

Adult Accountability for Underage Drinking: The Case for Social Host Laws

East County Community Change Project • May, 2003

Research indicates that most underage drinking takes place in private settings such as home parties. To reduce youth access to alcohol effectively, social access must be addressed in addition to retail and bar sales.

This issue briefing details the problem of social hosting — adults providing alcohol or allowing underage drinking to occur in private settings — and proposes a social host ordinance as a solution.



and date rapes of teens and college students, and it contributes substantially to homicides, suicides and fatal injuries.² It is also a major factor in unprotected sex among youth.²

While many believe that underage drinking is an inevitable “rite of passage” that adolescents can easily recover from because their bodies

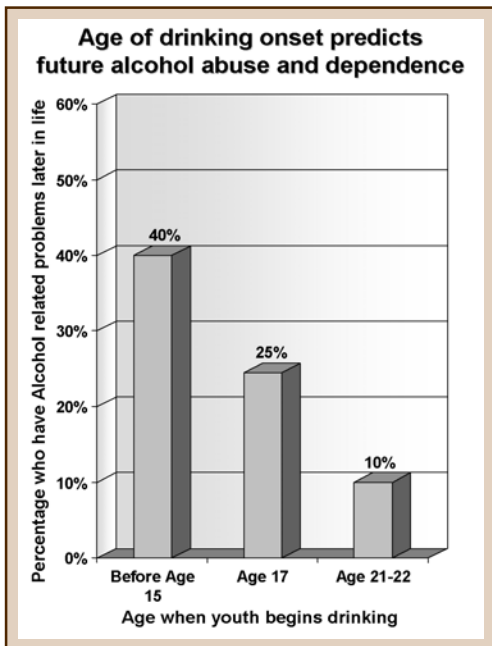
The Top Threat to Youth

Alcohol is the drug of choice for youth¹ and the leading cause of death among teenagers.² It’s involved in the deaths of more teens than all other illicit drugs combined — by a four-to-one ratio.³ Underage drinking is a factor in nearly half of all teen automobile crashes and 50 to 65 percent of youth suicides.⁴ Alcohol abuse is linked to as many as two-thirds of all sexual assaults

are more resilient, exactly the opposite is true. The brain changes dramatically during adolescence, and this growth can be seriously inhibited by alcohol consumption. The damage alcohol can cause to the adolescent brain is often long-term and irreversible. Even short-term or moderate drinking impairs learning and memory far more among youth than adults.⁵ Adolescents need to drink only half as much as adults to suffer the same negative effects.⁶

Youth who begin drinking alcohol before age 15 are four times more likely to become dependent on alcohol than those who wait to begin drinking until age 21. Those who begin drinking before age 13 are twice as likely to have unplanned sex during college, and more than twice as likely to have unprotected sex

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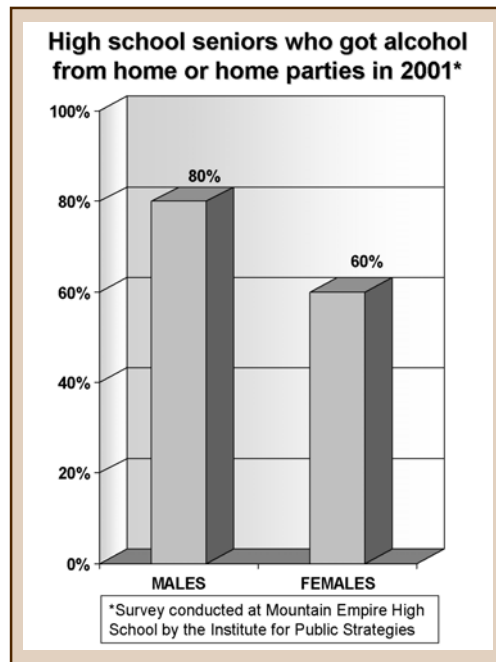


during college, as those who do not start drinking until after age 19.⁸

Because of the negative consequences of underage drinking — coupled with the fact that, on average, young people first use alcohol at 13.1 years of age⁹ — youth access must be addressed proactively through all sources, including social sources. Even if young people do not drive after drinking at a home party, the long-term consequences pose unacceptable risks to youth.

