

Ohio Social Host Ordinance Toolkit

A how-to guide for developing local Social Host Ordinances for communities



DISCLAIMER

THE INFORMATION PROVIDED HEREIN IS NOT OFFERED OR INTENDED TO CONSTITUTE LEGAL ADVICE OR TO SUBSTITUTE FOR OBTAINING LEGAL ADVICE FROM A LICENSED ATTORNEY, AND ITS USE DOES NOT IMPLY THE CREATION OF AN ATTORNEY/CLIENT RELATIONSHIP WITH ANY CONTRIBUTORS TO THIS DOCUMENT. THE INFORMATION PRESENTED IS OF A GENERAL NATURE, INTENDED AS BACKGROUND MATERIAL TO ASSIST YOU, AND SHOULD NOT BE CONSIDERED AN ALL-INCLUSIVE PLAN.



Coalition for a Drug- Free Greater Cincinnati

Please address questions or comments about this report to:

Coalition for a Drug- Free Greater Cincinnati
2330 Victory Parkway, Suite #703, Cincinnati, Ohio 45206
(513) 751-8000

Mary Haag, RN, BSN, OCPS I, ICPS, President, CEO, Executive Director
Nicole Schiesler, M.Ed., CHES, OCPS II, ICPS, Director of Coalition Strategies
Eric Hall, BA, Manager of Environmental Prevention

This guide has been created by the Coalition for a Drug- Free Greater Cincinnati for use by all communities in Ohio

Acknowledgements

The work of enacting Social Host ordinances in Ohio has been taken on by community coalitions and their partners in local communities. It is only through the efforts of these community coalition efforts, which include local government, law enforcement, parents and other concerned citizens, that the passage of Social Host ordinances has been possible. Some of these coalition efforts are highlighted in this guide. **Funding for the development of the Social Host Ordinance Toolkit was provided by Drug Free Action Alliance with support from the Ohio Department of Alcohol and Drug Addiction Services and the Office of Juvenile Justice and Delinquency Prevention.**

This document has been modified for use in Ohio from materials gathered from local resources and resources throughout the country in order to bring a comprehensive collection of material that may be useful in your efforts to obtain a Social Host ordinance in your community. It is an open document intended for use by any individual or community that may find it useful.

We offer thanks to these groups for their contributions and efforts to make Ohio communities and youth healthier and safer.



Introduction

The purpose of this toolkit is to describe, in plain language, how to plan for, implement, and evaluate a Social Host Ordinance in your community. The material in this toolkit may be freely copied by people involved in establishing a Social Host Ordinance in their community.

Our intent is to provide a generic framework which is applicable to any community setting. Many of the resources and supports discussed in this toolkit are available at no cost. The breadth and strength of your partnership is key. Good partners are able to bring resources to the project from their own organizations. Other partners are able to volunteer their time to connect you with the needed community supports.

Well-meaning parents often host drinking parties on behalf of their children, either in the belief they can control the amount of alcohol a teen consumes or because they consider teen drinking inevitable and that their supervision can ensure the safety of the children involved. Truth is, once revelers start drinking and the party begins to grow in size, it can quickly spiral out of control and lead to devastating consequences.

Social Host ordinances give communities a practical tool for holding adults accountable for underage drinking. These laws allow law enforcement to cite the individual who hosted an underage drinking party on their property.

When law enforcement officials arrive on the scene of an underage drinking party, it's often difficult to determine who provided the alcohol. Therefore, laws that prohibit furnishing alcohol to youth under 21 can be hard to enforce. With social host liability, the focus is on where the drinking takes place, rather than whom provided the alcohol.

Table of Contents

Acknowledgements.....	3
Introduction	4
Table of Contents.....	5
Why a Social Host Ordinance?	7
Ohio Law	12
In Plain English, Ohio Law Prohibits	15
Concepts In Social Host Law	18
Steps For Drafting A Social Host Ordinance.....	21
Identify the Problem(s) in Your Community	21
Working To Pass A Social Host Ordinance In Your Community	27
Appendix A: Coalition to Amend Ohio’s Social Host Law.....	33
Appendix B: Ohio Social Host Ordinances.....	41
Dublin Ohio Social Host Ordinance	41
Canfield Social Host Ordinance	44
Appendix C: Other State Sample Ordinances	47
Fairfax, Minnesota	47
Ventura County, California.....	50
City of Lakeville, Dakota County, Minnesota	56
Urban Government Model.....	58
City Government Model	62
Appendix D: Supplemental Documents	65
Ohio House Bill No. 351	65
Sample Agenda for Community Forum.....	70
Sample Social Host Ordinance Petition of Support	72
Sample Letter to Planning Committee.....	73
Law Enforcement Survey	74
Jurist Survey	77
Parent Survey on Underage Alcohol Use	78

Sample Media Advisory	82
Sample Press Release	83
Sample Post Card Message/Message Box	84
Appendix E: Resources	86
National Agencies	86
State Resources.....	87
Tri-State Alcohol Beverage Control Agencies	88
Law Enforcement Resources.....	89
Dublin Ohio PD Arrest Stats	90
Frequently Asked Questions	91

Why a Social Host Ordinance?

Alcohol Consumption By Youth In Ohio

Underage drinking is widespread in Ohio. Tragic health, social and economic problems result from the use of alcohol by youth. Underage drinking is a causal factor in a host of serious problems, including homicide, suicide, traumatic injury, drowning, burns, violent and property crime, high risk sex, fetal alcohol syndrome, alcohol poisoning, and need for treatment for alcohol abuse and dependence. Approximately 552,000 underage customers in Ohio drink each year. In 2009, Ohio students in grades 9-12 reported:¹

- 76.0% had at least one drink of alcohol on one or more days during their life.
- 20.3% had their first drink of alcohol, other than a few sips, before age 13.
- 45.7% had at least one drink of alcohol on one or more occasion in the past 30 days.
- 28.8% had five or more drinks of alcohol in a row (binge drinking) in the past 30 days.
- 3.2% had at least one drink of alcohol on school property in the past 30 days.

In 2009, underage customers consumed 26.3% of all alcohol sold in Ohio, totaling \$979 million in sales (in 2010 dollars). These sales provided profits of \$480 million to the alcohol industry.² Ranking states based on the percentage of alcohol consumed underage, with 1 the highest, Ohio ranked number 1. This percentage is affected by both adult and youth drinking levels.

Annual sales of alcohol consumed by youth in Ohio averaged \$1,774 per underage customer. Underage customers were heavier consumers than adults. They drank an average of 4.5 drinks per day; in contrast, legal customers consumed only 1.4.

Harm Associated With Underage Drinking in Ohio ³

Underage drinking in Ohio leads to substantial harm due to traffic crashes, violent crime, property crime, unintentional injury, and risky sex.

- During 2009, an estimated 31 traffic fatalities and 1,872 nonfatal traffic injuries were attributable to driving after underage drinking.
- In 2009, an estimated 63 homicides; 26,200 nonfatal violent crimes such as rape, robbery and assault; and 74,600 property crimes including burglary, larceny, and car theft were attributable to underage drinking.
- In 2007, an estimated 18 alcohol involved fatal burns, drowning, and suicides were attributable to underage drinking.
- In 2009, an estimated 1,253 teen pregnancies and 36,019 teens having risky sex were attributable to underage drinking.

For comparison with other states, in US rather than state prices, the harm from underage drinking per youth in Ohio averages \$1,797. Such comparisons require caution. In part, they may reflect differences in crime and crash rates, problem-reporting to police, and co-occurring drug use.

Produced by the Pacific Institute for Research and Evaluation (PIRE) with funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), September 2011.

1 Center for Disease Control (CDC). (2011). Youth Risk Behavior Surveillance System (YRBSS). Available [On-line]: <http://apps.nccd.cdc.gov/youthonline/App/Default.aspx>

2 Levy, D.T., Miller, T.R., & Cox, K.C. (2003). Underage drinking: societal costs and seller profits. Working Paper. Calverton, MD: PIRE.

3 Grant, B.F., & Dawson, D.A. (1997). Age at onset of alcohol use and its association with DSM-IV alcohol abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic Survey. *Journal of Substance Abuse* 9: 103-110.

Does A Social Host Ordinance Make Sense For Your Community?

Some parents think their minor children and their friends will be safer if they allow underage drinking in their own homes. Some older friends don't see the harm in allowing their underage friends to drink in their apartment. Adult family members and friends are common sources of alcohol for youth in gatherings on private property. Social Host laws seek to restrict youth access to alcohol in these settings.

Locate relevant existing state and local laws. What are the existing state and local (city/county) laws on underage drinking, especially with regard to providing alcohol to minors, underage possession, underage consumption, and underage purchase applicable to your community? What are the existing local ordinances on public nuisances? What laws should be in place but are missing? The Social Host ordinance should be drafted in light of existing state and local (city or county) laws on underage drinking and local laws on public nuisance. In drafting a Social Host ordinance, one needs to know how other laws may affect the validity and enforcement of the Social Host ordinance.

Examine existing local public nuisance laws. The city or county's existing public nuisance laws may be modified to address underage drinking parties; this may be easier to achieve than passing a new stand alone Social Host ordinance.

Social Host ordinances focus on the setting where drinking occurs regardless of who provides the alcohol. These laws provide law enforcement with additional tools that go beyond the Ohio Revised Code (ORC) Title XLIII (43) laws that prohibit serving and providing (also known as furnishing) alcohol to minors.

When law enforcement arrives on the scene of an underage drinking party, it can be difficult to determine who furnished the alcohol. Social Host ordinances enable law enforcement to cite the individual who hosted the party, or who owns or controls the land where parties occur.

Under Social Host laws, these responsible individuals include parents, landowners and tenants. Underage drinkers often binge drink (meaning 5 or more alcoholic drinks in a short amount of time) which can lead to serious consequences for youth, including: violence (e.g. fighting, sexual assault), accidents, alcohol poisoning and even death.

Social Host ordinances seek to prevent these negative consequences, while filling gaps in statutes and offering local communities an additional law enforcement tool.

Before pursuing a Social Host Ordinance, it is recommended that you understand the problems associated with underage drinking in your community. Conducting a community assessment and collecting information on youth substance use (how, when, where and what) from youth, parents, law enforcement, health care providers and other community members allows you to define the problem of underage drinking in your community. The CADCA Assessment Primer is a good resource for conducting a community assessment. <http://www.cadca.org/files/AssessmentPrimer-03-2009.pdf>

Once you have completed an assessment and are able to provide information on underage drinking and the associated problems for your community, you will be better able to know if a Social Host ordinance may be appropriate for your community. Social Host ordinances make sense for communities when assessment findings indicate that youth often obtain alcohol at parties on private property, such as in open lots, field parties, rental properties, residences, motels, etc. It is recommended that a needs assessment, logic model and strategic plan are developed prior to enacting strategies such as Social Host ordinances.

Local Ordinances in Ohio

Adult Responsibility Laws

Laws vary from State to State regarding the liability, if any, for parents providing alcohol to their own children. Social Host Laws, however, allow people to be held criminally and/or civilly liable for providing alcohol to underage youth who are not their own children. These laws generally allow people to bring civil suits against adults who provide alcohol to underage youth or who knowingly allow underage drinking in their homes. Some States make it a misdemeanor for adults to knowingly allow alcohol to be consumed by someone under the age of 21 in their residences. Again, each state varies in the language and provisions of their laws. Informing parents of these laws and the potential civil and criminal consequences in your State may deter them from providing alcohol to underage drinkers and allowing parties in their homes. Ohio's statewide public awareness campaign, "Parents Who Host, Lose the Most: Don't be a party to teenage drinking", is an example of how States can be successful in raising

awareness about Social Host Laws and consequences. Such slogans have been attributed for notable changes in attitudes and behaviors related to underage drinking.

Parents Who Host, Lose the Most: Don't Be a Party to Teenage Drinking

The “Parents Who Host, Lose The Most: Don’t be a party to teenage drinking” public awareness campaign was developed by Ohio Parents for Drug- Free Youth in 2000.

(Note: Ohio Parents has changed their name to Drug- Free Action Alliance)

<http://www.drugfreeactionalliance.org/parents-who-host> The campaign objectives are to educate parents about the health and safety risks of serving alcohol at teen house parties and to increase awareness of and compliance with the Ohio underage drinking laws. According to Ohio Parents for Drug- Free Youth, evaluation results of the comparative data from 2001 to 2008 phone survey indicate the following changes:

- 33% increase among parent respondents from 2001 to 2008 who indicated that if other parents knew this campaign information it would keep them from hosting parties where alcohol is available or served.
- 36% decrease among youth respondents from 2001 to 2008 who indicated that they had attended a party in the last two months where alcohol was served to youth.
- 32% increase among youth respondents from 2001 to 2008 who indicated that the campaign information led to a discussion between themselves and their parent about underage drinking.
- 29% decrease among parent respondents from 2001 to 2008 who indicated that they know of other parents who host parties where alcohol is available or served to teens.
- 42% decrease among youth respondents from 2001 to 2008 who indicated that they know of parents who host parties where alcohol is available or served to teens.

Two Ohio communities have taken action recently to address underage drinking by enacting local ordinances. Dublin and Canfield passed similar social host ordinances in 2009. (See appendix) Under these statutes, adults who are found to have acted “negligently” are criminally liable and could face substantial fines and possible jail time.

Ohio Law

- [Ohio Revised Code](#)
- » [Title \[43\] XLIII LIQUOR](#)
- » [Chapter 4301: LIQUOR CONTROL LAW](#)

4301.69 Underage person offenses

(A) Except as otherwise provided in this chapter, no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian.

In proceedings before the liquor control commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this division shall be charged, for the same offense, with a violation of division (A)(1) of section [4301.22](#) of the Revised Code.

(B) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(C) No person shall engage or use accommodations at a hotel, inn, cabin, campground, or restaurant when the person knows or has reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not

an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and has the drug of abuse in the original container in which it was dispensed to the person.

(D)(1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin, or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin, or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.

(E)(1) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in division (E)(1) of this section against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(2)(a) If a person is charged with violating division (E)(1) of this section in a complaint filed under section [2151.27](#) of the Revised Code, the court may order the child into a diversion program specified by the court and hold the complaint in abeyance pending successful completion of the diversion program. A child is ineligible to enter into a diversion program under division (E)(2)(a) of this section if the child previously has been diverted pursuant to division (E)(2)(a) of this section. If the child completes the

diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the child's record in the case sealed under sections [2151.356](#) to [2151.358](#) of the Revised Code. If the child fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(b) If a person is charged in a criminal complaint with violating division (E)(1) of this section, section [2935.36](#) of the Revised Code shall apply to the offense, except that a person is ineligible for diversion under that section if the person previously has been diverted pursuant to division (E)(2)(a) or (b) of this section. If the person completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the record in the case sealed under section [2953.52](#) of the Revised Code. If the person fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(F) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or section [4301.63](#), [4301.633](#), or [4301.634](#) of the Revised Code.

