



Delaware House of Representatives House Majority Caucus

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SOCIAL HOSTING MEASURE WOULD FOCUS ON PARENTS **PROVIDING ALCOHOL TO UNDERAGE PERSONS**

Rep. Barbieri: 'There are consequences to providing alcohol to underage kids'

DOVER – With prom season winding down and high school graduations about to ramp up, Rep. Michael A. Barbieri announced on Tuesday legislation he will be filing that would place more responsibility on adults who host parties for and serve alcohol to underage persons.

The draft measure would expand an existing state statute that addresses social hosting by defining the offense, identifying exceptions, increasing criminal penalties and providing for civil liability for violations. Under the proposal, it would be illegal to provide or “knowingly allow” someone under 21 years under their supervision to consume beer or liquor on their property.

“Every spring, we hear stories of parents throwing after-prom and graduation parties for their children and their friends,” said Rep. Barbieri, D-Newark. “A lot of these parents think they are doing the right thing by allowing the kids to drink alcohol at their house rather than going out on their own to drink. That is a bad message to send to kids: it’s OK to drink underage in one situation but not in another.

“There are consequences to providing alcohol to underage kids. For starters, it’s illegal, but there is the liability aspect of an 18-year-old leaving a party and causing damage, injury or death to themselves or someone else. This bill would allow someone to file a civil suit against the person hosting the function on their property because they are the ones who provided the alcohol to the minor in the first place.”

The draft legislation would increase the minimal fine for a first offense from \$100 to \$250 and would require 40 hours of community service for the first violation and 80 hours for each subsequent one. Currently, the court may order a guilty person to perform 40 hours of community service for a first offense and 80 hours for any subsequent offense, but this penalty is not mandatory.

The criminal offense and civil liability would not apply to any religious service or a parent or guardian if they provide an alcoholic beverage to their underage child.

“I want to be clear that we are not legislating what goes on during religious ceremonies or in the privacy of a household between a parent and their child,” Rep. Barbieri said.

According to the Delaware School Survey, two-thirds of high school students have had an alcoholic beverage. Of the 11th grade students who have consumed alcohol in the past year, 22 percent have been to a party where parents provided the alcoholic beverages, while 33 percent have had someone over the age of 21 buy alcoholic beverages for them.

Although the draft legislation won't be considered in the House before prom season wraps up and some graduation parties get underway – the House is out of session until June 1 – Rep. Barbieri said he is hopeful that the measure will serve as notice to parents that they must be responsible when hosting parties for their underage children and their friends.

The bill will be introduced on Thursday as part of a House pre-file.

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