At local and national levels, home parties have repeatedly been identified as the primary source by which youth obtain alcohol.^{10,11,12}

Studies indicate that most underage drinking does not occur in commercial establishments.¹² National research shows that 57 percent of minors reported drinking at friends' homes,¹¹ and local surveys suggest that 60 to 80 percent of junior and senior high school students obtain alcohol from home or home parties, with 30 percent



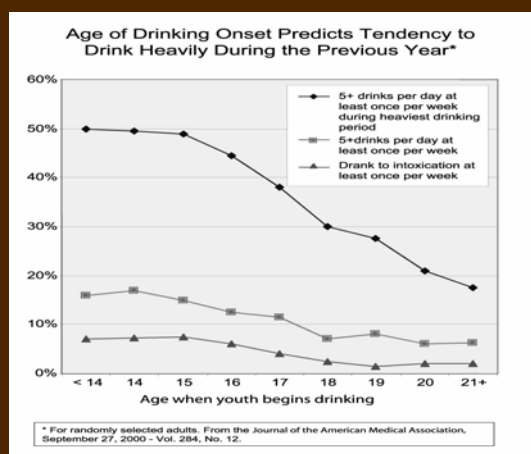
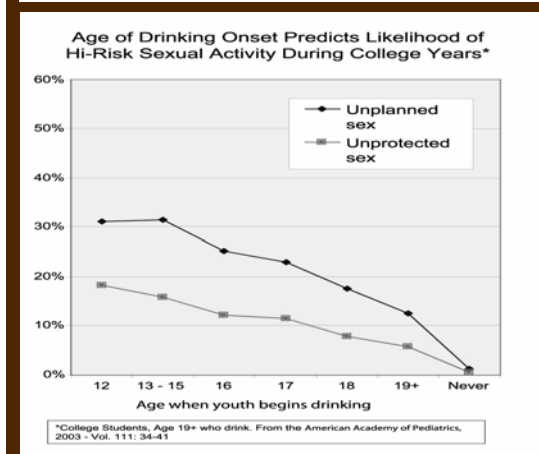
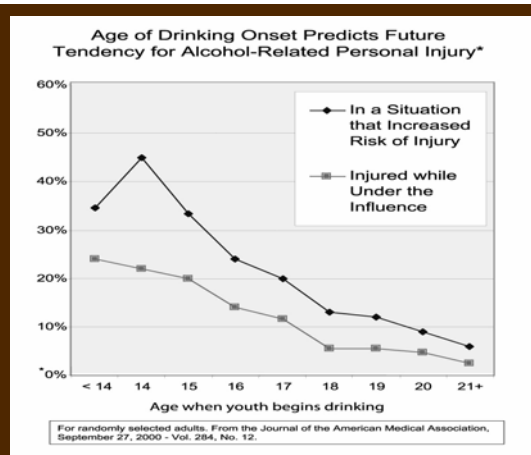
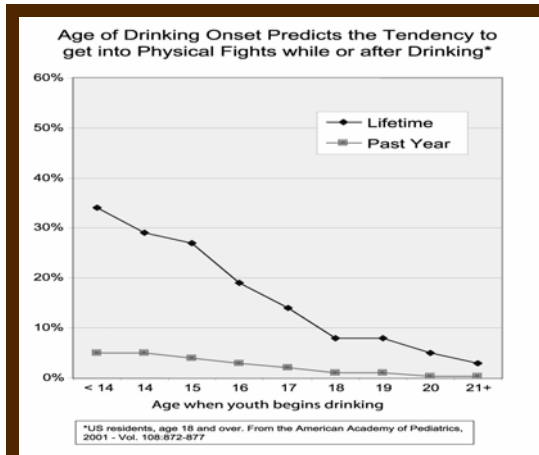
reporting that they consume alcohol at home with their parent's permission¹³.

A Costly Problem for Communities

The economic cost of alcohol use by youth in California — including traffic crashes, violent crime, burns, drowning, suicide attempts, fetal alcohol syndrome, alcohol poisonings and treatment — is more than \$6.5 billion per year.¹⁴ In the City of San Diego, 7,519 law enforcement calls to home parties were documented in 2001, many of them involving alcohol and underage drinking. The expense to taxpayers for the thousands of hours of police service involved is conservatively estimated to be several

hundred thousand dollars.¹⁵

Support for policy change to prevent alcohol problems in San Diego is broad-based. A local poll released in March of 2002 found that more than six out of seven residents of San Diego (86 percent) say underage drinking in the region is a serious concern.¹⁰



Communities large and small have begun to address the problem of social hosting through dialogue and local policymaking. In 2002 the City of Poway adopted an ordinance holding adults accountable for serving alcohol to minors in private settings — the first of its kind in San Diego County. In April of 2003, Oceanside adopted a similar law, followed by the cities of San Diego and La Mesa.

Social host liability laws are being implemented across the nation to impose civil penalties, usually in the form of monetary damages, on social hosts for injuries caused by their intoxicated guests. New Jersey was the first state to adopt a social host liability law.¹⁶ Since

then Delaware, Georgia, Idaho, Indiana, Massachusetts, North Carolina, North Dakota, New Hampshire, New Mexico, Oregon and Vermont have followed suit.

