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21. California Civil Code, Section 1714(b).
22. California Civil Code, Section 1714(c).

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A Community Partnership for Responsible Alcohol Policies & Practices

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

Ventura County Limits • June 2005

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.

The Top Threat to Youth

Alcohol is the drug of choice for youth1 and the leading cause of death among teenagers.2 The 2003 National Survey on Drug Use and Health reports about 10.9 million persons aged 12 to 20 drank alcohol in the month prior to the survey (29.0 percent of this age group). Nearly 7.2 million (19.2 percent) were binge drinkers and 2.3 million (6.1 percent) were heavy drinkers.3 Alcohol is involved in the deaths of more than all other illicit drugs combined — by a four-to-one ratio.4 Underage drinking is a factor in nearly half of all teen automobile crashes and 50 to 65 percent of youth suicides.5 Alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes of teens and college students, and it contributes substantially to homicides, suicides and fatal injuries.6 It is also a major factor in unprotected sex among youth.7 Locally, results of a telephone survey administered to individuals 18 years of age and older residing in 2,021 randomly selected households in Ventura County, show that alcohol use is highest among 18 to 20 year olds (who cannot legally purchase it) (an average of 32.7 drinks per month among those in this age group who drink) and second highest among 21 to 25 year olds (an average of 22.3 drinks per month among those who consume alcohol).8

While many believe that underage drinking is an inevitable “rite of passage” that adolescents can easily recover from because their bodies 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.9 Adolescents need to drink only half as much as adults to suffer the same negative effects.10

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 21.11 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 during college, as those who do not start drinking until after age 19.12

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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 age — youth access must be addressed proactively through all sources, including local communities. 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 Additionally, home parties often provide a means to introduce young teenagers to drinking. In one study, older teens (ages 17–19) reported “breaking in” younger teens (ages 14–16) at teen parties by encouraging them to become very intoxicated.13 Studies indicate that most underage drinking does not occur in commercial establishments.14 National research shows that 57 percent of minors reported drinking at friends’ homes.15 In a Ventura County survey, 45.2% of young people (age 25 and younger) reported binge drinking at someone else’s home, in contrast to just 15.9% of persons 26 years of age and older.5

The Institute of Medicine report on underage drinking points out that laws addressing home parties, combined with local media campaigns, which create public awareness and reinforce community norms that underage drinking is unacceptable, act as a deterrent to uncontrolled home parties and the problems that result.15 Based on local data and research on this issue, Ventura County Limits recommends that communities adopt ordinances that discourage underage home parties.2

Youth Drinking: A Burden 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.11 Local law enforcement spend a great deal of time responding to noise complaints generated by teen parties. For example, from June 1 to August 31, 2004, Ventura County sheriff’s deputies in the Ojai Valley responded to complaints about 298 problem parties involving underage drinking and drug use. That is, law enforcement responded to an average of approximately 25 underage drinking parties per week in just one area of the county for which data are available.16 A poll conducted in Ventura County in 2004 shows a high level of concern about excessive alcohol consumption and youth drinking in homes where only youth are present.17 The poll also shows significant public support for policies to control youth access to alcohol such as penalizing older persons who illegally provide alcohol to youth, allowing police to bill for service for responding to home parties, police decoy operations using trained teens, and citing parents who permit teenage drinking in their homes.5

In addition, Ventura County drinking driver programs collected data from DUI offenders regarding place of last drink prior to arrest. DUI offenders 18 to 25 years of age most frequently identified private homes as their place of last drink. Underage drinkers ages 18-20 were much more likely to have consumed their last drink at a private home (78.3% of 18-year-olds, 72.9% of 19-year-olds, and 54.3% of 20-year-olds), compared to arrests for 21 to 25 years of age (an average of 47.7%).18

Communities large and small have begun to address the problem of social hosting through dialogue and local policymaking. Cities in northern and southern California have enacted social host ordinances, including virtually all of the host’s illegal consumption of alcohol. 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. By April 2003, fourteen out of nineteen municipalities in San Diego County had passed social host ordinances.19 In Ventura County, the cities of Ojai and Fillmore are among the first to consider adoption of a social host ordinance.

