

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 partying
with your friends
worth
going to jail
and
\$ 8,000,000
of your parents' money?*

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,)	
v.)	JUDGMENT
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
Total Damages Awarded	\$8,694,162.00



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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



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:

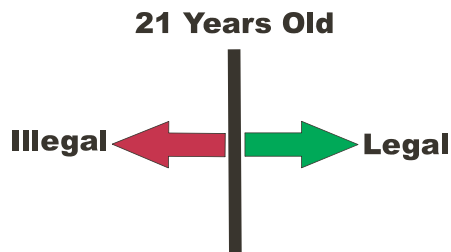
- Fine of up to **\$ 2,000**
- **Imprisonment** for up to a year;
or
- **Both.**

“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.

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

Probably not—unless they have reason to believe that minors will be consuming alcohol in their home when they are not there. But you can be held liable even if they are not.

I am having a party, but not providing alcohol. If some of my friends bring their own alcohol, can I be held liable as a social host?

Yes—in Massachusetts the social host law extends beyond the actual supplying of alcohol to those under 21 to simply allowing underage persons to consume alcohol on premises that the host controls.



Two sides of the tragedy of underage drinking

Then what should I do?

- Tell your parents
- Call your friends’ parents
- Call the police

If I go to a party where others are drinking, but I’m not, am I ok under the law?

Probably—but if the police learn about the party, they are likely to take everyone into custody. Also, many schools have rules requiring the suspension of students found in the presence of anyone illegally drinking alcohol.

Can I avoid liability by having a party in a hotel room?

No—since you control the hotel room, the Social Host Law applies.