Putting a Stop to Social Hosting

According to current research, social host laws are among the most effective forms of public policy in reducing binge drinking and drinking and driving.¹⁶ Around the country, lawmakers and courts are increasingly recognizing that underage drinking is a serious threat to the health and safety of their communities and are taking steps to reduce it.



Lawmakers are recognizing that underage drinking is a serious threat to health and safety.



The Kansas State Senate recently passed a bill making it a crime (punishable by six months in jail) for adults to allow underage drinking in their homes.¹⁷ Pennsylvania sentenced a woman to four and a half years in prison after she allowed a party that led to the drunk driving deaths of three teenagers.¹⁷

In California, the assignment of civil penalties to social hosts is precluded by the state Civil Code, which requires an injured third party to prove that his or her injury was caused by the host's illegal service of alcohol rather than the drinker's own consumption of alcohol.¹⁸ In addition, the California Civil Code states that "no social host who furnishes alcoholic beverages to any person shall be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any third person, resulting from the consumption of those beverages."¹⁹

Therefore, local municipalities are taking a slightly different approach to social hosting. Current laws holding social hosts accountable in San Diego County focus on hosts who provide alcohol to minors. Instead of sanctioning civil penalties after a third party has been injured or killed, the social host laws hold adults accountable by imposing fines and allowing police departments to recover costs incurred in breaking up private parties where underage drinking occurs.

The problems associated with underage drinking in homes are difficult for law enforcement agencies to resolve without greater authority. As the San Diego City Attorney's Office reported to the city council before the council passed a social host law: "Currently there is no law which



Public Policy and Community Change

In the spring of 2000, discussions in many community sectors around San Diego County began to focus on reducing the social availability of alcohol to youth. The San Diego Policy Panel on Youth Access to Alcohol formed a Social Availability Committee to apply that momentum in the policy arena.

Meanwhile, data on youth alcohol access were collected from local high schools in Poway, where community forums helped organize a response to underage drinking at house parties. High-profile Operation Safeguard law enforcement efforts later that year and in 2001 brought more attention to adult providers of alcohol. Links between community prevention advocates, law enforcement and elected officials were further strengthened when the Policy Panel hosted a legislative forum that focused on social availability issues.

With guidance from the North Inland Community Prevention Project, Poway City Councilmember Jay Goldby introduced the county's first social host ordinance in the fall of 2002. After the ordinance was passed, members of the Social Availability Committee followed up with San Diego City Councilmember Brian Maienschein, who in the spring of 2003 led a successful effort to adopt a more stringent social host law in the county's largest municipality. An even stronger ordinance was simultaneously passed in Oceanside, prompted by Police Chief Mike Poehlman with the support of the Tri-City Prevention Collaborative.

The San Diego County Board of Supervisors soon began considering a similar law for the county's unincorporated areas. Chairman Greg Cox and Supervisor Dianne Jacob sponsored the measure, which would not only assess a fine and full cost recovery after the first offense, but also direct those funds back into law enforcement and prevention efforts.

makes it a crime for a minor to consume alcoholic beverages [or to] possess alcoholic beverages ... in places not open to the public. The proposed ordinance would fix the gap in the law by prohibiting consumption in both public places and places not open to the public." The San Diego law does not apply when a minor's own parent or guardian is supervising the consumption of alcohol or when the suspected violator does not have knowledge of the party where underage drinking occurs.

An ideal social host ordinance would allow police to issue misdemeanor citations with

COMMUNITY RESOURCES

East County Community Change Project
(619) 660-6233, www.publicstrategies.org/east

North Inland Community Prevention Project
(858) 391-9303, nicpp@mhsinc.org

Oceanside Police Chief Mike Poehlman
(760) 435-4493

S.D. County Policy Panel on Youth Access to Alcohol
(619) 692-8475, www.alcoholpolicypanel.org

San Diego County Sheriff's Captain Glenn Revell
(619) 956-4001

San Diego Police Detective Larry Darwent
(619) 531-2429

Tri-City Prevention Collaborative
(760) 757-8211, jbyrom@vistacommunityclinic.org

ines attached to any adult who permits underage drinking in his or her home. Further, it would permit law enforcement to recover service costs from the adult offender the very first time police are called to the residence. Repeat offenders would face escalating fines. Social host ordinances give law enforcement a tool to control private parties where underage drinking occurs, and they serve as a significant deterrent to hosting the parties in the first place.

The Institute for Public Strategies is a nonprofit organization that advances public health through changes in policy and community norms. The East County Community Change Project, which is conducted by IPS, serves El Cajon, Santee, Lemon Grove, La Mesa and the unincorporated areas of the East County. The project is funded by the San Diego County Health and Human Services Agency, Alcohol and Drug Services. For more information, please contact Brenda Simmons at (619) 660-6233, ext. 16, e-mail info@publicstrategies.org or visit www.publicstrategies.org/east.

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