(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground.

(H) As used in this section:

(1) "Drug of abuse" has the same meaning as in section [3719.011](#) of the Revised Code.

(2) "Hotel" has the same meaning as in section [3731.01](#) of the Revised Code.

(3) "Licensed health professional authorized to prescribe "drugs" and "prescription" have the same meanings as in section [4729.01](#) of the Revised Code.

(4) "Minor" means a person under the age of eighteen years.

(5) "Underage person" means a person under the age of twenty-one years.

In Plain English, Ohio Law Prohibits

- Persons under 21 years old from consuming, purchasing, or possessing alcoholic beverages
- Giving or selling alcoholic beverages to persons under 21 years old
- Having an open container of alcoholic beverage in a public place, regardless of your age. Public places are those which anyone can enter freely and include sidewalks, streets, tree lawns, some outdoor areas of apartment complexes, and inside parked or moving cars.
- Using false identification to obtain alcoholic beverages
- Allowing underage persons to consume alcoholic beverages on your property
- Punishment for these first-degree misdemeanors can be up to six months in jail and/or a fine of up to \$1,000.

Underage consumption, purchasing or possession of alcohol

The legal drinking age in Ohio for consumption of an alcoholic beverage is 21. Purchasing, possessing or consuming alcohol prior to your 21st birthday is a first-degree misdemeanor. The maximum penalties associated with this offense are six months imprisonment or a \$1,000 fine or both. A 20-year-old student, therefore, risks being imprisoned and fined when he/she decides to drink alcohol at a party or elsewhere.

Providing alcohol to an underage person

A person who furnishes alcohol to an underage person is guilty of a first-degree misdemeanor. The maximum penalty associated with this offense is six months imprisonment or \$1,000 fine or both. A social host therefore, risks being fined and imprisoned when he/she furnishes alcohol to a person who is not 21 years of age. Keep in mind that the bigger your party is, the more people there that you don't know, the greater the chance of getting caught and/or charged.

Fake ID

Possession or display of a fictitious operator's license is a first-degree misdemeanor. The offense includes mere possession of a fictitious license or display of someone else's valid operator's license. The maximum penalties for this offense are six months imprisonment or a \$1,000 fine or both. Moreover, if the fictitious operator's license is utilized to purchase alcohol or enter an establishment that serves alcohol, the minimum fine must be at least \$250 and the person displaying the fictitious operator's license may have his/her valid operator's license suspended for three years.

Operating a Vehicle Under the Influence of Alcohol or Drugs (OVI)

In Ohio, a person may not operate a motor vehicle if he/she is impaired by alcohol and/or drugs. The maximum penalty for operating a vehicle while under the influence is six months imprisonment (mandatory at least three days in jail) or a \$1,000 fine (a mandatory minimum fine of \$250) or both. Additionally, the operator must forfeit his/her driving privileges for six months. Driving under the influence is treated very seriously. Driving under the influence not only risks the safety of the driver, but it also risks the safety of the community.

Open Container

It is illegal to possess in public an open container of an alcoholic beverage. Conviction of this offense carries a maximum penalty of a \$150 fine. Consumption of alcohol in a motor vehicle is a fourth-degree misdemeanor with maximum penalties of 30 days imprisonment or a \$250 fine or both.

Disorderly Conduct

Disorderly conduct while intoxicated is a minor misdemeanor and carries a maximum penalty of a \$150 fine. Disorderly conduct can be elevated to a fourth degree misdemeanor (for example, if the person persists after a request to desist). Disorderly conduct occurs when one recklessly causes inconvenience, annoyance or alarm to another due to offensive conduct. Disorderly conduct also occurs when one makes unreasonable noise in such a manner as to violate the peace and quiet of the neighborhood or to be detrimental to the life and health of any individual.

Other pertinent state and local laws:

Offenses Against the Public Peace

(Section 2917 of the Ohio Revised Code)

Several crimes associated with out-of-control parties fall under Section 2917, including:

- **Rioting and Aggravated Rioting:** Rioting is defined as five or more persons engaged in disorderly conduct. It is considered "aggravated" if violence is involved. You risk being charged with rioting if you are part of a crowd at a riot situation.
- **Failure to disperse:** When police order persons to leave public property, they must do so. When an order to disperse (also called "reading the riot act") is given, you should immediately begin walking out of the area or go inside a building and shut the door. Before 2004, police could only cite (give a ticket to), not arrest,

someone who failed to obey an order to disperse. *A recent revision in the law makes a failure to disperse in situations such as area riots an offense for which you can be arrested and jailed.*

- **Misconduct at an emergency:** This means hampering police officers, firefighters, emergency medical personnel, and other public officials while they are doing their jobs. You must obey all lawful orders given by such persons at an emergency site.

Change in law increases penalties for college students

Students at public universities in Ohio who are found guilty of any of the above crimes will lose all state-funded financial aid for two years. Those found guilty of rioting and aggravated rioting must be dismissed from their university and are not permitted to enroll in any state-supported institution of higher education for one year. All of the above are arrestable offenses and can be punished with jail time as well as fines. Aggravated rioting is a felony.

Arson/vandalism/criminal damaging/criminal mischief/interfering with public safety

Among other things, it is illegal to:

- Set fires that might endanger others or their property
- Damage property belonging to others
- Prevent or hamper police, fire or EMS personnel from doing their jobs

See sections 2909.01-07 of the *Ohio Revised Code*.

Littering

You may not deposit cups, cans, or other waste on public property.

Littering & illegal dumping

Ohio Revised Code 3767.32

Littering from a motor vehicle

Ohio Revised Code 4511.82

Links: The exact legal wording can be found in the Ohio Revised

Code: <http://codes.ohio.gov/orc/4301>

Sections 4301.63.2, 4301.63.3, 4301.63.4, 4301.69

Concepts In Social Host Law

Social Host laws hold non-commercial individuals, (e.g. older peers, parents, landowners, and tenants), responsible for underage drinking gatherings on property they own, lease, or otherwise control. Whereas laws prohibiting providing alcoholic beverages to underage persons target the act of providing the alcoholic beverages to underage persons, Social Host laws target the location where underage drinking takes place. Social Hosts are individuals who hosted the party, or who own or control the land where parties occur. There are two main types of liability a Social Host faces when underage drinking occurs on the property they own or control:

- **Criminal Liability**

- A Social Host may be held criminally liable by law enforcement for committing a misdemeanor. Misdemeanor crimes may be punishable with fines and jail time.

- **Civil Liability**

- A Social Host may be found liable in a private lawsuit brought by someone injured by a guest allowed to drink on the host's private property. Civil liability on the local level may include monetary fines or other penalties.

Options Available Through State of Ohio Law

- **Social Host Criminal Liability**

Ohio law currently prohibits a person *knowingly* allowing underage drinking gatherings, but this Social Host law can be difficult to enforce. Under Ohio law, a person who knowingly allows a person under the age of 21 to drink alcohol on their premises is guilty of a first degree misdemeanor. A first degree misdemeanor in Ohio is punishable by a \$1,000 fine and/or up to six months in jail.

Ohio's "Social Host Law" [Ohio Revised Code §4301.69(B)] provides the following: "No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the premises while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian, and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor."

Further, Ohio Revised Code Section §4301.69 (A) provides that: “No person...shall furnish {beer or intoxicating liquor} to an underage person...unless the underage person is accompanied by a parent, spouse who is not an underage person or legal guardian.”

Such person knows that the person under the legal drinking age is in possession of or consuming spirituous liquor on the unlicensed premises. (ORC § 4301.69)

Law enforcement officers have found that the current state law is difficult to enforce because a person must have evidence that an adult knows that minors are drinking on their property. Several communities in Ohio have passed local Social Host ordinances in order to create underage drinking laws that can be enforced without requiring proof of knowledge that underage drinking is occurring. Local Social Host ordinances can be written to target adults that fail to use reasonable precaution to keep alcohol out of the hands of minors. The benefit of having a local ordinance is that it can be made specific to local conditions. Examples of local conditions include: towns with underage drinking problems with universities and fraternity houses or communities where law enforcement officers are repeatedly asked to respond to problem party sites, such as hotels, apartments, or secluded locations.

- **Social Host Civil Liability**

Civil liability can be developed through state statute or state court decisions. Pursuant to Ohio laws, Social Host civil liability is in place for damages resulting by serving liquor to those over 21. Additionally, social hosts face civil liability under certain circumstances. A social host can be found liable if they knowingly allow a person under the age of 21 to drink, and that person later injures or kills another person. Social host liability is similar to dram shop liability. Dram shop laws impose liability on bars when they knowingly over serve someone who is obviously intoxicated, and that person injures another. However, while dram shop liability can apply to people of all ages, while social host liability in Ohio applies only to people under the age of 21 who cause injuries to another person.

Options Available Through Local Laws

Local options include a combination of criminal and civil penalties such as fines, emergency response costs, administrative fines and jail time. Communities may choose to enact one or more of the following options:

- **Social Host Criminal Liability** - punishable by either criminal infractions (monetary fines) or criminal misdemeanors (jail time)
 - Holds adults responsible for underage drinking on property they own, lease or otherwise control. Adults can be charged even if they did not provide alcohol and even if they are not on the premises.
- **Social Host Civil Liability** - through civil or administrative citations
 - Response Cost Recovery —declares underage drinking parties on private property a public nuisance and hold Social Hosts civilly responsible for the costs of emergency response services (police, fire, and other emergency responders dispatched to parties, and court time necessary to settle a complaint) provided in response to unruly gatherings.

Steps For Drafting A Social Host Ordinance

Identify the Problem(s) in Your Community

First, understand the local substance abuse problems by completing a community assessment. Next, employ a strategic planning process to logically connect the substance abuse problems with possible solutions. After completing this process, you may find that Social Host laws are an appropriate strategy to address circumstances such as:

- Teen drinking parties in private residences
- Secluded parties and parties on rural land
- University or college drinking parties held in privately owned homes or apartment units
- Fraternity house parties
- Loud or unruly gatherings including underage and legal age persons in resort area settings (e.g., river resort areas, ski vacation rentals)
- Underage drinking parties held in warehouses or garages rented for that purpose, or in foreclosed homes
- Parties occurring in hotels or motels

To be most effective, the Social Host law should be tailored to a local community's underage drinking concerns.

Organize Initial Meeting

Invite people in your community (e.g., neighbors, friends, colleagues, or acquaintances) who you think might be interested in underage drinking issues. Share your concerns with the group and assess who is interested in supporting a collaborative effort. This can be a small or large group of people, formed as an informal affinity group, a new group, a subcommittee of a pre-existing organization, or a coalition of existing groups or organizations.

Discuss a strategy to accomplish your goals. Begin by assessing the local political landscape.

- Who among your coalition has time and interest to actively participate? Does anyone have a particular interest that you could harness?

- Consider forming subcommittees to take responsibility for specific areas. As a group, review a list of possible subcommittees with descriptions of their responsibilities and ask each participant to volunteer for one committee.
- Brainstorm ways to build public support. Examples:
 - hosting a forum or educational event
 - building a coalition of diverse groups and elected officials
 - circulating a petition
 - press outreach
 - lobbying local elected officials
- Before finishing your first meeting, be sure to schedule the next meeting and write down follow-up tasks and the participant(s) responsible for each.

Network with Community Partners

Organize members of your group to call other local people and organizations that might be interested in supporting the local ordinance. Schedule the next meeting and have group members invite people in other organizations. Be sure to seek out people who will be most affected by laws and policies enacted.

People and groups you might include in your outreach:

- Teachers, professors, students, and student groups
- Civic groups and neighborhood associations
- Religious leaders
- Activist groups
- Law enforcement
- Political party chapters
- Local government leaders
- Parents, Caregivers
- Attorneys

Ask existing local organizations who express interest in working with you if they would be willing to share their mailing list or email list, or to send an announcement about your coalition to their membership.

Use social networks for outreach as well. Create a group on Facebook and have members join and invite friends. Spread the word about your effort by encouraging your members to post about it in a Facebook status update or on Twitter. You can also use Facebook groups to manage your subcommittees and coordinate outreach.

Refrain from involving members of only one partisan group. A coalition that represents the diversity within your community will be more effective and less vulnerable to the opposition than one that reflects the views of only a few community members.

Plan a Forum

To educate the community, hold a forum to discuss the ordinances. Set dates for the forum and your next meeting to plan it. Be creative. Some communities have held arts & culture events, such as benefit concerts and poetry readings, to help raise money and awareness.

The program committee can choose panelists to cover topics related to new laws and their impact on parents, caregivers, youth, and the community in general. Don't overlook high school and college students as speakers.

Schedule a conference call with your speakers to review their respective emphases. Be sure to include the perspectives of diverse community members. You can view a sample forum agenda in the appendix.

Seek Support for the forum by collecting letters of support from individuals, businesses, and nonprofits in your community. The letter should ask recipients to endorse the forum. Endorsements will not only help recruit new members for your committee, but also expand your network for promoting the event and rallying support for your later efforts. A sample letter of support can be found in the appendix.

Promote the Forum

To promote the forum, send a press release to media, put up posters, hold a news conference, and use your local activist network to spread the word. Send the release and poster to endorsers. You can also create a website. Be sure to leverage social networks when promoting the forum. Set up events on Facebook or MySpace and have everyone in your group invite their friends. Spread the word about the event by encouraging your members to post about it in a Facebook status update or on Twitter. Also, contact people in surrounding towns about your effort, and invite them to the forum. They might be inspired to organize in their towns. A sample press release can be found in the appendix.

Record the Event

Consider videotaping your forum. Ask your community access station to air it, and post it (or clips from it) on YouTube. If you decide to videotape the event, be sure to inform participants in advance and note in the program that the event is being videotaped.

After the Forum

The forum is only the beginning. After the forum, continue generating support:

- Write op-eds to your local newspaper.
- Put petitions in stores and offices (including those of your endorsers).
- Give committee members and forum attendee's petitions to circulate.
- Put the petition online on your own website.

The process is useful not only for gaining support for your ordinance effort, but also for educating people who are not aware of all the issues.

Advocacy

Meet Local Government Contacts

Someone from your group should contact each city council member or trustee about the ordinances. One-on-one dialogues with decision makers can be extremely helpful.

Contact and meet with sympathetic elected officials about your group's concerns. Arrive at each meeting with fact-based, nonpartisan information for the officials, and make sure to address their concerns as well as your own. In addition, also explain your concerns about ensuring the ability of law enforcement agencies to focus on their core public safety mission.