In fact, 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.20 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. By addressing the illegal and unsafe supply of alcohol to youth, lawmakers and courts around the country 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. The Kansas State Senate recently passed a bill making it a crime (punishable by jail) for adults to allow underage drinking in their homes.21 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.22 Arizona, Alabama, Florida, Michigan and New Hampshire, as well as Kansas, impose criminal liability specifically for hosting underage drinking parties. States with criminal liability for hosting generally are: Oregon, Indiana, Illinois, Ohio, Pennsylvania, Maryland, New Jersey, Massachusetts, Maine, South Carolina, and Hawaii.23

The problems associated with underage drinking in homes are difficult for law enforcement agencies to resolve without greater authority. A social host ordinance should include the following elements (1) allow police to issue a citation with fines attached to any host who permits underage drinking in his or her home, (2) allow law enforcement to recover costs services from the offender the very first time police are called to the residence, and (3) impose escalating fines for repeat offenders. The public has long recognized that youth access to alcohol is problematic, however current laws have not sufficiently addressed this issue. Social host ordinances are a new, more effective tool to close loopholes in the law and control private parties where underage drinking occurs. Moreover, social host laws serve as a significant deterrent to hosting the parties in the first place and 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.24 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 empowering local municipalities to impose civil penalties after a third party has been injured or killed, the social host laws hold hosts accountable by imposing fines and allowing police departments to recover costs incurred in breaking up private parties where underage drinking occurs.
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 age and youth access must be addressed proactively through all sources, including law enforcement. 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. Additionally, home parties often provide a means to introduce young teenagers to drinking. In one study, older teens aged 17–19 reported “breaking in” younger teens (ages 14–16) at teen parties by encouraging them to become very intoxicated. Studies indicate that most underage drinking does not occur in commercial establishments. National research shows that 57 percent of minors reported drinking at friends’ homes. In a Ventura County survey, 45.2 percent of young people (age 25 and younger) reported binge drinking at someone else’s home, in contrast to just 15.0 percent of persons 26 years of age and older. A poll conducted in Ventura County in 2004 shows a high level of concern about excessive alcohol consumption and youth drinking in homes where only youth are present. The poll also shows significant public support for policies to control youth access to alcohol such as penalizing older persons who illegally provide alcohol to youth, allowing police to bill for service for responding to home parties, police decoy operations using trained teens, and citing adults who permit underage drinking in their homes.

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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 consumption of alcohol rather than the driver’s own consumption of alcohol.

The problems associated with underage drinking in homes are difficult for law enforcement agencies to resolve without greater authority. A social host ordinance should include the following elements (1) allow police to issue a citation with fines attached to any host who permits underage drinking in his or her home, (2) allow law enforcement to recover service costs from the offender the very first time police are called to the residence, and (3) impose escalating fines for repeat offenders. The public has long recognized that youth access to alcohol is problematic, however current laws have not sufficiently addressed this issue. Social host ordinances are a new, more effective tool to close loopholes in the law and control private parties where underage drinking occurs. Moreover, social host laws serve as a significant deterrent to hosting the parties in the first place and

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**Setting Where Respondent was Drinking Most, Last Time He or She Had Five or More Drinks by Age Group**

<table>
<thead>
<tr>
<th>Ventura County, 2004</th>
<th>55.9%</th>
<th>30.7%</th>
<th>12.4%</th>
<th>1.0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondent’s Home</td>
<td>25.6%</td>
<td>22.4%</td>
<td>38.9%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Someone Else’s Home</td>
<td>12.4%</td>
<td>12.4%</td>
<td>38.9%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>3.0%</td>
<td>3.0%</td>
<td>51.2%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Bar/Club</td>
<td>4.0%</td>
<td>4.0%</td>
<td>41.4%</td>
<td>0.1%</td>
</tr>
<tr>
<td>A/Public Place</td>
<td>8.0%</td>
<td>8.0%</td>
<td>25.6%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Other</td>
<td>1.0%</td>
<td>1.0%</td>
<td>1.0%</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

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**The Ojai Valley S.A.F.E. Coalition, which is advocating for a social host ordinance, notes, “During the summer months, especially on the weekends, we’ll have 8-10 problem party calls a night involving underage youth. Because of the high number of calls, the Sheriff’s Department has to focus on just handling the noise disturbance. Although they may arrest one or two for minor in possession, they do not have time to track the source of the alcohol, or to contact the parents of minors. We are hoping that a Social Host Ordinance, in addition to making hosts responsible if they unknowingly allow youth drinking parties in their homes, would also reduce the number of calls for service. If Deputies had fewer parties to respond to, they could concentrate on notifying parents of minors who are present, and making sure that teens get home safely.”**

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7 Alcohol Policy Information System (APIS), http://alcoholpolicy.niaaa.nih.gov/

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5 Underage and Binge Drinking: Selected Findings from a Telephone Survey of Ventura County Residents, G. Robinson (Ventura, CA: Ventura County Behavioral Health Department Publication, 2005).


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