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Social Hosts May Face New Law

By Greg Kane, Daily Journal Staff Writer

SACRAMENTO - A person can be held civilly liable under California law when a child breaks a bone playing in her front yard or slips and falls on her kitchen floor. When a child dies of alcohol poisoning in another parent's company, however, the same rules don't apply.

California lawmakers are working to close a loophole in state law that protects "social hosts" who provide minors with alcohol from liability when the alcohol injures or kills the minor or another person. A bill introduced by Assembly Judiciary Committee Chairman Mike Feuer, D-Los Angeles, received unanimous bipartisan support in the Assembly and is up for review in the state Senate later this month.

The bill would void protections that have been on the books since the late 1970s and were signed by then Gov. Jerry Brown following a series of California court rulings dealing with liability of businesses and individuals in alcohol-related incidents. Feuer said the legislation's intent is to discourage a growing trend of parents allowing children to drink in their presence under the belief that they'd be safer.

"I would be delighted if there is never one lawsuit brought pursuant to this statute," Feuer said. "This bill is to save lives."

That's precisely what Steve and Debbie Allen hope the legislation will do if it is approved and signed by the governor this summer. The Redding couple lost their 17-year-old daughter, Shelby Lyn Allen, in December 2008 when she died of alcohol poisoning at a friend's sleepover party.

Shelby, a high school junior, and a friend snuck away from one sleepover to another 16-year-old girl's house at around 1 a.m. on Dec. 20, Steve Allen said. According to a coroner's report, the girls began drinking shots of flavored vodka after the parent who was present, Redding veterinarian Wally Liberman, warned them not to drink and went to bed.

Shelby drank multiple shots and became violently ill within a few hours, according to her parents and official reports. Another girl eventually left her propped against a toilet in a downstairs bathroom in the event she became sick again. She was still there the next morning and died soon after. Her blood alcohol content was 0.33, more than four times the legal limit.

Shelby's parents have since launched a campaign to educate children and parents about the danger of alcohol, with Debbie Allen traveling to schools and other events across the country to give presentations. But they've also continued to seek answers to what happened that night, and when an attempt to pursue criminal charges fell through, they tried to file a civil suit, only to learn that state law prevented them from doing so.

The law was first adopted in 1978 in response to *Coulter v. Superior Court of San Mateo County*, 21 Cal. 3d 144 (1978), in which the court extended the legal liability of businesses acting as social hosts to also apply to individuals hosting parties or other gatherings. The state Legislature wrote and adopted the new law in order to maintain the "traditional common law rule" protecting social hosts from liability in the event alcohol injures or kills a guest or a third party.

"We're one of three states that have this old law on the books," Debbie Allen said. "It's about time it changes."

The Allens testified at the Assembly Judiciary Committee in April in support of adopting Assembly Bill 2486, also known as the Teen Alcohol Safety Act. Feuer said he believes the bipartisan support it has since received is a good sign that it will receive similar support in the state Senate.

Legal advocates in Sacramento have also rallied behind the bill. Christopher Dolan, president of the Consumer Attorneys of California, said in a statement that the legislation would deter parental consent of drinking and, hopefully, save lives.

"It's about putting parents on notice that they ought to know better than to allow or encourage underage drinking," Dolan said.

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