Your goal is for city council members and trustees to agree to sponsor the ordinance(s). Supportive officeholders and the local police chief could also be effective panelists in your forum. A sample document of talking points can be found in the appendix.

Customize the Ordinances

Meet with city council members or trustees who agreed to sponsor the ordinance. Share a model ordinance with the councilor(s) and go over the provisions of the model ordinance. You can customize the ordinance to your community by adding, removing, or modifying provisions to generate maximum support. Include the mayor, police chief,

and other city council members in the process of customizing the ordinance. Sample social host ordinances can be found in the appendix.

Leverage Public Support

Send postcards, emails, and press releases asking community members to call their council member or trustee and attend and speak at the city council meeting(s) when the ordinance will be on the agenda.

Be prepared for possible opposition. The most effective way to counter the opposition is to know your facts and to feel confident in your position. Focus on and familiarize yourself with the ways that underage drinking has had the greatest impact on your community. Stories from local individuals who've been affected by these actions are especially effective.

Also, be sure to remember your audience when debating with the opposition. Depending on the audience, it can be helpful to have "credible" figures, such as lawyers, professors, and politicians, defending your position. A sample post card message, press release, and message box can be found in the appendix.

Circulate a Community Petition

A petition signed by community members is an excellent way to demonstrate support for the ordinances. Write a petition and circulate it at the forum and other community events. You might also consider asking shoppers entering a local grocery store to sign your petition.

Gather all the completed petitions and deliver them at the city council meeting. Keep in mind that this is only effective if you have a significant number of signatures. If you haven't been able to generate enough signatures to demonstrate broad community support, be sure to find a diverse (in age, economic background, race, religion, political affiliation, profession, etc.) group of people to speak on behalf of the ordinances at the city council meeting. A sample a petition can be found in the appendix.

Initiate a Postcard Campaign

As part of your lobbying effort, consider a postcard campaign. At your forum, have a table with preprinted postcards to legislators for attendees to fill out with their home address and signature. A sample postcard can be found in the appendix.

Public Relations

After the ordinance has passed, send out a press release to local and national media outlets to inform your community and other communities of your success. Name your group as a resource for those trying to pass ordinances.

Consider documenting the process of passing your ordinance(s) in a book, and giving copies to local libraries and schools as a public record. A sample press release can be found in the appendix.

Ongoing Outreach

Follow Up

Make sure the final ordinance document is sent to all parties specified within it and that all the provisions of your petition are implemented, including reporting components, which require a mechanism to receive and disseminate the reported information. You can form a statewide coalition by networking with elected leaders and community members of other cities and towns in the state that have passed ordinances. As a coalition, visit all members of state's congressional delegation, and lobby them for what you want.

Continue organizing efforts

Beyond any specific campaign, it's important to continue reaching out and supporting movements that appeal to your interests. Stay active within your community. Assist surrounding communities in their ordinance efforts.

Ask existing local organizations who express interest in working with you if they would be willing to share their mailing list or email list, or to send an announcement about your coalition to their membership.

Use social networks for outreach as well. Create a group on Facebook and have members join and invite friends. Spread the word about your effort by encouraging your members to post about it in a Facebook status update or on Twitter. You can also use Facebook groups to manage your subcommittees and coordinate outreach.

Emphasize that underage drinking in the community affects us all. Refrain from involving members of only one partisan group. A coalition that represents the diversity within your community will be more effective and less vulnerable to the opposition than one that reflects the views of only a few community members.

Working To Pass A Social Host Ordinance In Your Community

Stakeholder Involvement and Support

There are several key stakeholders that must be involved in order to gain support and develop a Social Host ordinance in your community. It is ideal to build these relationships in advance of pursuing a Social Host ordinance.

- **Law enforcement**- what is their assessment regarding enforcing underage drinking laws? Do they need an additional tool in order to intervene on underage drinking parties? Are they able to take action when called to underage drinking parties?
- **Local government**- whether the city, county, or other municipality, it is critical to include the decision-makers that would ultimately vote to enact such ordinances.
- **Judicial System**- the City or County Attorney and judges are key stakeholders as they are tasked with interpreting local ordinances.
- **Parents and Community Members**- as these ordinances are primarily focused on parents and other adult enablers; they are key individuals to mobilize.
- **Youth**- should also be a part of the process.

Know the Community and the Nature of the Problem

Community coalitions can help mobilize residents and decision-makers by understanding the needs of the community and providing local statistics. Access to local data can help elected officials understand the problems with underage drinking and to justify taking a stand against underage drinking. Examples of persuasive local data include youth survey results, focus groups with youth and parents, and key informant interviews.

It may also help to reframe the underage drinking issue as a health risk to our youth, such as by sharing research data about:

- The danger of underage drinking and its affect on adolescent brain development,
- Youth mortality rates, and,
- Increased risk of sexual assault and other violent crimes, etc.

Putting It Into Practice

If your community is seeking a Social Host Ordinance- congratulations! You have made a significant commitment to protect the health and safety of youth by using an environmental strategy that is durable and likely to be sustained because it has been enacted into law. Take time to celebrate your accomplishment and prepare for the work ahead. The next steps involve:

- **Educating** the public of the new ordinance
- **Enforcing** the law by working with law enforcement
- **Adjudicating** offenders and working with the judicial system
- **Evaluating** the effects of the ordinance on the prevalence and consequences of underage drinking in the community

Educational Strategies

Enacting a Social Host ordinance is just the beginning. For the ordinance to do its work and be a truly effective mechanism for reducing the incidence of and consequences associated with underage drinking, it is critical the community and local law enforcement understand what a Social Host ordinance does and who Social Hosts are. Educational efforts must take place at all levels from educating individuals to educating community systems. Examples of educational efforts include media advocacy and dissemination of educational materials.

Media Advocacy:

The purpose of media advocacy is to utilize the media outlets in your community to educate community members on who social hosts are, what the ordinance covers, and how the ordinance will be enforced. Media advocacy can include public service announcements, billboard advertisements, letters to the editor and editorial columns in addition to press conferences.

Dissemination of Educational Materials:

You'll need to get the word out to the community overall and while media advocacy can be a great place to start, community members will want and need more detailed, focused information. Brochures, posters, etc. can be created to share the details of the

new ordinance. Educational materials should be targeted to the people who need the education. It will be important to create educational materials specifically for law enforcement, parents, older siblings/friends, landlords and motel/hotel owners depending on the audience. Remember, educational materials at this point are focused on the specific ordinance your community passed and how it will affect community members. There may be a need for additional materials detailing the prevalence and consequences of underage drinking.

Enforcement Strategies

Law Enforcement members are skilled and highly trained individuals in the area of enforcement of existing laws. However, law enforcement members may not be aware of what Social Host ordinances mean, how they can be enforced, and what to do when they are issuing citations for violation of the ordinance. It is critical to work with your local law enforcement agency to provide any needed support when it comes to the enforcement of Social Host ordinances. Examples of how to work with local law enforcement include:

- **Train** law enforcement officers on the meaning and application of the new ordinance.
- **Develop a tip line** so community members can report underage drinking parties. Tip lines provide police with the information to prevent underage drinking parties or intervene sooner.
- **Educate** the local neighborhood watch group to help identify underage parties and train them to correctly notify law enforcement.
- **Collect data** to understand the application of the law and determine if any gaps exist.

Adjudication Strategies

Much like local law enforcement professionals, the legal system in your community is comprised of a highly trained and skilled workforce. However, the judicial professionals may not be aware of or prepared to deal with violators of the Social Host ordinance. It is critical to work with the judiciary in your community and provide any support you can when it comes to adjudicating individuals found in violation of the Social Host ordinance. Examples of how you can work with the judiciary include:

- **Train judges** regarding the meaning and application of the new ordinance.
- **Examine the policies** of the judicial system to ensure that cases are handled consistently.
- **Collect data** to understand the application of the law and determine if any gaps exist.

Evaluation Strategies

It is critical to evaluate how the passage of a social host ordinance impacts the prevalence and consequences of underage drinking. You will need to determine what data sources in your community will indicate how underage drinking has changed as a result of the passage of a Social Host ordinance. Establish community level indicators prior to the passage of a Social Host ordinance to accurately demonstrate how the ordinance has impacted underage drinking. These indicators should be a part of community assessment information. Community-level indicators may include:

- **Youth Survey Data** indicating the average age of initiation for first use of alcohol
- **Data indicating the percent of minors** engaging in underage drinking in the last 14 or 30 days
- **Local Law Enforcement Data** detailing the number of citations issued to minors in possession, or minors caught for underage drinking
- **Emergency Department (ED) Data** indicating the number of admissions to the ED where alcohol is the primary or secondary reason for admittance

Highlights of a Model Social Host Liability Ordinance

- The occurrence of loud or unruly parties on private property where alcoholic beverages are served to, or consumed by, underage persons is harmful to the underage persons themselves, is a threat to public health, safety, quiet enjoyment of residential property and general welfare, and constitutes a public nuisance.
- Persons responsible for the occurrence of loud or unruly parties on private property over which they have possession or control have a duty to ensure that alcoholic beverages are not served to, or consumed by, underage persons at these parties.
- Landlords have a duty to prevent the occurrence of loud or unruly parties, including those where alcoholic beverages are served to, or consumed by, underage persons, on private property they lease to tenants, even if they do not have day-to-day, physical control of the property.
- Law enforcement, fire, or other emergency responders often need to respond multiple times to disperse underage drinking parties, resulting in a disproportionate expenditure of the public safety resources on these parties, delaying police responses to regular and emergency calls, and reducing police calls to the rest of a community.
- Cities and counties require a variety of enforcement strategies to abate underage drinking parties under varying circumstances and that present law constrains the ability of law enforcement to deter underage drinking parties and other gatherings.
- A primary strategy for deterring underage drinking parties on private property, imposes a civil fee against social hosts (including tenants) and/or landowners (including landlords) for the recovery of specified costs associated with providing law enforcement, fire, or other emergency response services on multiple occasions to the scene of a loud or unruly party where alcoholic beverages are served to, or consumed by, underage persons.
- Provides option of imposing criminal penalties in cases of egregious circumstances or recalcitrant offenders.

SUMMARY

Many people dismiss underage drinking as a normal “rite of passage” in adolescence. However, it is important to remember that alcohol is one of the most common contributors to injury, death, and criminal behavior among youth (US Department of Health And Human Services, 1992). Underage alcohol use can have immediate and potentially tragic consequences as well as long-range harmful consequences, such as increased risk for chronic alcohol addiction (Grant and Dawson, 1997). Enforcement activities to limit youth access to alcohol are critical to reducing underage drinking and it’s often tragic consequences. It is imperative that our youth have the opportunity to grow up in an environment free of alcohol and other drug use, and it is our responsibility, and obligation, as adults to ensure they have that opportunity.

Changing the “standard” of proof is the obvious answer to lend enforcement teeth to Ohio’s Social Host Statute. It will be difficult, however, to curtail this negligent or reckless behavior, unless we can make it easier for police officers to enforce, an enforceable law. See the following appendices for supporting information and data.

Appendix A: Coalition to Amend Ohio's Social Host Law



Who We Are: The Coalition to Amend Ohio's Social Host Law is a grassroots campaign begun in 2008 to reduce underage drinking in Ohio through legislative change. The Coalition to Amend Ohio's Social Host Law ("CAOSHL") is a growing organization of coalitions, groups and individuals dedicated to bringing change to Ohio Revised Code Section 4301.69(B) ("Ohio's Social Host Law"). CAOSHL was the driving force behind HB 351 in the 128th General Assembly. Unfortunately, HB 351 stalled in committee and must be reintroduced.

Presently CAOSHL is seeking new sponsors in the Ohio House and Senate for our proposed legislation as well as individuals, groups, and organizations to join the growing ranks of our supporters. Our signature campaign has garnered over 400 signatures including those of local and state-level elected officials, law enforcement officers, and many Ohioans prominent in the alcohol, tobacco and drug prevention field. Additionally, numerous groups and municipalities have passed resolutions and proclamations in support of our efforts.

While we have had success in promoting our cause, we need your help to reduce underage drinking to protect Ohio's youth. Please consider supporting CAOSHL in the following ways:

- Find our Facebook page by following the badge below or searching for "Coalition to Amend Ohio's Social Host Law", then spread the word about our cause.
- Educate yourself about how you can prevent underage drinking in your home, neighborhood or community. You will find some helpful links below.
- Read our additional resources on social host: [CAOSHL letter](#), [CAOSHL Case Statement](#), [CAOSHL tri-fold flyer](#) . Our tri-fold flyer provides a clear and concise means

of presenting this issue to your organization or to elected officials.

- Sign and return (by email or mail) the [Letter of Commitment / Signature](#) form urging legislators to amend Ohio's social host law and encourage others to sign on as well.
- Complete the online "contact us" form with questions on social host law or issues relating to preventing underage alcohol use.
- Encourage your community organization to pass a [resolution](#) in support of CAOSHL.
- Present information on social host law to city or village councils in your area and ask them to consider passing a [proclamation](#) in support of social host reform. Municipalities may also be interested in more information on local ordinances.
- Interested in taking a more direct role in this cause? Join CAOSHL as a representative of your coalition or community group.
- Submit links to news reports and newspaper articles on cases involving underage drinking and social hosts to CAOSHL.

Links

[APIS \(Alcohol Policy Information System\): Social Host Laws](#)

[MADD.org: Social Host Advocacy](#)

[UDETTC \(Underage Drinking Enforcement Training Center\): Laws and Ordinances](#)

[CASA \(Center on Addiction and Substance Abuse\): Adolescent Substance Abuse \(6/2011\)](#)



Ohio's Social Host Law

Ohio's Social Host Law [ORC §4301.69(B)] provides the following: "No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the premises while possessing or consuming beer or intoxicating liquor..."

Further, ORC Section §4301.69(A) provides that: "No person...shall furnish {beer or intoxicating liquor} to an underage person...unless the underage person is accompanied by a parent, spouse who is not an underage person or legal guardian."

These Ohio Revised Code Sections can be found here: <http://codes.ohio.gov/orc/4301.69>

Other Pertinent Sections of the Ohio Revised Code

§2901.22 of the Ohio Revised Code [<http://codes.ohio.gov/orc/2901.22>] addresses Degrees of Culpability (criminal liability) Attached to Mental States. Knowingly is the current standard in Ohio's Social Host Law. The interpretation of this standard in Ohio courts pertaining to social host cases is an actual knowledge standard.

(See, e.g. Lesnau v. Andate Enterprises, Inc., 93 Ohio St. 3d 467, 2001-Ohio LEXIS-1591 ["the General Assembly intended the word 'knowingly' to encompass the concept of 'has reason to know' ...in R.C. 4301.69"]), the 10th District Court of Appeals has made the opposite interpretation claiming that if the Legislature meant "knowingly" in 4301.69(B) to be a constructive knowledge standard, it should have used the "knows or should know" language of 4301.69(C). See STJ Entertainment LLC v. Liquor Control Commission, 2001 Ohio 3940; 2001 Ohio App. LEXIS 5678 (10th District- Franklin County).

