

Underage alcohol use poses important public health and public safety risks. According to a 2003 report by the National Research Council's Institute of Medicine (NRCIM), underage drinking costs the nation at least \$53 billion a year, mostly because of traffic deaths and violent crime.¹ This should be of concern to professionals, policymakers, parents and others who are attempting to reduce the negative consequences of underage alcohol use. Knowing the locations where this behavior is most likely to occur can help alert parents to times when they need to exercise greater monitoring and supervision, and support the adoption of effective policies to protect children.

Data, from 62,495 persons aged 12 to 20, which was published in the 2008 National Survey on Drug Use and Health conducted by the Substance Abuse and Mental Health Services Administration reported that: of current underage alcohol users aged 12 to 20, 53.4 percent drank at someone else's home the last time they used alcohol, and another 30.3 percent drank in their own home.² Statistics like these support the recommendation to hold individuals accountable for teen drinking parties. This recommendation was a highlighted suggestion from the previously mentioned NRCIM's 2003 report, which has been a catalyst for many recent social host ordinances.¹

Social Host Ordinances in Minnesota

In 2006, not a single social host ordinance existed in Minnesota. As of October 15, 2010, 56 cities and 9 counties have adopted a social host ordinance, and at several more are actively considering it.

Cities with social host ordinances have found success in a reduction in the number of underage drinking parties. They have also found that it's predominantly 22 or 23 years olds who are hosting these parties. From a prosecutor's standpoint, enforcement of the ordinance gives them a great tool to help curb underage consumption.

Why the Need for Social Host Ordinances?

For many years, Minnesota laws have made it unlawful for a person to provide alcohol to anyone under age 21. Additionally, Minnesota Statute 340A.801 allows only civil actions against a person over age 21 who knowingly provides alcohol to anyone under age 21. The courts have ruled, however, that owners/parents who allow a party to take place in a home where they know minors will consume alcohol, who do not take the alcoholic beverages away from the minors or who fail to stop the party, cannot be prosecuted because these actions do not fall within the meaning of providing or furnishing alcohol to minors. These failed actions, or loopholes, are the basis of the need for social host ordinances or similar state laws.

What Exactly is a Social Host Ordinance?

Before adopting a social host ordinance, it is essential that each policy maker, police chief, sheriff, city or county attorney and other community leaders, clearly understand what a social host ordinance is—and of equal if not greater importance—understand what it is not.

A social host ordinance makes it unlawful to provide an environment where underage drinking takes place, regardless of who provided the alcohol. It addresses how a typical person ought to behave when there is potential harm to those under the legal age to drink. As a misdemeanor, any host found criminally responsible for violating a social host ordinance will face a penalty of time in jail and/or up to \$1,000 in fines.

An ordinance can be written in a number of different ways.

One example is to write the ordinance so that the owners/parents of the home do not meet the definition of a host if they are unaware of illegal alcohol consumption on their property while away from their residence. However, it can be written to consider them a host if they are not present, but it's found that they supported the event by knowing it was going to occur. Additionally, a family member of the property owner who is at the event could be considered a host, regardless of their age or who provided the alcohol. For example, a 16 year old, who does not own the home, could be considered the host if other underage persons were drinking at his or her parents' residence without their knowledge.

Parents cannot be charged under a social host ordinance if, in their presence, they allow their underage child to consume alcohol in their residence. Allowing someone else's child to do so would be illegal. Parents are responsible for the safety and actions of their underage child.

Ordinances can also be written to include a tenant of a rented apartment, townhome, home or other dwelling as a social host if they provide an environment where underage drinking takes place. These ordinances can be written to exclude landlords and property owners as a host while they are away from the property, provided they were unaware that illegal alcohol consumption was going to occur on their property.

Adopting a Social Host Ordinance in Your Community

Minnesota laws give cities and counties the authority to adopt and enforce this type of ordinance. It is important to note, however, that county ordinances are not enforceable within incorporated areas (i.e. cities). For example, non-incorporated areas such as townships would fall under the county ordinance, whereas cities within the county would need to adopt a similar ordinance for it to be enforceable within their city limits. The County Attorney's Office should be the primary source to obtain an official opinion on this issue.

Engaging law enforcement, health, schools, parents and youth to combat the problems associated with underage drinking and binge drinking such as alcohol poisoning, increased injuries and sexual assaults, lowered school and job performance, traffic crashes and ultimately deaths, through education, outreach, enforcement and policy changes will make your communities safer and healthier. Talk to your local police chief, sheriff and city or county prosecutors about enacting a social host ordinance in your community.

For data on underage drinking in your community visit: <http://sumn.org/>.

For additional information regarding Social Host Ordinance's you may contact:

Gordy Pehrson, MN Dept. of Public Safety, Email: gordy.pehrson@state.mn.us Phone: (651) -201-7072.

1Ritter, J. (2007, Jan. 4). Laws crash underage drinking parties. *USA Today*. Retrieved December 21, 2009 from www.usatoday.com

2Download the full report at: www.oas.samhsa.gov/2k8/location/underage.pdf

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(As of 10/05/2010):

Minnesota cities with social host ordinances: [56]

Albert Lea, Apple Valley, Austin, Baxter, Belle Plaine, Blooming Prairie, Breckenridge, Cambridge, Chaska, Cloquet, Cottage Grove, Crookston, Crystal, Duluth, Elko/New Market, Elk River, Fairfax, Falcon Heights, Fergus Falls, Forest Lake, Glencoe, Golden Valley, Goodview, Hibbing, Isanti, Jordan, Kenyon, Lakeville, Mankato, Maple Grove, Minneapolis, Minnetonka, Moorhead, Mora, New Prague, New London, New Ulm, Owatonna, Otsego, Pine River, Princeton, Prior Lake, Ramsey, Redwing, Rosemount, Roseville, Savage, St. Cloud, St. Paul, Shakopee, Sleepy Eye, South St. Paul, Waseca, West St. Paul, Willmar, Winona.

Minnesota counties with social host ordinances: [9]

Cass, Chisago, Isanti, Jackson, Kanabec, Kandiyohi, Mower, Scott, Wilkin,

Minnesota cities & counties currently considering social host ordinances: [7]

Brown County, Comfrey, Freeborn County, Hubbard County, Medford, Spicer, Yellow Medicine County

Minnesota cities & counties that have discussed, but may not be actively considering an ordinance at this time:

Albertville, Blue Earth County, Excelsior, Hopkins, Spring Lake Park

Minnesota cities & counties that have voted down an ordinance:

Carver County, Greenwood, Winona County