

## Pennsylvania state law prohibits selling or furnishing alcohol to minors.

# How do we handle situations where parents claim they did not provide the alcohol?

Currently, 18 Pa.C.S. 6310.1 makes selling or furnishing alcohol to minors a crime. Section (a) provides the elements of the offense. "Except as provided in subsection (b) [religious service exception], a person commits a misdemeanor of the third degree if he intentionally and knowingly sells or intentionally and knowingly furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years of age."

The key here is the definition of the term "furnish", which is provided in 18 Pa.C.S.A. § 6310.6. 'Furnish' is defined as, "To supply, give or provide to, **or allow a minor to possess on premises or property** owned or controlled by the person charged." The bolded language is significant - it indicates that "furnish" does not necessarily equal "provide." The term is broader than that, which will assist in holding individuals accountable who choose to allow minors to consume alcohol on their property, even if they did not purchase it or directly provide it.

We still have to prove that the person charged knowingly allowed minors to possess/consume alcohol on their property, and caselaw has distinguished factual scenarios that are sufficient to meet that threshold. For example, a parent who allowed dozens of minors to have a keg party at her home, where she was home the entire time, she provided assistance in getting ice and blankets to keep the kegs cold, and she observed minors drinking was sufficient to uphold a conviction for furnishing alcohol to minors even though defendant did not purchase or provide the kegs for the party.

The law indicates you have to have more than access to alcohol; that there needs to be evidence the adult knows the minors are consuming it.

**Mandatory Fine: \$1,000**

## What Is A Social Host Law?

A social host law is a way to reduce underage drinking. A homeowner may be charged with a criminal offense if law enforcement deems they have furnished alcohol to youth under 21 years of age

Furnish: "To supply, give or provide to, or allow a minor to possess on-premises or property owned or controlled by the person charged".

Goal: To reduce youth access to alcohol; Most youth get their alcohol from another adult they know

Social host laws communicate to its community, both youth and adults, that it is unacceptable for those under 21 to drink alcohol. Social host laws assist law enforcement in addressing underage drinking as a crime.

## Sources Of Alcohol (PAYS 2019)

Percent of youth in Montgomery County reporting their source of alcohol:

"Parents provided it to me" - 26.6% - up from 22.9% in 2017 (higher than the state average of 25.7%)

"Friends' parents provided it to me" - 18.2% - up from 15.3% in 2017 (higher than the state average of 17.9%)

"Friends, brothers, or sisters over 21 provided it to me" - 28% - up .5% from 2017 (higher than the state average of 23.8%)

"Other relatives provided it to me" - 14.7% - up from 13.0% in 2017 (.5% higher than the state average)

You can help keep youth safe and healthy in Montgomery County by enforcing the social host law during the months of May and June!

**Learn more: [www.montcopa.org/socialhost](http://www.montcopa.org/socialhost)**



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