Holding Social Hosts Accountable

Under current Ohio law, social hosts who allow underage drinking to occur can claim that they were unaware of such activity. In many cases it is easy to charge the underage drinkers ("the users") while the provider or host ("the dealer") gets off with a slap on the wrist.

CAOSHL aims to revise “knowingly” to “knows or should know” in order to hold social hosts accountable. This simple amendment would direct courts to interpret the revised statute using a constructive knowledge standard, placing the burden on the host to be aware of the activities of underage persons on his or her property. This language is similar to language found in §4301.69(C) which states that “No person shall engage or use accommodations at a hotel, inn, cabin, campground, or restaurant when the person knows or has reason to know” that underage drinking will occur. A violation of §4301.69(B) is a first degree misdemeanor punishable by a maximum fine of \$1,000 and a jail term of up to six months. CAOSHL does not propose any changes to these penalties.

Additionally, CAOSHL proposes an additional subsection to §4301.69(B) to include the standard of recklessly. In Ohio, a person acts recklessly when disregarding or acting with indifference toward a known risk. If an adult host fails to take reasonable action when underage persons are on his or her property, the host could be found criminally liable if underage drinking occurs. Similar to amending the existing statute, adding this additional language places the burden on the adult host to remain vigilant when hosting underage persons and to monitor their activities. CAOSHL proposes that a violation of this additional statute would be considered a fourth degree misdemeanor (up to \$250 fine and 30 days in jail)

Please refer to [Frequently Asked Questions](#) for a more in-depth analysis and case interpretation of Ohio's Social Host Law.

CAOSHL's proposed language was introduced as Ohio House Bill 351 in the 128th General Assembly and can be viewed online at: http://www.legislature.state.oh.us/bills.cfm?ID=128_HB_351.

Local Ordinances in Ohio

Two Ohio communities have taken action recently to address underage drinking by enacting local ordinances. Dublin and Canfield passed similar social host ordinances in 2009. Under these statutes, adults who are found to have acted negligently are criminally liable and could face substantial fines and possible jail time. While negligently is an even tougher standard than either knowingly or recklessly, these local ordinances contain an affirmative defense clause to protect adults who have taken precautions to prevent underage drinking in their home. For more information on each statute, please click on the following links: [Dublin Social Host Law](#), [Canfield Social Host Law](#).



*Help amend the law,
Help protect Ohio's youth.*

Dear Friends:

The *Coalition to Amend Ohio's Social Host Law* is a growing organization of coalitions, groups and individuals dedicated to bringing about change to *Ohio Revised Code Section 4301.69 (B)*. We are writing to ask for your support of our campaign to amend the Law, to help curtail underage drinking and consequently, help save the lives of Ohio youth.

The key proponents of the Coalition are the Mahoning County Family and Children First Council's Coalition for Capable and Healthy Youth (CCHY) and Bellefaire/JCB's Social Advocates for Youth (SAY). In addition, our growing list of supporters includes: Drug-Free Action Alliance; Mahoning Valley Chiefs of Police Association; and the Lake County Narcotics Agency.

Ohio's Social Host Law basically provides that an adult may not furnish alcohol to minors, nor "knowingly allow" minors to possess or consume alcohol on the premises of such adult, unless such adult is the parent or guardian of such minors. Our Coalition is calling for a tougher standard of culpability so that adults would be in violation of the statute if, for example, they "knew or should have known" that underage persons were consuming alcohol on their premises, or "recklessly" allowed the drinking to occur.

The reason for the change in the law is simple. Recent surveys have shown that 40% of current underage drinkers were provided free alcohol by adults 21 or older. We must unite to stop the senseless tragedies resulting from those who are providing (or not preventing) an easy means for our youth to engage in illegal and irresponsible behavior. Too many "social hosts" are claiming to be conveniently unaware of underage drinking on their premises, and if they don't knowingly permit the drinking, they have not violated the statute.

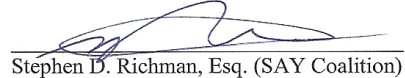
Statistics on alcohol related injuries and deaths among teens underscore the fact that underage drinking is not a rite of passage, but an unhealthy, illegal activity that often leads to grave consequences. For example, eight teenagers still die per day from alcohol related causes; approximately one-half ($\frac{1}{2}$) of automobile crashes and suicides are alcohol related; and teens who drink in their early teen years are four times more likely to become addicted to alcohol than those who wait to consume after they reach twenty-one.

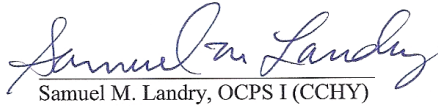
Amending the Social Host Law to change the culpability standard will provide law enforcement with an avenue by which to pursue charges against an adult owner or occupant in cases where knowingly can't be proven, yet where an adult owner or occupant has placed underage persons at risk by acts of omission or by reckless action regarding consumption of alcohol by underage persons at said premises.

We encourage you/your group to join our campaign to educate the public and call on our legislators to amend Ohio's Social Host law. Please read the attached research memorandum further detailing the need for change and join us by signing the Commitment and returning it to us. We also can provide your community with a proclamation that we hope you will enact in your municipality or town. We will be happy to meet with you/your organization to discuss our efforts in greater detail. Please feel free to contact us with any questions or comments you may have.

Sincerely,

Coalition to Amend Ohio's Social Host Law


Stephen D. Richman, Esq. (SAY Coalition)


Samuel M. Landry, OCPS I (CCHY)

Coalition to Amend Ohio's Social Host Law



I hereby express my commitment to help prevent underage drinking and to protect Ohio's youth. I support the efforts of the Coalition to Amend Ohio's Social Host Law to advocate for a tougher standard of culpability which will more effectively deter adults from allowing underage alcohol use in their home.

Further, I agree to allow my signature to be added to the list of community leaders, officials and advocates supporting this initiative.

☐ By checking this box I also grant CAOSHL permission to use my full name as printed below on the Internet and in written campaign materials.

Signature

Name (printed): _____

Title: _____

Agency/Organization: _____

Date Signed: _____

Coalition to Amend Ohio's Social Host Law

With support from the Drug Free Action Alliance; Bellefaire JCB's SAY Coalition (Social Advocates for Youth); and Mahoning County Family and Children First Council's Coalition for Capable and Healthy Youth (CCHY)

Email to: contact@ohiosocialhostlaw.info or Mail to: CAOSHL c/o Mahoning Co Family and Children First Council / 100 DeBartolo Place, Suite 220 / Youngstown, OH 44512



Proclamation / Resolution

WHEREAS, adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety and legal problems, and

WHEREAS, alcohol kills 6.5 times more young people than ALL other illicit drugs combined, and usage among teens often accompanies traffic fatalities, suicides, unprotected sex, drug use, and other high risk behaviors and illegal activity, and

WHEREAS, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the threat to their long-term development and well-being, including damage to the memory and learning centers of the brain, which does not stop developing until the age of 25, and

WHEREAS, children who consume alcohol in their early teen years are four (4) times more likely to develop alcohol addiction than those who refrain from drinking until after adolescence, and

WHEREAS, it is currently illegal for adults to **knowingly** allow their child's friends to drink alcohol in their home, even with the permission of the friends' parents, and

WHEREAS, adults have the authority and should have the responsibility to take steps to reduce the likelihood that their homes will become venues for underage drinking, and

WHEREAS, Ohio's Legislature should amend Ohio's "Social Host Law" to provide law enforcement with an avenue by which to pursue charges against an adult owner or occupant in cases where knowingly can't be proven, yet where an adult owner or occupant has placed underage persons at risk by acts of omission or by reckless action regarding consumption of alcohol by underage persons at said premises.

WHEREAS, the city or town of encourages residents to refuse to provide alcoholic beverages to underage youth and to take the necessary steps to discourage this illegal and unhealthy practice, and supports the efforts of the Coalition to Amend Ohio's Social Host Law to help ensure enforcement of these responsibilities.

NOW, THEREFORE, be it resolved that the city or town of not only discourages the use of alcohol by those below the legal age of consumption but also exhorts all residents of city or town: to refuse to provide alcoholic beverages to underage youth; to continue to take the necessary steps to discourage this illegal and unhealthy activity; and to encourage the Ohio Legislature to amend Ohio's Social Host Law as aforesaid.

NOW, THEREFORE, I, _____, Mayor of _____, State of Ohio
do hereby proclaim, the _____ (Month) of 201_ to be:

“Amend Ohio Social Host Law, and help protect Ohio’s Children Month, 201_”

In witness whereof, I have set my hand and caused the seal of _____, Ohio to be
affixed, this ____ day of _____, 201_.

Appendix B: Ohio Social Host Ordinances

Dublin Ohio Social Host Ordinance

§ 111.05 SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS.

(A) Except as otherwise provided in this chapter or R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes, or unless the underage person is supervised by a parent, spouse who is not an underage person or legal guardian. In proceedings before the liquor control commission, no permit holder, or the employee or agent of a permit holder, charged with a violation of this division shall be charged, for the same offense, with a violation of R.C. § 4301.22(A).

(B) No person who is the owner or occupant of any public or private place shall negligently allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor. An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(C) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when the person knows or should have reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and who is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and has the drug of abuse in the original container in which it was dispensed to the person.

(D) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or should have reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin or campground by presenting identification that falsely indicates that the underage person is 21 years of age or older for the purpose of violating this section.

(E) (1) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in this division against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(2) (a) If a person is charged with violating division (E)(1) of this section in a complaint filed under R.C. § 2151.27, the court may order the child into a diversion program specified by the court and hold the complaint in abeyance pending successful completion of the diversion program. A child is ineligible to enter into a diversion program under this division if the child previously has been diverted pursuant to this division. If the child completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the child's record in the case sealed under R.C. §§ 2151.356 through 2151.358. If the child fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(b) If a person is charged in a criminal complaint with violating division (E)(1) of this section, R.C. § 2935.36 shall apply to the offense, except that a person is ineligible for diversion under that section if the person previously has been diverted pursuant to

divisions (E)(2)(a) or (E)(2)(b) of this section. If the person completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the record in the case sealed under R.C. § 2953.52. If the person fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(F) No parent, spouse who is not an underage person or legal guardian of a minor shall negligently permit the minor to violate this section or § 111.06.

(G) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.

(H) As used in this section:

(1) **DRUG OF ABUSE** has the same meaning as in R.C. § 3719.011.

(2) **HOTEL** has the same meaning as in R.C. § 3731.01.

(3) **LICENSED HEALTH PROFESSIONAL AUTHORIZED TO PRESCRIBE DRUGS** and **PRESCRIPTION** have the same meaning as in R.C. § 4729.01.

(4) **MINOR** means a person under the age of 18 years.

(5) **UNDERAGE PERSON** means a person under the age of 21 years.

('80 Code, § 529.02(a) - (h)) (Am. Ord. 20-09, passed 5-4-09) Penalty, see § 111.99

Statutory reference:

For similar state law provisions, see R.C. § 4301.69

Canfield Social Host Ordinance

529.02 SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS.

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is supervised by a parent, spouse who is not an underage person or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this subsection shall be charged for the same offense, with a violation of Ohio R.C. 4301.22(A)(1).

(b) No person who is the owner or occupant of any public or private place shall negligently allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person or legal guardian and the parent, spouse who is not an underage person or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this subsection that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he knows or has reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the

original container in which it was dispensed to the person.

(d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.

(e) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor, in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in this subsection (e) hereof against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(f) No parent, spouse who is not an underage person or legal guardian of a minor shall negligently permit the minor to violate this section or Section [529.021](#)(a) to (d).

(g) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.

(h) As used in this section:

- (1) "Drug of abuse" has the same meaning as in Ohio R.C. 3719.011.
- (2) "Hotel" has the same meaning as in Ohio R.C. 3731.01.
- (3) "Minor" means a person under the age of eighteen years.
- (4) "Practitioner" and "prescription" have the same meanings as in Ohio R.C. 3719.01.
- (5) "Underage person" means a person under the age of twenty-one years.

(ORC 4301.69)

(i) Whoever violates this section is guilty of a misdemeanor of the first degree. In addition, whoever violates subsection (a) hereof shall be fined not less than five hundred dollars (\$500.00).

(ORC 4301.99; Ord. 2009-61. Passed 12-2-09.)

Appendix C: Other State Sample Ordinances

Fairfax, Minnesota

CHAPTER 71

ALCOHOLIC BEVERAGES

Chapter 71, Alcoholic Beverages, of the Code of the City of Fairfax is hereby amended by the addition of a new Article V, which prohibits, and establishes penalties for any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons less than twenty-one (21) years of age. Adopted:

Article V

Social Hosts

71-12 Definitions. For the purposes of Article V, the following terms have the following meanings:

Alcohol -- Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage -- Alcohol, spirits, liquor, wine, or beer, and which contains one half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other activity.

Event or gathering -- Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

Host -- To aid, conduct, allow, entertain, organize supervise, control, or permit a gathering or event.

Parent-- Any person having legal custody of a juvenile:

A. As natural adoptive parent..

B. As a legal guardian; or

C. As a person to whom legal custody has been given by order of the court

Person-- Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

Residence, Premises-- Any home yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

Underage Person-- is any individual under 21 years of age.

71.13. Purpose and Findings. The Fairfax City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons less than 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

The Fairfax City Council finds that:

A. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

C. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

D. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.

E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

F. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

71.14 Prohibited Acts.

A. It is unlawful for any person(s) to

(1.) Host or allow an event or gathering

(2) At any residence, premises, or on any other private or public property;

(3) Where alcohol or alcoholic beverages are present;

(4) When the person knows or reasonably should know that an underage person will or does

(a.) Consume any alcohol or alcoholic beverage; or

(b.) Possess any alcohol or alcoholic beverage with the intent to consume it; and

(5.) The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

B. A person is criminally responsible for violating § 71-14A above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

71.15 Exceptions.

(a) This article does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

(b) This article does not apply to legally protected religious observances.

(c) This article does not apply to retail intoxicating liquor or 3.2 percent malt liquor licenses, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. § 340A.503 Subd. 1(a) (1).

(d) This article does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

71.16 Authority. This Article V is enacted pursuant to Minn. Stat. §145A.05 Subd. 1

71.17 Enforcement. This Article V can be enforced by any police officer or sheriff's deputy in the county.

71.18 Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

71.19 Penalty. A violation of Section §71-14 is a misdemeanor.

71.20 Effective Date Chapter 71, Article V shall take effect upon adoption and publication.'

ATTEST: _____

Ventura County, California

Section 1. Short Title.

