Underage Drinking – Social Host Liability Laws. Town Hall Meetings Resources.

Pacific Institute for Research and Evaluation (PIRE) and OJJDP Enforcing Underage Drinking Laws Program. Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices.

References

1. Illinois Compiled Statutes (235 ILCS 5/6-16): <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=023500050K6-16>
2. Center for Prevention Research and Development. (2019). Illinois Youth Survey 2018 Frequency Report: State of Illinois. Champaign, IL: CPRD, School of Social Work, University of Illinois.

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