

In this tragic case, we hold that “whoever,” as used in G.L. c. 138, § 34 (furnishing alcohol to a person under twenty-one), means precisely that. As such, the defendant, a young college student with no criminal record, **will serve a jail sentence**, the sadness of which is overshadowed by the death of a sixteen year old child struck by another to whom the defendant furnished alcohol. *Commonwealth v. Kneram*, 63 Mass.App.Ct. 371, 826 N.E.2d 733 (2005).

Is serving alcohol  
to underage friends  
worth  
\$ 8,000,000  
and  
a jail term?

COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 04-5182E

ESSEX, ss:

Neil Bornstein, a minor by and through his parents et al. ) Plaintiffs, )	JUDGMENT
v. )	
William E. White and Gateway Liquor Store, ) Defendants )	
_____ )	

David and Mary Zinck, Parents of Deceased Trista Zinck	\$7,062,924.00
Neil Bornstein, suffered fractured leg, fractured skull & brain contusions	1,431,238.00
Roy Zinck, Parents of Neil Bornstein	200,000.00
<b>Total Damages Awarded</b>	<b>\$8,694,162.00</b>



CAMPBELL CAMPBELL  
EDWARDS & CONROY  
PROFESSIONAL CORPORATION  
One Constitution Center  
Boston, MA 02129-2025  
(617) 241-3000  
(617) 241-3115 fax  
www.campbell-trial-lawyers.com

It's ALL About YOU is a *pro bono*, multimedia program designed by attorney Richard P. Campbell and the law firm of Campbell Campbell Edwards & Conroy to educate students, faculty, resident advisors and members of the community about the Social Host Law and to illustrate the legal consequences of allowing those under the age of 21 to possess alcoholic beverages.

Visit our resource site on the web  
for more information about  
social host liability:

[www.socialhostliability.org](http://www.socialhostliability.org)



Furnishing alcohol  
to anyone under 21  
is a CRIME

It's  
**ALL**  
about **YOU**

*The law in Massachusetts is clear:*

. . . **whoever** furnishes alcohol for a person under 21 years of age shall be punished by:

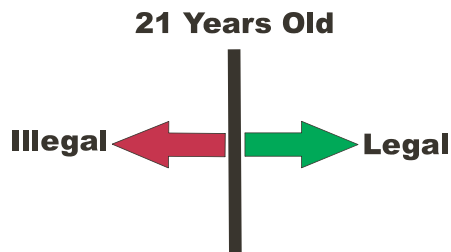
- Fine of up to **\$ 2,000**
- **Imprisonment** for up to a year;  
or
- **Both.**

**“Furnish”** shall mean to knowingly or intentionally

- Supply
- Give
- Provide to; or
- **Allow to possess**

alcoholic beverages on premises or property owned or controlled by the person charged.

M.G.L.c. 138, § 34



Frequently Asked Questions

*I am under 21. Does the Social Host Law apply to me?*

Yes. The Massachusetts Court of Appeals has ruled that “whoever” means exactly that—the law applies to everyone (even to a 19 year old, for example).

*I live in a dorm room. Can I be held liable as a social host?*

Yes. Since you control your room, the Social Host Law applies.

*If my housemate hosts a party in our apartment while I am away, can I still be held liable?*

Probably not criminally—particularly if you do not supply the alcohol or assist with the preparations for the party—but civil liability is a different matter.

*If I host a party at my parents’ house while they are away, can they be held liable?*

Probably not—unless they have reason



Two sides of the tragedy of underage drinking

to believe that persons under 21 will be consuming alcohol in their home when they are not there.

*I am a member of a fraternity. If my chapter allows underage members to drink, am I liable under the Social Host Law?*

Probably—if you are an officer of the fraternity or play an active role in obtaining and furnishing the alcohol to the underage members and guests.

*If I host a party in another state, does the Social Host Law still apply?*

Probably—39 states, including all of the New England states, now have social host laws. States that have not yet enacted a social host law are applying other laws to hold party hosts criminally responsible for serving alcohol to underage guests.