This [Ordinance] shall be known as the “Model Social Host Liability Ordinance.”

Section 2. Legislative Findings.

The [city council/county board of supervisors] finds as follows:

- (a) [The City of _____/County of Ventura], pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents;
- (b) The occurrence of loud or unruly gatherings on private property where alcoholic beverages are served to or consumed by underage persons is harmful to the underage persons themselves and a threat to public health, safety, quiet enjoyment of residential property and general welfare;
- (c) Underage persons often obtain alcoholic beverages at gatherings held at private residences or at rented residential and commercial premises that are under the control of a person who knows or should know of the underage service and/or consumption. Persons responsible for the occurrence of loud or unruly gatherings on private property over which they have possession or control have failed to ensure that alcoholic beverages are neither served to nor consumed by underage persons at these parties;
- (d) Landlords have failed to prevent the occurrence or reoccurrence of loud or unruly gatherings, including those where alcoholic beverages are served to or consumed by underage persons, on private property they lease to tenants, which seriously disrupts the quiet enjoyment of neighboring residents;
- (e) Problems associated with loud or unruly gatherings at which alcoholic beverages are served to or consumed by underage persons are difficult to prevent and deter unless the [City of __ Police Department/Ventura County Sheriff’s Office] has the legal authority to direct the host to disperse the gathering;
- (f) Control of loud or unruly gatherings on private property where alcoholic beverages are served to or consumed by underage persons is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public;
- (g) Persons held responsible for abetting or tolerating loud or unruly gatherings will be more likely to properly supervise or stop such conduct at gatherings held on property under their possession or control;
- (h) In the past and present, law enforcement, fire and other emergency response services personnel have and are required to respond, sometimes on multiple occasions, to loud or unruly gatherings on private property at which alcoholic beverages are served to or consumed by underage persons, and responses to such gatherings result in a disproportionate expenditure of public safety resources of the [City of ____/Ventura

County], which are underwritten by general municipal taxes paid to the [City/County] by its taxpayers and residents and delaying police responses to regular and emergency calls to the rest of the [City/County].

[Include this finding only if the legislative body intends to make allowing a loud or unruly gathering a strict liability offense. Do not include finding if legislative body intends to require that the offender “knowingly” allowed a loud or unruly gathering:]

(i) The intent of this Ordinance is to protect the public health, safety, quiet enjoyment of residential property, and general welfare, rather than to punish. An ordinance that imposes strict liability on property owners and other responsible persons for the nuisances created by loud and unruly gatherings is necessary to deter and prevent such gatherings. Persons who actively and passively aid, allow or tolerate loud or unruly gatherings shall be held strictly liable for the nuisances created by such gatherings and the costs associated with responding to such gatherings.

COMMENT

This section on findings describes the reasons of the city council or county board of supervisors for enacting a social host liability ordinance. The findings are included in the city council’s/county board of supervisors’ enactment of the ordinance. When the ordinance is codified in a city or county’s municipal code, the findings, in the discretion of the legislative body, may be excluded. On the other hand, findings such as Finding (i) should be included in the codified ordinance to clarify legislative intent with respect to other provisions of the ordinance.

Model Social Host Liability Ordinance Ventura County Behavioral Health 9

Center for the Study of Law and Enforcement Policy Pacific Institute for Research and Evaluation

Section 3. Purposes.

The purposes of this Ordinance are:

- (a) to protect public health, safety and general welfare;
- (b) to enforce laws prohibiting the service to and consumption of alcoholic beverages by underage persons; and
- (c) to reduce the costs of providing police, fire and other emergency response services to loud or unruly gatherings, by imposing a civil fee against social hosts and landowners (including landlords) for the recovery of costs associated with providing law enforcement, fire and other emergency response services to loud or unruly gatherings, including those where alcoholic beverages are served to or consumed by underage persons.

COMMENT

Findings and purposes provide guidance to courts interpreting legislative intent and publicly explain the goals and objectives of a city council or county board of supervisors in enacting the ordinance.

(Metromedia, Inc. v. City of San Diego (1980) 26 Cal.3d 848, 858.)

Section 4. Definitions.

For the purposes of this Ordinance, the following terms shall have the following meanings:

- (a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (b) "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (c) "Response costs" means the costs associated with responses by law enforcement, fire and other emergency response providers to loud or unruly gatherings, including but not limited to:
 - 1) salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with loud or unruly gatherings, and the administrative costs attributable to such response(s);
 - 2) the cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a loud or unruly gathering;
 - 3) the cost of repairing any [city/county] equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of a loud or unruly gathering.
- (d) "Juvenile" means any person under eighteen years of age.
- (e) "Underage person" means any person under twenty-one years of age.
- (f) "Loud or unruly gathering" means a party or gathering of two or more persons at or on a residence or other private property upon which loud or unruly conduct occurs. Such loud or unruly conduct includes but is not limited to:
 - 1) excessive noise;
 - 2) excessive traffic;
 - 3) obstruction of public streets or crowds that have spilled into public streets;
 - 4) public drunkenness or unlawful public consumption of alcohol or alcoholic beverages;
 - 5) service to or consumption of alcohol or alcoholic beverages by any underage person, except as permitted by state law;
 - 6) assaults, batteries, fights, domestic violence or other disturbances of the peace;

7) vandalism;

8) litter; and

9) any other conduct which constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare. A loud or unruly gathering shall constitute a public nuisance.

(g) "Responsible person" means a person or persons with a right of possession in the residence or other private property on which a loud or unruly gathering is conducted, including, but not limited to:

1) an owner of the residence or other private property; Center for the Study of Law and Enforcement Policy Pacific Institute for Research 10 Ventura County Behavioral Health and Evaluation

2) a tenant or lessee of the residence or other private property;

3) the landlord of another person responsible for the gathering;

4) the person(s) in charge of the residence or other private property; and

5) the person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering. If a responsible person for the gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this Ordinance. To incur liability for response costs imposed by this Ordinance, the responsible person for the loud or unruly gathering need not be present at such gathering resulting in the response giving rise to the imposition of response costs. This Ordinance therefore imposes vicarious as well as direct liability upon a responsible person.

(h) "Residence or other private property" means a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function, and whether owned, leased, rented, or used with or without compensation.

COMMENT

Section 4 provides definitions for the other sections of the Ordinance. The definitions help clarify the rights and obligations of owners, tenants, and other persons in control of the property on which a loud or unruly party occurs. The definitions of "alcohol" and "alcoholic beverages" are identical to the relevant definitions in state statute (Cal. Bus. & Prof. Code, § § 23003, 23004).

Section 5. Responsibility for Proper Property Management. Every owner, occupant, lessee or holder of any possessory interest of a residence or other private property within the [City of __/County of Ventura] is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provisions of this Ordinance. The owner of the property remains liable for such

violations regardless of any contract or agreement with any third party regarding the property.

COMMENT

Section 5 provides that a property owner is liable for violating the ordinance (if certain conditions are met, described later in the ordinance). Under this provision, the owner can be held liable even if he/she has leased the property and does not have day-to-day responsibility for the property's management. [Note: At least one other jurisdiction outside California, the Town of Bloomsburg, Pennsylvania, not only has a recovery of response costs ordinance, but also has an ordinance requiring landlords to obtain a permit from the town before leasing rental properties to students.]

[This version of Section 6 is for Cities only:]

Section 6. Penalties for Violation of Ordinance.

(a) It shall be an infraction for any responsible person to [knowingly] conduct, aid, allow, permit or condone a loud or unruly gathering at a residence or other private property.

(b) Fines.

1) A first violation of this Section shall be punishable by a \$250 fine.

2) A second violation of this Section at the same residence or other private property, or by the same responsible person, within a twelve month period shall be punishable by a fine of \$500.

3) A third or subsequent violation of this Section at the same residence or other private property, or by the same responsible person, within a twelve month period shall be punishable by a fine of \$1,000.

(c) The fines prescribed at subsection (b) are in addition to any response costs that may be assessed pursuant to this Ordinance.

(d) The second, third or subsequent violation fines prescribed at subsections (b)(2) and (b)(3) are payable whether or not the responsible person for such loud or unruly gathering is different from the responsible person for any prior loud or unruly gathering at the residence or other private property.

(e) The fine schedule prescribed at subsection (b) is a "rolling schedule" meaning that in calculating the fine payable the [Police Department or City Attorney shall count backward starting from the date of the most recent loud or unruly gathering to determine how many prior loud or unruly gatherings have taken place Ventura County Behavioral Health 11 Center for the Study of Law and Enforcement Policy Pacific Institute for Research and Evaluation at the residence or other private property in question during the statutory twelve month period. A warning given pursuant to this Ordinance shall remain in effect for the residence or other private property at a given address until a full twelve month period has elapsed during which there have been no response to a loud or unruly gathering at that residence or other private property.

(f) The fines set forth in this Section may be appealed pursuant to Section 10. The payment of any such fines shall be stayed upon any timely appeal.

COMMENT

This version of *Section 6* should be included in city ordinances only. This section makes a violation of its terms an infraction. Infractions are crimes and public offenses. They are not punishable by imprisonment, however, and a person charged with an infraction is not entitled to a jury trial or to counsel appointed at public expense. Even though the fines under this section would be prosecuted as criminal infractions, the prosecution would not have to prove criminal intent, that is, that the responsible person knew or should have known that he or she allowed a loud or unruly gathering. A violation of *Section 7* should be deemed a strict liability infraction. Accordingly, if the legislative body chooses to make violation of this section a strict liability infraction, the word “knowingly,” appearing in brackets, would be omitted. In addition, Finding (i) in *Section 2* would have to be included in the codified version of the ordinance to make clear that the legislative intent is to protect the public health, safety and welfare rather than to punish and that the ordinance imposes strict liability on property owners and other responsible persons for the nuisances created by underage drinking gatherings. Some legislators may feel uncomfortable with an ordinance that does not require the prosecution to prove knowledge beyond a reasonable doubt under this section, particularly where the defendant is an absentee landlord or other property owner who was unaware of loud and unruly gatherings occurring on his/her property. In such case, the word “knowingly” could be included to require the prosecution to prove beyond a reasonable doubt, that the responsible person knew or should have known about the loud or unruly gatherings on his/her property. In any event, imposition of response costs pursuant to *Section 7* (see below) a fee imposed separate and apart from the fines and penalties imposed here under *Section 6*, would not require proof of criminal intent, that is, no proof of knowledge, since the recovery of response costs is a strictly civil matter. It should be noted that court proceedings of infractions are not lengthy; the matter may be resolved within a short number of months.

City of Lakeville, Dakota County, Minnesota

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 5 OF THE LAKEVILLE CITY CODE
CONCERNING SOCIAL HOSTS**

THE CITY COUNCIL OF THE CITY OF LAKEVILLE, MINNESOTA ORDAINS:

SECTION 1. Title 5 of the Lakeville City Code is amended by adding Chapter 7 to read:
CHAPTER 7

SOCIAL HOSTS 3-7-1: PURPOSE AND FINDINGS: The City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City Council finds:

A. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

C. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

D. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.

E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

F. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

3-7-2: DEFINITIONS: For purposes of this chapter, the following terms have the following meanings:

ALCOHOL: “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer,

BEVERAGE: and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

EVENT OR “Event or gathering” means any group of three or more persons

GATHERING: who have assembled or gathered together for a social occasion or other activity.

HOST OR ALLOW: “Host” or “allow” means to aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.

PARENT: “Parent” means any person having legal custody of a juvenile:

- (1) As natural, adoptive parent, or step-parent;
- (2) As a legal guardian; or

(3) As a person to whom legal custody has been given by order of the court.

PERSON: "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals. A person does not include any city, county, or state agency.

RESIDENCE, PREMISES "Residence," "premises," or "public or private property" means **OR PUBLIC OR** any home, yard, farm, field, land, apartment, condominium, hotel

PRIVATE PROPERTY: or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

UNDERAGE PERSON: is any individual under twenty-one (21) years of age.

3-7-3: PROHIBITED ACTS.

A. It is unlawful for any person(s) to:

host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does (i) consume any alcohol or alcoholic beverage; or (ii) possess any alcohol or alcoholic beverage with the intent to consume it and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

B. A person is criminally responsible for violating 3-7-3A above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

3-7-4: EXCEPTIONS.

A. This chapter does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

B. This chapter does not apply to legally protected religious observances.

C. This chapter does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd.1(a)(1).

D. This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

SECTION 2. Effective Date. This ordinance shall be effective upon passage and publication in accordance with law.

ADOPTED this _____ day of _____, 20__, by the City Council of the City of Lakeville, Minnesota. CITY OF LAKEVILLE

BY: _____ Mayor

ATTEST: _____ City Clerk

Urban Government Model

ORDINANCE NO. _____

AN ORDINANCE IMPOSING ACCOUNTABILITY AND LIABILITY ON ADULTS PERMITTING MINORS TO OBTAIN, POSSESS, OR CONSUME ALCOHOLIC BEVERAGES ON PROPERTY OR PERMISES UNDER THEIR CONTROL

WHEREAS, unsupervised parties, gatherings, or events on private property where alcohol is consumed by minors are not only unlawful but often a cause of disturbances; and

WHEREAS, the ability of law enforcement officials to abate loud and disturbing parties, gatherings, or events where alcohol is consumed by minors on private property will result in a decrease of abuse of intoxicants by minors, physical altercations and injuries, neighborhood vandalism, and excessive noise disturbance and thereby improve public safety; and

WHEREAS, the control of parties, gatherings, or events on private property where minors are consuming alcohol is necessary when such activity is determined to be a threat to the peace, health, safety, or general welfare of the public; and

WHEREAS, the necessity for law enforcement officials to appear at the location of such parties, gatherings, or events constitutes a burden on the personnel and other resources of local government, often reducing, at least temporarily, the level of police protection available to other areas of the community; and

WHEREAS, all such circumstances create a significant hazard to the safety of law enforcement officials and to the public in general and constitute a public nuisance; and

WHEREAS, statutes enacted by the Commonwealth of Kentucky do not preempt imposing civil liability for the purposes of cost recovery upon persons who allow premises under their control to be used for underage drinking; and

WHEREAS, the consumption of alcohol by minors is harmful to the health, safety, and welfare of the community, and imposing both criminal and civil liability on adults permitting such conduct is an effective means to prevent consumption of alcohol by minors;

NOW, THEREFORE, BE IT ORDAINED BY THE URBAN GOVERNMENT OF _____,
COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION 1. DEFINITIONS.

