



**OFFICE OF THE CITY MANAGER**

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3212 [www.cupertino.org](http://www.cupertino.org)

TELEPHONE: (408) 777-7603 [www.cupertino.org](http://www.cupertino.org)

**COUNCIL STAFF REPORT**

Meeting: March 6, 2018

Subject

Social Host Responsibility

Recommended Action

Following the first and second readings, Adopt An Ordinance of the City of Cupertino adding Chapter 10.05 "Social Host Responsibility" to the Cupertino Municipal Code, Article 10 "Public Peace and Morals" to deter underage drinking and drug use during events/gatherings.

Background

According to research, teens access drugs and alcohol through parents, friends, and acquaintances with 75% of alcohol consumption by youth taking place in a residential setting. In 2005, an American Medical Association survey showed that the most common connection between an underage person at a party with underage drinking is the adult who either provided the alcohol or provided the setting where underage drinking could occur.<sup>1</sup> Teen drinking and drug use are harmful to the individual and threatens the peace, health, safety, and general welfare of the public.

Teens under the influence of alcohol are at greater risk of car accidents, suicide, and physical and sexual assault. According to the Drug Abuse Warning Network (DAWN), nearly 188,000 alcohol-related emergency department (ED) visits in 2011 involved patients aged 12 to 20.<sup>2</sup> Of these visits, 20% resulted in a serious outcome including admission to the hospital, transfer to another health care facility, or death. Visits involving alcohol and other drugs were more likely than visits involving alcohol only to result in a serious outcome (33 vs. 12 percent).

To combat the problems associated with house parties involving teen drinking or substance abuse, many cities have adopted Social Host Responsibility policies. Locally,

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<sup>1</sup> American Medical Association (AMA). Adults Most Common Source of Alcohol for Teens, According to Poll of Teens 13-18 (2005). Available at: [http://www.alcoholpolicymd.com/press\\_room/Press\\_releases/adults\\_give\\_youth\\_alcohol.htm](http://www.alcoholpolicymd.com/press_room/Press_releases/adults_give_youth_alcohol.htm).

<sup>2</sup> Drug Abuse Warning Network (DAWN). National Estimates of Drug-Related Emergency Department Visits (2011). Available at: <https://www.samhsa.gov/data/sites/default/files/DAWN2k11ED/DAWN2k11ED/DAWN2k11ED.pdf>.

eleven cities and the County of Santa Clara have already adopted a Social Host Ordinance (Attachment A). Under these policies, the adult responsible for the premises is held accountable if police are called out to respond to a party where underage drinking or drug use is taking place. The fines generally range from \$500 to \$2,500. The idea is that if adults are held responsible, they will be more likely to supervise or stop illegal conduct at events held on their property. Law enforcement is supportive of these policies because it give them leverage in dealing with problem households. It also compels parents and guardians to talk to teens about alcohol and drug issues.

### Discussion

The Teen Commission began discussing social host responsibility in 2016 and added it to their work plan for fiscal year 2016-17. The Teen Commission diligently reviewed the research, reviewed existing policies, requested a presentation by the Sheriff's Office, and debated regarding their approach to a social host policy in Cupertino. While not a big issue in Cupertino, they felt a social host policy would send a message to parents and teens about their responsibility in preventing teen drinking and substance abuse.

Based on direction given by the Teen Commission with input from the Sheriff's Office and Public Safety Commission, and the assistance of the City Attorney's Office, staff prepared a draft a Social Host Ordinance for Council's consideration. Pursuant to this ordinance, which holds minors responsible by requiring them to take a substance abuse course and/or do community service for hosting a gathering where underage drinking or use of controlled substances takes place. For the adults responsible for the premises or parents/guardians of minor social hosts, one warning could be issued followed by a fine of \$500, then \$1,000, based on the discretion of the enforcement officer. The goal is that these penalties will make adult and underage hosts and their parents/guardians less likely to host such events or be more likely to prevent illegal conduct at events they do host.

Research on social host laws show that teens are less likely to engage in social drinking in communities with social host policies. One study found that teens in communities with long-standing social host ordinance were less likely to drink in groups.<sup>3</sup> In a study of 50 California municipalities where half passed social host laws and half did not, finding showed that adolescents were less likely to report drinking at parties in communities that enforced social host laws.<sup>4</sup>

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<sup>3</sup> Wagoner, K. G., Sparks, M., Francisco, V. T., Wyrick, D., Nichols, T., & Wolfson, M. (2013). Social host policies and underage drinking parties. *Substance use & misuse*, 48(1-2), 41-53

<sup>4</sup> Thomas, S., Paschall, M. J., Grube, J. W., Cannon, C., & Treffers, R. (2012). Underage alcohol policies across 50 California cities: an assessment of best practices. *Substance abuse treatment, prevention, and policy*, 7(1), 1.

The Teen Commission voted to recommend that the City Council adopt the draft Social Host Ordinance (Attachment B) on January 10, 2018. They sought input and support from the Public Safety Commission, which also voted to recommend that the City Council adopt the draft ordinance on February 8, 2018.

Sustainability Impact

No impact.

Fiscal Impact

Enforcement duties will be absorbed within the City's existing law enforcement contract with the Sheriff's Office and the City's existing Code Enforcement staff.

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Prepared by: Jaqui Guzmán, Deputy City Manager

Approved for Submission by: David Brandt, City Manager

Attachments:

A – Local Social Host Ordinances

B – Draft Ordinance