

## A Message To Parents

*It's the time of the year for proms and high school graduations. It's a time for celebration and parties. However, all too often the headlines at this time of year speak not of accomplishments and joyous celebration but of the tragedy of lost lives and dreams because of teen use of alcohol.*

*As responsible adults we must do all we can to insure that our teenage graduates celebrate in a safe, alcohol-free manner. Teenagers may not legally drink alcoholic beverages regardless of whether a parent gives them permission to do so. In fact, a parent or other adult may face criminal penalties for providing alcohol to a minor or by hosting a party where alcohol is served or consumed by minors. The information contained in this pamphlet will outline the legal liability of adults who fail to act responsibly concerning teenagers and alcohol.*

*For the sake of the children of our community please act responsibly so that we can look back upon this time in our lives with our eyes filled with tears of joy rather than the tears of sorrow and regret.*



**David L. Morse**

Livingston County Prosecuting Attorney

## Party Host Liability

MCL 750.141 a

Hosts of parties at which a minor either possesses or consumes alcohol, or any person, regardless of age, consumes or possesses a controlled substance may be committing a misdemeanor. Such an offense is punishable by up to 30 days jail and/or a \$1,000 fine for a first offense or up to 90 days jail and/or a \$1,000 fine for a second or subsequent offense.

The law applies to the owner, tenant or any other person having control or authority over a premises, residence or property.

The law requires the owner, tenant or other person having control over the property to take "corrective action" in the event a minor possesses/consumes alcohol or anyone possesses/consumes a controlled substance on the property. "Corrective Action" means doing one or all of the following:

- 1) promptly demand the offender depart from the property or refrain from the possession/consumption of alcohol or controlled substance
- 2) If the offender fails to comply, the owner, tenant or person in control must:
  - A) promptly report the incident to the police, or;
  - B) promptly report the incident to a person with greater control over the property, if any.

There is a rebuttable presumption of guilt if the owner, tenant or person in control:

- 1) Knew of the possession/consumption of a controlled substance or alcohol by a minor, and;
- 2) Failed to take corrective action

## Commonly Asked Questions

- Q:** If I hire a bartender for a party at my home, will the bartender be the one responsible if a minor is consuming alcohol?
- A:** No. You are still the owner, tenant or person having control or authority over the property and you will be responsible.
- Q:** If I rent a hall for the party and serve alcohol, will the owner of the hall be the one responsible?
- A:** No. Although the owner or manager of the hall may also be responsible, you bear responsibility as well, since you are the temporary tenant of the property.
- Q:** What if I have a party, but serve no alcohol and a minor arrives with alcohol he/she has obtained somewhere else?
- A:** You are still required to take "corrective action" by asking the minor to leave or give up the alcohol. If the minor fails to comply with your request you must promptly contact the police or notify someone with greater authority over the property.

## Commonly Asked Questions, Cont.

- Q:** Am I “allowing” a minor to possess or consume alcohol if I don’t actually tell them it’s okay?
- A:** You are allowing the minor to violate the law if you:
- 1) give permission in writing (such as an invitation or flyer), or;
  - 2) verbally give permission, or;
  - 3) fail to take “corrective action” that would cause a reasonable person to believe your permission or approval was given (such as failing to tell the minor to leave or give up the alcohol, and calling the police if the minor fails to comply)

Any questions concerning this Act should be directed to your attorney, local police department or Prosecutor’s office.

## Furnishing Alcohol To A Minor

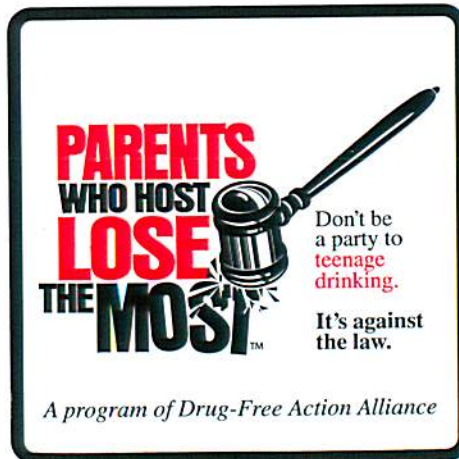
MCL 436.1701 (1)

Any person furnishing alcoholic liquor to a minor may be committing a misdemeanor. A minor is any person under the age of 21.

The law makes no distinction about the manner in which the alcohol is furnished to a minor. In other words, it doesn’t matter whether the alcohol is sold, or given freely in any manner for a violation to occur.

The law applies to anyone who furnishes alcohol to a minor regardless of age or relationship to the minor. Violations occur when the alcohol is provided by another minor, a parent, bartender or store clerk.

Penalties for anyone convicted of furnishing alcohol to a minor include up to 60 days jail, community service and a mandatory fine of \$1,000 for a first offense and up to 90 days jail, community service and a mandatory \$2,500 fine for a second or subsequent offense.



Office of the  
PROSECUTING ATTORNEY

**DAVID L. MORSE**  
Prosecuting Attorney

## Alcohol and Minors

WHAT A PARENT  
NEEDS TO KNOW

210 South Highlander Way • Howell, Michigan 48843  
(517) 546-1850