For the purpose of this Ordinance, the following definitions apply:

1. "Adult"- Any person 18 years of age or older.
2. "Alcohol"- Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
3. "Alcohol Beverage"- Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing one-half of one (1) percent or more alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
4. "Guardian"- (1) A person who, under court order, the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.
5. "Juvenile"- Any person under 18 years of age.
6. "Knowingly"- When with respect to conduct or to a circumstance described by this Ordinance a person is aware that their conduct is of that nature or that the circumstance exist.
7. "Law Enforcement Services" includes the salaries and benefits of police officers, sheriffs, or code enforcement personnel for the amount of time actually spent in responding to or remaining at the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers, sheriffs, or code enforcement personnel; the cost of repairing any damaged equipment or property owned or operated by the responding agency or government entity; and the cost arising from the use of any equipment in responding to or remaining at the party, gathering, or event.
8. "Minor"- Any person under 21 years of age.
9. "Parent"- A person who is a natural parent, adoptive parent, legal custodian, or step-parent of another person.
10. "Person(s) Responsible for the Party, Gathering, or Event"- Includes, but is not limited to: (a) the person(s) who owns rents, leases, or otherwise has control of the premises where the party, gathering, or event occurs: (b) the person(s) in charge of those premises; or (c) the person(s) who organized the party, gathering, or event.
11. "Residence" or "Premises"- A motel or hotel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room or other place of

assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.

12. "Social Host Party, Gathering, or Event" - A group of three (3) or more persons including a minor/s who have assembled or are assembling for a party, social occasion, or social activity.

SECTION 2. PROHIBITION.

No adult having control of any residence or premises shall allow a Social Host Party, Gathering, or Event to take place or continue at this residence or premises if:

1. At the party, gathering, or event any minor obtains, possesses, or consumes any alcoholic beverage.
2. The adult knows or reasonably should know that a minor will or does possess any alcoholic beverage at the party, gathering, or event in violation of Kentucky Statute section KRS 244.
3. The adult fails to take reasonable steps to prevent the possession of the alcoholic beverage by such minors in violation of Kentucky Statute KRS 244.

SECTION 3. PROTECTED ACTIVITIES.

This ordinance shall not apply to the following:

1. Legally protected religious activities; and
2. Conduct involving the use of alcoholic beverages wherein the child's parent consents to or permits said use provided no other minors are present without parental supervision.

SECTION 4. PRIMA FACIE EVIDENCE.

Whenever a person having control of the residence or premises is present at that residence or premises at the time that a minor or minors obtains, possesses, or consumes any alcoholic beverage, it shall be prima facie evidence that such adult had the knowledge or should have had the knowledge, that the minor or minors obtained, possessed, or consumed an alcoholic beverage at the party.

SECTION 5. PENALTIES.

The penalties for violation of this section shall be as follows:

1. For the first violation, a Class B misdemeanor constituting a fine not exceeding 500 dollars, and/or up to 90 days in jail; in addition to response recovery cost for law enforcement serves including, the cost of personnel and equipment.
2. For subsequent violation, a fine not less than 500 dollars and not more than 1,000 dollars, and/or not less than 90 days in jail and not more than 12 months in jails; in addition to response recovery cost for law enforcement serves including, the cost of personnel and equipment.
3. If the person responsible for the party, gathering or event is a minor or a juvenile, then the parents or guardians of that juvenile shall be jointly and severally liable for the law enforcements services fee and other penalties specified in this section.

SECTION 6. REPEALER.

As of the effective date of this ordinance, all ordinances or parts of ordinances are repealed only the extent necessary to give this ordinance full force and effect.

Effective upon passage after second reading this _____ day of _____ 200____
and publication.

___ Urban County Government

By: _____

ATTESTATION: _____

City Government Model

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF _____,
_____ (STATE), AMENDING CHAPTER __ ARTICLE __ OF THE
_____ MUNICIPAL CODE CONCERNING CONSUMPTION OF
ALCOHOL AND CONTROLLED SUBSTANCES BY MINORS

NOW, THEREFORE, the City Council of the City of _____, _____ (State),
DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council of the City of _____ makes the following findings:

- (1) that unsupervised parties on private property where alcohol and/or controlled substances consumed by minors are not only unlawful but often a cause for disturbances;
- (2) the ability of law enforcement to abate loud and disturbing gatherings or gatherings where alcohol and/or control substances are consumed by minors on private property will result in a decrease in abuse of intoxicants by minors, physical altercations and injuries, reduce neighborhood vandalism and excessive noise disturbances, and thereby improving public safety;
- (3) State law does not preempt imposing civil liability for the purposes of cost recovery upon persons who allow premises under their control to be used for underage drinking or possession of controlled substances.

SECTION 2. The title of _____ Municipal Code Chapter __, Article __ shall be amended to read as follows: "Police Services at Parties and Events and Alcohol Consumption by Minors."

SECTION 3. Section _____ of the _____ Municipal Code shall read as follows:

Section _____. Purpose.

- (1) The control of large parties, gatherings or events on private property is necessary when such continued activity is determined to be a threat to the peace, health, safety or general welfare of the public;
- (2) Police officers have been required to make as many as three return calls to a location of a party, gathering or event in order to disperse uncooperative participants, and the return of police officers to a location constitutes a drain of manpower and resources, often leaving other areas of the city without minimal levels of police protection;
- (3) All of these circumstances create a significant hazard to the safety of the police officers and to the public in general and constitutes a public nuisance;
- (4) The consumption of alcohol and illegal drugs by minors is harmful to the health, safety and welfare of the community, and imposing both criminal and financial liability on adults permitting such conduct is an effective means to prevent consumption of alcohol and illegal drugs by minors.

SECTION 4. Section _____ is amended to read as follows:

Section _____. Definitions.

For the purposes of this article, the following definitions apply:

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

"Alcohol beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

"Controlled substances" or "Illegal Drugs" shall include all narcotics or drugs, the possession which is illegal under the laws of the State of _____ as defined under the Penal Code, Health and Safety Code, and related statutes.

"Enforcement Services" includes the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; and the cost of repairing any damaged City equipment or property; and the cost arising from the use of any damaged equipment in responding to or remaining at the party, gathering or event.

"Juvenile" means any person under eighteen (18) years of age.

"Guardian" means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

"Minor" means any person under twenty-one (21) years of age.

"Parent" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"Party, gathering, or event" means a group of persons who have assembled or are assembling for a party, social occasion or social activity.

"Person(s) responsible for the event" includes, but is not limited to: (1) The person(s) who owns, rents, leases, or otherwise has control of the premises where the party, gathering or event takes place; (2) the person(s) in charge of the premises; or (3) the person(s) who organized the event. If a person responsible for the event is a juvenile, then the parents or guardians of that juvenile will be jointly and severally liable for the costs incurred for enforcement services pursuant to this chapter.

"Special security assignment" means the assignment of police officers and services to a location of a party, gathering or event that violates the law.

SECTION 5. Section _____ shall read as follows:

Section _____. Police services at large parties, gatherings or events requiring a response.

When a large party, gathering or event occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person(s) responsible for the event shall be liable for the cost of providing police services for the special security assignment to control the threat to the public peace, health, safety or general welfare, or for the actual cost of enforcement services provided during the response as a result of conduct violating Section _____ or _____.

SECTION 6. Section _____ shall read as follows:

Section _____. Unsupervised Consumption of Alcohol by Minor at Private Property.

a) Except as permitted by state law, no minor shall consume in any public place or any place open to the public any alcoholic beverage and/or controlled substance, or consume at any place not open to the public any alcoholic beverage and/or controlled substance.

b) A violation of this section shall constitute a misdemeanor punishable by a fine of \$1,000 or by imprisonment for a period of not to exceed six (6) months, or by both fine and imprisonment.

SECTION 7. Section _____ shall read as follows:

Section _____. Serving Alcohol and/or controlled substances to Minors at Parties, Gatherings or Events on Private Property.

Except as permitted by _____ Constitution, no person shall permit, allow, or host a party, gathering, or event at his or her place of residence or other private property, place, or premises under his or her control where three (3) or more persons are present and alcoholic beverages and/or illegal drugs are being consumed by any minor. A violation of this section shall constitute a misdemeanor punishable by a fine of \$1,000 or by imprisonment for a period of not to exceed six (6) months, or by both fine and imprisonment. This section shall not apply to conduct involving the use of alcohol which occurs exclusively between a minor child and his or her parent or legal guardian.

SECTION 8. Section _____ shall read as follows:

Section _____. Police services fee.

(a) The police services fee shall include the cost of personnel and equipment but shall not exceed one thousand dollars (\$1,000.00) for a single incident. Such fee is deemed to be supplementary to all other applicable fines and penalties, and the city does not hereby waive its right to seek reimbursement for actual costs exceeding the above amount through other legal remedies or procedures.

(b) The amount of such fee charged shall be deemed a debt to the city of the person or persons receiving such services, and if minors, their parents or guardians. Any person owing money shall be liable in an action brought in the name of the city for recovery of such amount, including reasonable attorney fees.

SECTION 9. Section _____ shall read as follows:

Section _____. Appeals.

Any individual aggrieved by the decision of the chief of police to assess any penalty under the provisions of this article may appeal to the city council as provided in this code.

SECTION 10. Section _____ shall read as follows:

Section 17-223. Reservation of Legal Options.

The City of _____ does not waive its right to seek reimbursement for actual costs of enforcement services through other legal remedies or procedures. The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the statutory authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Article.

SECTION 11. All existing sections of Chapter ___, Article ___ are repealed as of the effective date of this ordinance.

SECTION 12. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 13. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published, in accordance with

Government Code section _____, to be published one time within ____ days of its passage in the _____, a newspaper of general circulation, printed and published in the City of _____.

Appendix D: Supplemental Documents

Ohio House Bill No. 351

128th GENERAL ASSEMBLY OF THE STATE OF OHIO

Regular Session H. B. No. 351 As Introduced

2009-2010

Representative Bolon

Cosponsors: Representatives Williams, S., Phillips, Amstutz, Gardner

A B I L L

To amend sections 4301.69 and 4301.99 of the Revised Code regarding the criminal liability of an owner or occupant of any public or private place who allows a person under age 21 to remain in or on the place while possessing or consuming beer or intoxicating liquor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4301.69 and 4301.99 of the Revised Code be amended to read as follows:

Sec. 4301.69. (A) Except as otherwise provided in this chapter, no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian. In proceedings before the liquor control commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this division shall be charged, for the same offense, with a violation of division (A)(1) of section 4301.22 of the Revised Code.

(B)(1) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming when the person who is the owner or occupant knows or should know that beer or intoxicating liquor is being possessed or consumed by such underage person in or on the place, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

(2) No person who is the owner or occupant of any public or private place shall recklessly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the beer or intoxicating liquor is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

(3) An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(C) No person shall engage or use accommodations at a hotel, inn, cabin, campground, or restaurant when the person knows or has reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and has the drug of abuse in the original container in which it was dispensed to the person.

(D)(1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin, or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin, or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.

(E)(1) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in division (E)(1) of this section against an underage person knowingly possessing, consuming, or being

under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(2)(a) If a person is charged with violating division (E)(1) of this section in a complaint filed under section 2151.27 of the Revised Code, the court may order the child into a diversion program specified by the court and hold the complaint in abeyance pending successful completion of the diversion program. A child is ineligible to enter into a diversion program under division

(E)(2)(a) of this section if the child previously has been diverted pursuant to division (E)(2)(a) of this section. If the child completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the child's record in the case sealed under sections 2151.356 to 2151.358 of the Revised Code. If the child fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(b) If a person is charged in a criminal complaint with violating division (E)(1) of this section, section 2935.36 of the Revised Code shall apply to the offense, except that a person is ineligible for diversion under that section if the person previously has been diverted pursuant to division (E)(2)(a) or (b) of this section. If the person completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the record in the case sealed under section 2953.52 of the Revised Code. If the person fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(F) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or section 4301.63, 4301.633, or 4301.634 of the Revised Code.

(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground.

(H) As used in this section: 121

(1) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.

(2) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.

(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(4) "Minor" means a person under the age of eighteen years.

(5) "Underage person" means a person under the age of twenty-one years.

Sec. 4301.99.

(A) Whoever violates section 4301.47, 4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or division (B) of section 4301.691 of the Revised Code is guilty of a minor misdemeanor.

(B) Whoever violates section 4301.15, division (A)(2) or (C) of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) of section 4301.631, or section 4301.64 or 4301.67 of the Revised Code is guilty of a misdemeanor of the fourth degree. If an offender who violates section 4301.64 of the Revised Code was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.

(C) Whoever violates division (D) of section 4301.21, section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, or 4301.74, division (B)(1), (C), (D), (E)(1), or (F) of section 4301.69, or division (C), (D), (E), (F), (G), or (I) of section 4301.691 of the Revised Code is guilty of a misdemeanor of the first degree. If an offender who violates division (E)(1) of section 4301.69 of the Revised Code was under the age of eighteen years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit or probationary driver's license for a period of not less than six months and not more than one year. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years. (D) Whoever violates division (B) of section 4301.14, or 175 division (A)(1) or (3) or (B) of section 4301.22 of the Revised Code is guilty of a misdemeanor of the third degree. (E) Whoever violates section 4301.63 or division (B) of section 4301.631 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. The court imposing a fine for a violation of section 4301.63 or division (B) of section 4301.631 of the Revised Code may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed. (F)(1) Whoever violates section 4301.634 of the Revised Code is guilty of a

misdemeanor of the first degree. If, in committing a first violation of that section, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty and not more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. (2) On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. (3) On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The court also shall impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code, and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court also may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform. (G) Whoever violates section 4301.636 of the Revised Code is guilty of a felony of the fifth degree. (H) Whoever violates division (A)(1) of section 4301.22 of the Revised Code is guilty of a misdemeanor, shall be fined not less than five hundred and not more than one thousand dollars, and, in addition to the fine, may be imprisoned for a definite term of not more than sixty days. (I) Whoever violates division (A) of section 4301.69 or division (H) of section 4301.691 of the Revised Code is guilty of a misdemeanor, shall be fined not less than five hundred and not more than one thousand dollars, and, in addition to the fine, may be imprisoned for a definite term of not more than six months. 240 (J) Whoever violates division (B) of section 4301.65 of the Revised Code is guilty of a misdemeanor of the third degree. For a second or

subsequent violation occurring within a period of five consecutive years after the first violation, a person is guilty of a misdemeanor of the first degree. (K) Whoever violates division (B)(2) of section 4301.69 of the Revised Code is guilty of a misdemeanor and shall be fined not less than two hundred fifty and not more than five hundred dollars.

Section 2. That existing sections 4301.69 and 4301.99 of the Revised Code are hereby repealed.

Section 3. Section 4301.69 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 137 and Sub. S.B. 131 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act be imprisoned for a definite term of not more than six months. (J) Whoever violates division (B) of section 4301.65 of the Revised Code is guilty of a misdemeanor of the third degree. For a second or subsequent violation occurring within a period of five consecutive years after the first violation, a person is guilty of a misdemeanor of the first degree. (K) Whoever violates division (B)(2) of section 4301.69 of the Revised Code is guilty of a misdemeanor and shall be fined not less than two hundred fifty and not more than five hundred dollars.

