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County to Draft Model Ordinance to Prevent Underage Drinking

Board to Encourage Social Host Ordinances in all 15 Cities

SAN JOSE, CALIF.— Today, the County of Santa Clara Board of Supervisors directed staff to create a model ordinance to prohibit social gatherings where there are three or more underage persons and at least one of these underage persons is drinking or has in his or her possession an alcoholic beverage. Commonly referred to as a “social host ordinance,” the law would hold individuals (most often adults) responsible for underage drinking events that take place on property they own, lease or otherwise control.

The measure before the board for consideration today would have applied solely to unincorporated areas in Santa Clara County. The cities of Morgan Hill, Gilroy and Palo Alto have already enacted social host ordinances. As a result, there are reports of more events where underage drinking is occurring in unincorporated areas or other cities; and County Executive Pete Kutas recommended developing a model ordinance and promoting its adoption throughout the county.

“We are all aware that underage drinking occurs and as adults we need to be proactive when it comes to safeguarding our children,” said Supervisor Blanca Alvarado, Chair of the Public Safety and Justice Committee. “A social host ordinance not only is a tool to deter underage drinking, but it could save many, many lives.”

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Such an ordinance, supported by the County Counsel, County Sheriff and District Attorney would give law enforcement personnel a useful tool in deterring parties where underage drinking occurs.

“We need to make sure that the public understands the extent of this problem and what we are trying to accomplish with such an ordinance,” said Supervisor Ken Yeager Vice Chair of the Board’s Public Safety and Justice Committee encouraging outreach to neighborhood associations.

“There are so many social costs associated with underage drinking,” said Supervisor Don Gage.

“There are safety concerns and impaired judgment that results in inappropriate behavior and decisions that can have a devastating impact on the direction of a youngster’s life.”

Staff will report back to the Board once the community outreach is completed.

Background

A 2000 national study found that social host liability led to significant reductions in the probability of binge drinking and driving under the influence of alcohol. (See Emily Stout, et al., “Reducing Harmful Alcohol-Related Behaviors: Effective Regulatory Methods,” *Journal of Studies on Alcohol*, 2000, Vol. 61(3): 402-412.) Although this study did not focus on teenage alcohol use, it did analyze the impact of social host liability. It concluded that social host liability lowered the probability of heavy episodic (“binge”) drinking and driving under the influence of alcohol. A number of local governments, such as Ventura County, Marin County, and the City of Santa Cruz, have looked to this study to support their social host ordinances. In addition, youth surveys indicate that the most common sources of alcohol are the youths’ homes and persons over 21 who buy alcohol for them.

In response to problems associated with gatherings involving underage persons drinking alcohol, many California cities and counties have enacted social host liability ordinances to address these problems. In California, laws already exist to address the problem of adults who furnish alcoholic beverages to underage persons. (See Cal. Bus. & Prof. Code § 25668(b) and Bus. & Prof. Code § 25658.2.) In contrast, social host liability laws target the location where the underage drinking takes place. Social host liability laws hold individuals responsible for underage drinking events on property they own, lease or otherwise control. Some California city and county social host ordinances treat social hosting as a misdemeanor crime, infraction, or both. Other California cities and counties treat social hosting as a civil nuisance, permitting the city or county to recoup law enforcement, firefighting, or other emergency response costs incurred by the municipality for responding multiple times to the scene of an underage drinking event. Still other California city or county ordinances treat social hosting as both a crime and a civil nuisance. Finally, some city or county ordinances provide for civil enforcement by administrative fines.

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