



**OFFICE OF THE CITY MANAGER**

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**PUBLIC SAFETY COMMISSION STAFF REPORT**

Meeting: February 8, 2018

Subject

Social Host Responsibility

Recommended Action

Review the draft ordinance establishing Social Host Responsibility and make a recommendation to the City Council.

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. 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 drugs or alcohol are at greater risk of car accidents, suicide, and physical and sexual assault.

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

Based on direction given by the Teen Commission, staff drafted a Social Host Ordinance which holds underage hosts 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, one warning would be issued followed by a fine of \$500, then \$1,000. The goal is that these penalties will make adult and underage hosts 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>1</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>2</sup>

The Teen Commission voted to recommend that the City Council adopt the draft Social Host Ordinance (Attachment B) and is seeking support from the Public Safety Commission. They plan to take the item to Council on February 20, 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.

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Prepared by: Jaqui Guzmán, Deputy City Manager

#### Attachments:

- A – Local Social Host Ordinances
- B – Draft Ordinance

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<sup>1</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>2</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.