Section 2. That existing sections 4301.69 and 4301.99 of the Revised Code are hereby repealed.

Section 3. Section 4301.69 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 137 and Sub. S.B. 131 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Sample Agenda for Community Forum

- 1. Welcome and introductions**
- 2. Purpose of meeting and what will be done with the information gathered**
- 3. Explain format of meeting**
 - a. Begin with large group
 - b. Break into small groups for discussion
 - c. Reconvene to large group to report out
- 4. Small group circles**
 - a. Go over ground rules
 - b. Questions
 1. When you hear the terms “underage drinking” and “Social Host Ordinance”, what do they mean to you?
 2. What are the concerns of underage drinking?
 3. How do we educate our community members, government officials, youth, and parents on underage drinking issues, and social host ordinance laws?
 4. What are the challenges and opportunities for our community as we work toward establishing a social host ordinance?
- 5. Large Group discussion**
 - a. Summary reports of small group sessions
 - b. Reflections
 1. Summarize what we talked about tonight
 2. Did we discover any shared sense of direction or common ground?
 3. What do we still need to talk about?
- 6. Next Steps / Meeting Date**
- 7. Closing Comments**

Sample Social Host Ordinance Petition of Support

I hereby express my commitment to help prevent underage drinking and to protect Ohio's youth. I support the efforts of _____ to establish a Social Host Ordinance to advocate for a tougher standard of culpability which will more effectively deter adults from allowing underage alcohol use in their home.

Further, I agree to allow my signature to be added to the list of community leaders, officials and advocates supporting this initiative.

Signature

Name (printed): _____

Title: _____

Agency/Organization: _____

Date Signed: _____

Sample Letter to Planning Committee

Date

Recipient Name

Organization

Address

City/State/Zip

Dear Mr. / Mrs. :

Our community is planning an exciting event called Social Host Ordinance *Town Hall Meeting* - to increase public awareness and concern about underage drinking. This town hall meeting is designed to mobilize the community to address underage drinking concerns by establishing a social host ordinance.

Due to the valuable work you do every day in our community, we are writing to invite you to serve on the planning committee for this important event. The first planning committee meeting has been scheduled for _____ (*insert date*) _____ at _____ (*insert meeting place*) _____ from _____ (*insert time*) _____. To RSVP for this meeting, please contact _____ (*insert name*) _____ at _____ (*insert phone number, e-mail*) _____.

We hope you will join us in celebrating and recognizing young people as our most valuable resource. Together, we can and will make a difference!

Sincerely,

Name

Organization

Law Enforcement Survey

Today's date_____

Current job title_____

Length of time in your current job (years or months) _____

Your agency name and location _____

This survey asks questions about your opinions, beliefs, and knowledge of underage drinking. Please be as honest as possible when answering the questions.

In your opinion:	Not at	All					
	Very	Much					
	1	2	3	4	5	6	7
1. How serious a problem is underage drinking in your jurisdiction?							
	1	2	3	4	5	6	7
2. How adequate are your jurisdiction's resources for underage drinking enforcement?							
	1	2	3	4	5	6	7
3. How aggressively do you think law enforcement officers enforce underage drinking laws?							
	1	2	3	4	5	6	7
4. How supportive are the top law enforcement officials in enforcing underage alcohol violations?							
	1	2	3	4	5	6	7
5. How committed are your law enforcement colleagues toward enforcing underage drinking laws?							

For each of the following alcohol violations, how much is it worth your time to make cases against adults for:

6. Transfer of alcohol to an underage youth

1 2 3 4 5 6 7

7. Sale of alcohol to an underage youth

1 2 3 4 5 6 7

8. Allowing youth to drink in his/her home

1 2 3 4 5 6 7

For each of the following alcohol violations, how much is it worth your time to make cases against underage youth for:

9. Use of a fake ID

1 2 3 4 5 6 7

10. Purchase of alcohol

1 2 3 4 5 6 7

11. Drinking and driving

1 2 3 4 5 6 7

12. Possession of alcohol

1 2 3 4 5 6 7

13. What barriers are there to effective enforcement of underage drinking laws?

14. How might these barriers be overcome?

15. What, if anything, have you noticed about how underage drinking violations are handled by judges, the juvenile justice system and the courts?
16. Where in your jurisdiction have you noticed underage drinking to occur most frequently?
17. What additional support do you need to enforce underage drinking laws?
18. Are any law enforcement agencies in your community committed to youth alcohol enforcement in terms of providing manpower, task forces, special training, etc.? If so, list the programs.

Jurist Survey

Thank you for taking the time to participate in this important survey that will help our organization develop a social host ordinance. We appreciate your assistance and support in returning this survey in the attached post-paid envelope by _____ (date).

Name of Jurist: _____

Court: _____

On a scale of 1 to 5 with 1 being the lowest acknowledgement of agreement and 5 being the highest, please indicate trends observed within your jurisdiction:

1. Underage drinking is a serious issue within the jurisdiction. _____
2. This issue is a factor that is indicative of likely recidivism. _____
3. Police officers within the jurisdiction strictly enforce underage drinking laws. _____
4. Other jurists within the region consider this issue to be a primary risk factor among underage defendants. _____
5. The jurisdiction has adequate education and treatment available to consider as part of a sentence or disposition for underage drinking offenses. _____
6. Parents should be held more accountable in cases involving underage drinking. _____
7. It would be effective to have a parenting education component available as a sentencing or dispositional option. _____
8. There are other community and school resources available within the jurisdiction to assist families with this issue. _____
9. Underage drinkers are easily able to find the sale of alcohol within the jurisdiction. _____
10. It is typical in this jurisdiction and community that underage consumption occurs within the home. _____
11. The jurisdiction would support a regional collaborative effort to address issues involving underage drinking. _____

Parent Survey on Underage Alcohol Use

NAME OF YOUR ORGANIZATION

CONTACT INFORMATION

(Please check your answers to the questions below)

1. On a scale of 1 – 5, how big of a problem would you say that alcohol use by underage youth is in your community? *(check one)*

- ☐ 1. Extremely Big
- ☐ 2. Slightly Big
- ☐ 3. Mixed Feelings
- ☐ 4. Slightly Small
- ☐ 5. Extremely Small

2. On a scale of 1 – 5, how easy is it for youth to get alcohol in your community? *(check one)*

- ☐ 1. Extremely Easy
- ☐ 2. Slightly Easy
- ☐ 3. Mixed Feelings
- ☐ 4. Slightly Hard
- ☐ 5. Extremely Hard

3. When was the last time you talked with your child about alcohol use? *(check one)*

- ☐ Never
- ☐ Less than 1 month ago
- ☐ 2 - 3 months ago
- ☐ 4 - 6 months ago
- ☐ 7 - 12 months ago
- ☐ More than 1 year ago

4. When was the last time you talked with your child about attending parties where alcohol was available or being served to teens? *(check one)*

- ☐ Never
- ☐ Less than 1 month ago
- ☐ 2 - 3 months ago
- ☐ 4 - 6 months ago
- ☐ 7 - 12 months ago
- ☐ More than 1 year ago

5. If your child asked to attend a friend's (*un-chaperoned*) party where alcohol was going to be available or served, how likely is it that you would let them go? (*check one*)

- ☐ Very Unlikely
- ☐ Somewhat Unlikely
- ☐ Mixed Feelings
- ☐ Likely
- ☐ Very Likely

6. If your child asked to attend that same party and a parent was chaperoning, how likely is it you would let them go? (*check one*)

- ☐ Very Unlikely
- ☐ Somewhat Unlikely
- ☐ Mixed Feelings
- ☐ Likely
- ☐ Very Likely

7. In the past 2 months, has your child been at a friend's house or a party where alcohol was available or served to teens? (*check one*)

- ☐ Yes Definitely
- ☐ Yes Probably
- ☐ Unsure
- ☐ No Probably Not
- ☐ No Definitely Not
- ☐

8. Do you know other parents who host parties where alcohol is available or served to teens? (*check one*)

- ☐ Yes Definitely
- ☐ Yes Probably
- ☐ Unsure
- ☐ No Probably Not
- ☐ No Definitely Not

9. Please rate (1st, 2nd, 3rd, 4th, 5th) what type of alcohol you think underage youth in your community drink most often? (rate by numbers 1-5)

Alcopop _____ (Smirnoff Ice, Bacardi Breezer, etc)

Beer _____

Liquor _____

Wine _____

Wine Coolers _____

10. Please rate (1st, 2nd, 3rd, 4th, 5th, 6th) where you think underage youth in your community drink the alcohol they obtain? (rate by numbers 1-5)

In Vehicle _____

Home _____

Park _____

Friend's Home _____

Social Event _____

School _____

11. Do you recall seeing or hearing about the “Parents Who Host, Lose The Most” program, it’s name or its slogan? (check one)

☐ Yes

☐ No

☐ Don't Know

12. To the best of your knowledge, please answer the questions below concerning the State of Ohio underage drinking laws,

a. You cannot give alcohol to your teen's friends under the age of 21, even in your own home or on your property, even with their parent's permission.

- ☐ True
- ☐ False
- ☐ Don't Know

b. You cannot knowingly allow a person under the age of 21, other than your child, to remain in your home or on your property while consuming or possessing alcohol.

- ☐ True
- ☐ False
- ☐ Don't Know

c. Others can sue you if you give alcohol to anyone under 21 and they, in turn, hurt someone, hurt themselves or damage property.

- ☐ True
- ☐ False
- ☐ Don't Know

All of the previous questions were true statements about the Ohio Underage Drinking Laws.

13. Do you support the current Ohio underage drinking laws? (check one)

- ☐ Yes
- ☐ No
- ☐ Don't Know

14. If other parents knew about the laws and consequences of providing alcohol to teens, would it keep them from hosting teen parties where alcohol is available or served? (check one)

- ☐ Yes
- ☐ No
- ☐ Don't Know

Thank you for your time.

Sample Media Advisory

Your Organizations Logo Here

MEDIA ADVISORY

DATE: (month, date, year)

Contacts:

CONTACT NAME

(XXX) XXX-XXXX

E-mail address

[Name] to join (*your organization*), law enforcement officials, local parents, and other concerned community members to address underage drinking and the need to establish a Social Host Ordinance

WHAT: Town Hall Meeting to discuss underage drinking and the need to establish a Social Host Ordinance.

WHEN: Day, month, date, time

WHERE: XXXXXXXX
XXXXXXXXXX XXXXXXXX
XXXXXX, XXXXXX, XXXXXX

DETAILS: A panel of law enforcement officials, parents, and other concerned community members will discuss the need for a Social Host Ordinance. The goal of the meeting is to mobilize efforts towards establishing a Social Host Ordinance in the community in order to reduce and/or eliminate the availability of alcohol to underage youth.

Please call or e-mail [NAME OF CONTACT PERSON] at XXX-XXX-XXXX or e-mail address to confirm your attendance at this event. To learn more, visit:
[INSERT WEB ADDRESS].

Sample Press Release

[Your Logo Here]

FOR IMMEDIATE RELEASE: (date)

[Your organization name here] announces the launch of a community effort to establish a Social Host Ordinance in (*community name here*).

Description: (optional) This is a very short description about the press release.

[CITY], [STATE], [Date] – [This is the opening paragraph. It should contain about 3-5 lines and considered most important since this catches attention of news readers and journalists. Typically questions of *who, what, when, where and why* answered here. Keep it short and highlight what whole release is all about.]

[This paragraph goes into little depth. Give more details of any events taking place. This should contain about 2 comments made by spokespersons. For example, Mr. XXX said “xxx”.]

[This paragraph focuses on where users can find detailed information about the event. Give a contact or website site for more information so that more additional information can be found. This paragraph should be concluded within max 5-10 lines]

[The conclusive paragraph is known as the “boilerplate” and can contain no more than 3-4 lines. A short "about" section, providing independent background on the issues. Here you should explain future aspects, like your goal in obtaining a Social Host Ordinance. In general, what you intend to achieve.]

Contact Information:

[Organization Name]

[Address]

[Telephone]

[Website]

###

(This mark lets the reader know that it is the end of the article.)

Sample Post Card Message/Message Box

Social Host Ordinance Post Card Message

I am a *[insert your position, e.g., law enforcement official, parent, community member, etc.]* in *[insert community name]* in *[insert city and state]*.

I would like to *[urge you to support, thank you for supporting]* legislation to establish a Social Host Ordinance. This ordinance is vital to ensure the health and safety of our youth, and will ensure the youth of our community are not subjected to unchecked underage drinking.

Please urge your leaders in *[your community, local government]* to move on this legislation immediately. If *[local community, government]* does not act soon, we will not be able to enforce a Social host Ordinance which will hold adults liable for underage drinking on their premises.

As a leader in *[the community, local government]*, you have the power to help hundreds of youth in our community stay alcohol free by enacting a Social Host Ordinance, and to hold adults responsible for encouraging underage drinking on their premises. Please act immediately to pass this important legislation.

For more information, contact:

Name/ Title:

Agency:

Phone #:

Email:

Website:

Underage drinking is widespread in Ohio. Approximately 552,000 underage youth in Ohio drink each year. In 2009, underage youth consumed 26.3% of all alcohol sold in Ohio. Social Host ordinances focus on the setting where drinking occurs regardless of who provides the alcohol.

- Some parents think their teens and their friends will be safer if they allow underage drinking in their own homes.
- Some parents believe it is a “rite of passage” to allow teens to drink alcohol.
- Well-meaning parents often believe they can control the amount of alcohol a teen consumes and that their supervision can ensure the safety of the teen involved.

Statistics on alcohol related injuries and deaths among teens underscore the fact that underage drinking is not a rite of passage, but an unhealthy, illegal activity that often leads to grave consequences. For example, eight teenagers die each day from alcohol related causes.

Teens that begin drinking before the age of 15 are four times more likely to develop alcohol dependence.

Tragic health, social and economic problems result from the use of alcohol by youth.

- Ohio’s existing Social Host Law in place: [ORC4301.69(B)] states in part, “no person who is not the owner or occupant of any public or private place shall *knowingly* allow any underage person to remain in or on the premises while possessing or consuming beer or intoxicating liquor...
- Underage alcohol drinkers in Ohio were heavier consumers than adults, drinking on average 4.5 drinks per day versus 1.4 for adults.

Under current Ohio law, social hosts who allow underage drinking to occur can claim they were unaware of such activity. Revising the culpability of the offense from “*knowingly*” to “*knows, or should have known*”, “*recklessly*”, or “*negligently*”, and increasing the penalty for the offense will provide law enforcement the needed tools to enforce the social host ordinance with a goal towards deterring underage drinking in the community.

Social host ordinances give communities a practical tool for holding adults accountable for underage drinking. These laws allow law enforcement to cite the individual who hosted an underage drinking party on their property.

Appendix E: Resources

National Agencies

The Sober Truth on Preventing Underage Drinking (STOP) Act
STOP Underage Drinking Portal
<http://www.stopalcoholabuse.gov/>

U.S. Department of Health and Human Services
Substance Abuse and Mental Health Services Administration
<http://www.samhsa.gov/>

National Institute on Drug Abuse
<http://www.drugabuse.gov/>

National Institute on Alcohol Abuse and Alcoholism
<http://www.niaaa.nih.gov/Pages/default.aspx>

Community Anti-Drug Coalitions of America
<http://www.cadca.org/>

U.S. Department of Education
Office of Safe and Drug-Free Schools
<http://www2.ed.gov/about/offices/list/osdfs/programs.html#state>

U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention
<http://www.ojjdp.gov/>

Office of Juvenile Justice and Delinquency Prevention (OJJDP)
Underage Drinking Enforcement Training Center (UDETC)
Enforcement of Underage Drinking Laws (EUDL) Program
The UDETC <http://www.udetc.org/> 1-877-335-1287 (technical assistance)

Pacific Institute for Research and Evaluation (PIRE)
Research, policy development, program development and evaluation in the area of youth alcohol use.
<http://www.pire.org/>

Alcohol Policy Information System (APIS)

State Profiles of Underage Drinking Laws

www.alcoholpolicy.niaaa.nih.gov/stateprofiles/StateProfiles.asp

Rand Corporation

The Rand Corporation is a non-profit think-tank working to improve policy and decision making through independent research and analysis services.

www.rand.org

Marin Institute

An alcohol industry watchdog, the Marin Institute has a mission of fighting to protect the public from the impact of negative practices by the alcohol industry.

<http://www.marininstitute.org/site/>

FACE

FACE is a national non-profit with a mission to advocate for action to reduce alcohol problems.

<http://www.faceproject.org/>

State Resources

Ohio Drug-Free Action Alliance

www.Drug-FreeActionAlliance.org

Coalition for a Drug –Free Greater Cincinnati

www.drugfreecincinnati.org

Ohio Department of Alcohol and Drug Addiction Services

www.odadas.state.oh.us

The Arizona Governor’s Office for Children, Youth, and Families, the Underage Drinking Prevention Committee and the Parents Commission

<http://www.drawyourline.com/home>

Communities Mobilizing for Change on Alcohol (CMCA)

A community organizing effort designed to change policies and practices of major community institutions in ways that reduce access to alcohol by teens.

<http://www.epi.umn.edu/alcohol/cmca/index.shtm>

Indiana Prevention Resource Center (IPRC)
Survey on Alcohol Compliance
http://www.drugs.indiana.edu/news-featured_detail.aspx?seq=12

Tri-State Alcohol Beverage Control Agencies

Ohio

Ohio Department of Commerce
Division of Liquor Control
6606 Tussing Road
Reynoldsburg, Ohio 43068-9005
Phone: 614/644-2411
Fax: 614/644-2513

Indiana

Alcohol and Tobacco Commission
Indiana Government Ctr. South
302 W. Washington St., Rm. E-114
Indianapolis, IN 46204
Phone: 317/232-2430
Fax: 317/233-6114

Kentucky

Kentucky Alcoholic Beverage Control Department
1003 Twilight Trail, Suite A-2
Frankfort, Kentucky 40601
Phone: 502/564-4850
Fax: 502/564-1442

Law Enforcement Resources

Ohio State Highway Patrol

P.O. Box 182074

Columbus, Ohio 43223 Phone: 1-877-7-PATROL (1-877-772-8765)

<http://statepatrol.ohio.gov/>

Ohio Department of Public Safety

Ohio Investigative Unit

Brent Devery, Agent-In-Charge

Andrew Alanis, Agent

3701 Tytus Avenue

Middletown, OH 45042

513-217-4738 / Cell (513) 519-2797

Indiana Alcohol and Tobacco Commission-Indiana State Excise Police (ISEP)

District 4 (Dearborn & Franklin Counties)

Lt. Ken Murphy

651 Frontage Rd.

Seymour, IN 47274

812-523-8314

Kentucky ABC Enforcement: ABC Training: Sandra Watts

Assistant Amy Rawlins

1003 Twilight Trail

Frankfort, KY 40601

502-564-4850

State Police Trooper for Post #6 (Boone, Campbell & Kenton Counties)

Trooper, Richard St. Blancard

Public Affairs Officer

Kentucky State Police - Post 6

Dry Ridge, KY

859-428-1212

Dublin Ohio PD Arrest Stats

Party calls the police department has responded to and how many have resulted in arrests. Enforcement numbers for 2010 and 2011 year to date. The table below shows the results. Also provided is a brief explanation of some of the statistics.

Category	2010	2011 (1-1-11 to 8-15-11)
Total Juvenile Drug Arrests	33	17
Total Juvenile Drug Charges	45	25
Juvenile Underage Consumption/Possession Arrests/Charges	42	34
Juvenile OVI & OMVUAC Arrests	3	4
Adult (18-20) Underage Consumption/Possession Arrests	45	26
Adult (18-20) OVI & OMVUAC Arrests	11	2
Adult (18-20) Drug Arrests	37	28
Social Host Law Arrests	3	3
Number of Underage Party Complaints Received	21	11
Number of Underage Parties Resulting in Charges	6	2

Total Juvenile Drug Arrests and Charges: These numbers are different because some people arrested were charged with more than one crime.

Social Host Law Arrests: These are the total number of arrests of individuals charged with violating the new social host law.

Underage Party Statistics: Statistics for all the calls we have received in the last two years complaining of possible underage drinking parties. The majority of the calls received were cleared with no enforcement action for a variety of reasons (no evidence of underage drinking, no party found, adequate adult supervision and no alcohol present, etc.).

Since the enactment of the social host law in 2009 we have provided instruction to our officers on the proper procedures for investigating these types of complaints. For all calls alleging that there is an underage drinking party we make every effort to have a supervisor dispatched on the call with officers. In addition, if evidence of underage drinking is found officers are required to document their efforts to investigate if an adult has been negligent in allowing the drinking to occur.

Frequently Asked Questions

(Proposed Amendment to Ohio's "Social Host Law")

Q: Why is Amendment necessary?

A: First and foremost, our amendment is necessary due to the alarming alcohol related injuries, deaths and social consequences resulting from underage drinking, and the rising rates of underage use and adult providers.

Q: How specifically does the amendment modify the statute?

A: Basically, our proposed Amendment to ORC Section 4301.69 (and its corresponding penalty provision, ORC 4301.99) has two "prongs": 1) the addition of a new Sub-Section, 4301.69(B)(2), a prohibition on "recklessly" allowing underage drinking; and 2) changing the "knowingly" standard to "knows or should know" in our proposed 4301.69(B)(1) [currently 4301.69(B)].

Q: What would be the penalty for "recklessly" allowing underage drinking, and why is it necessary?

A: A violation of proposed Sub-Section 4301.69(B)(2) would impose a \$250 fine, with the potential for a maximum jail term of 30 days, for those who *recklessly* allow underage drinking. The main thrust of our amendment is deterrence, and a new Sub-Section (B)(2) will help deter those from failing to take any action or otherwise "burying their heads in the sand". It will send a clear message that hosts can no longer be indifferent.

Q: Won't changing the "knowingly component" to "knows or should know" result in more arrests?

A: Admittedly, it could result in a few more arrests, but certainly not in "open flood gates form". Even as amended, the statute would still be hard for law enforcement to prove. On the other hand, those adults who are purposely locking themselves in their bedrooms, or looking the other way so they can claim they did not "know" of the underage drinking will know that is no longer acceptable, and not be able to have an almost automatic defense.

Q: Besides the negative social effects and "human costs" rationale, are there other reasons for the need for this Amendment?

A: The amendment of “knowingly” to “knows or should know” will render the “Social Host Statute” consistent within itself, and yield consistent court interpretation of same; thus improving the administration of justice. Sec. 4301.69 (C) currently makes it illegal to secure hotel rooms... if the adult “knows or has reason to know” underage drinking will ensue. Currently, however, Sec. 4301.69 (B) utilizes the “knowingly” culpable mental state vs. the “knows or should [or has reason to] know” standard. The difference is an actual vs. constructive knowledge threshold; “actual knowledge” being harder to prove.

While some (including the Supreme Court of Ohio) seem to believe “knowingly”, as provided in the Ohio Revised Code (“ORC”) = “knows or should know” (See, e.g. *Lesnau v. Andate Enterprises, Inc.*, 93 Ohio St. 3d 467, 2001-Ohio LEXIS-1591 [“the General Assembly intended the word ‘knowingly’ to encompass the concept of ‘has reason to know’ ...in R.C. 4301.69”]), the 10th District Court of Appeals has made the opposite interpretation claiming that if the Legislature meant “knowingly” in 4301.69(B) to be a constructive knowledge standard, it should have used the “knows or should know” language of 4301.69(C). See *STJ Entertainment LLC v. Liquor Control Commission*, 2001 Ohio 3940; 2001 Ohio App. LEXIS 5678 (10th District- Franklin County).

There is no logical reason for there to be an easier way to allow underage drinking at a home or in a bar (4301.69 [A],[B]) vs. a restaurant or hotel room (4301.69 [C]). It is unlikely that result was intended by our Legislature, based upon logic, as well as the reasoning of the Ohio Supreme Court in *Lesnau*.

Q: Was there any initial opposition to the Amendment?

A: We have had very little opposition, and have been able to alleviate fears centering on 4th Amendment issues, and “throwing adults in Jail”. Basically, law enforcement still needs probable cause before the Social Host statute, as amended would come into play. There was a recent 11th District Court of Appeals case (that the Ohio Supreme Court recently refused to hear on appeal) that nullified an arrest of a “Social Host” at a home in Bainbridge, Ohio on 4th Amendment grounds. Law enforcement must still have probable cause to, for example, enter a home where suspected underage drinking is occurring, before they could make an arrest based upon the Social Host Statute. That was the basic holding of the case. Our proposed amendment to the Social Host statute (as well as the existing Social Host Law) would not impinge upon 4th Amendment rights, and the results of this case would have been the same, with the existing Statute, and as we propose to amend it.

Also, our intent is not to “throw more adults in jail”. Our addition of a “reckless component” in proposed 4301.69(B)(2) calls for a definite fine of \$250, but only a possibility of jail time (maximum 30 days). Sec. 4301.69 (B)(1), as we propose to amend same does have a jail possibility of up to 6 mos., but existing Sec. 4301.69 (B), already has the same maximum jail component. Moreover, suspended sentences are issued in the vast majority of these cases. The main thrust behind both prongs of the amendment is deterrence from allowing underage drinking, and the prevention of needless tragedies resulting therefrom.

Q: Any more recent opposition to the Amendment?

A: Recently, a licensed beverage association voiced some concern over the amended language, presumably because the “new” standards would apply to licensed establishments serving liquor, not just “social hosts”; and there could be costs, labor hours and confusion re: compliance. Respectfully, we do not believe the Amendment will result in any material adverse effects to the industry; rather, the Amendment mostly clarifies and supports underage drinking laws that licensed establishments are already subject to.

First, it is important to remember that 4301.69, as it currently exists, already applies to social hosts as well as licensed establishments (e.g. “no person who is the owner or occupant of any private *or public* place...”). Second, eight years ago, the Supreme Court of Ohio in *Lesnau* established that the word “knowingly” encompasses “should know” or “has reason to know” in the context of underage drinking and the Dram Shop Act. So, currently, licensed establishments would be liable for injuries or death caused to third parties by an underage drinker, if the establishment knew *or had reason to know* the drinker was underage. In other words, presumably, licensed establishments are already training their staff as to how and when they should know underage drinking is occurring on their premises, and how best to prevent it. Sec. 4301.69(B)(1) will help avoid the result of the *STJ Entertainment*, Franklin County Court of Appeals case. In the *STJ* case, the licensed establishment was acquitted from violating Sec. 4301.69(B), because while the evidence proved the server should have known the adults he was frequently pouring drinks for were giving same to young looking, underage customers, he did not actually know because of the ‘stand behind me, hide and seek game going on’. Thirdly, Sec. 4301.69(B)(2) should also not pose a problem for licensed establishments if ID’s are asked for. Proprietors would not be “recklessly allowing” underage drinking if they make reasonable attempts, such as ID checks, to try and prevent the underage drinking from occurring in their establishments.

Since recent statistics researched by this Coalition demonstrate that 45% of the time “youthful looking patrons” are not asked for ID’s, and that underage drinking has doubled in the last 20 years, our Amendment is truly needed, whether the underage drinkers are in a public or a private place.

Q: Why both prongs of the amendment, why not just pick one?

A: Initially, our Coalition debated this question; some thinking the standard should be “negligently”, some “recklessly”, some “knows or should know”. After researching cases and statutes, listening to law enforcement, attorneys, prosecutors, legislators and others, we feel strongly of the need to at least clarify that Sec. 4301.69(B) was originally intended to be, and proposed Sec. 4301.69(B)(1) *is* a “constructive knowledge standard (i.e., knows or should know)” that will make the statute consistent within itself. But, we all wanted to go further, and create more deterrence with the “reckless component” of proposed Sec. 4301.69(B)(2). While some wanted a negligence standard (and some municipalities have created their own statute with a negligence standard), we thought criminalizing negligence should be used sparingly, and could bring up 4th amendment challenges. Actually, we think that a failure to amend the Statute as we propose could create more municipalities taking matters into their own hands, and more negligence vs. reckless and constructive knowledge based laws.

Also, a few of our experts were worried about interpretations of the current ORC 2901.22 (C) definition of recklessly (“with heedless indifference....he perversely disregards a known risk that his conduct is likely to cause a certain result”). We believe that the “recklessly” component” to our amendment [proposed Sec. 4301.69(B)(2)] should definitely result in deterrence, if it is not too strictly construed, but if it is too strictly interpreted, our Sec. 4301.69(B)(1) would be in place as another deterrent and “tool” available for law enforcement.

Q: Would not “recklessly” be a lesser included standard to “knowingly” pursuant to current Sec. 2901.22 (Degrees of Culpability Definitions)?

A: Yes - but our amended 4301.69(B)(1) does not contain the ORC Sec. 2901.22(B) standard, “knowingly”. Our amended standard would be, “knows or should know” (which is not defined or provided in Sec. 2901.22).



Coalition for a Drug Free Greater Cincinnati 2330 Victory Parkway, Suite #703, Cincinnati, Ohio 45206
(513) 751-8000