



## FAQs – Frequently Asked Questions

### RE: Social Host Ordinances

#### **1. What is a social host ordinance (SHO)?**

A local law designed to hold individual 'social hosts' responsible for hosting or allowing an event on private property where persons under age 21 possess or consume alcohol, *regardless of who supplied the alcohol to the minors*. The ordinance is sometimes called a *teen party ordinance*.

A social host ordinance (SHO) applies to the following situations:

- The social host *knows or reasonably should know* that alcohol is being possessed or consumed by underage persons at their residence or premises or at any event they are hosting on private property.
- The social host *fails to take reasonable steps* to prevent alcohol possession or consumption by the underage person or persons on property they control.
- The social host does not have to be present at the party, event or gathering to be held responsible. Social hosts can be parents, landlords, tenants and youth.

#### **2. How does a local SHO differ from the state social host law?**

Georgia's social host liability law was created by case law in 1985, allowing courts to settle civil lawsuits against *adults who serve alcohol negligently*. Civil penalties can include substantial financial liability if injury, death or property damage results from an underage drinking accident. Severe penalties associated with the State Law means strong evidence is needed for a conviction.

SHO are adopted and implemented by local governments and the focus is on the *setting in which underage drinking takes place*, not the *person who serves alcohol negligently*. SHO penalties are typically less severe, requiring different evidence to bring charges for an infraction.

#### **3. Why are social host ordinances needed in Cobb County?**

Private parties have repeatedly been identified as the primary source by which minors obtain alcohol; frequently lacking adult supervision and often a source of other drug use, risky sexual behaviors, violence and vandalism. According to the GA Student Health Survey 2008, *Cobb students binge drink at a friend's house on the weekend more than other students in the State*.

Some adults believe underage drinking is just part of growing up and therefore think it is acceptable to host underage drinking parties. In one study, 1 in 12 parents of teens said they allowed friends of their own teens to drink in their home under their supervision.

A social host ordinance will send a clear message to adults that allowing underage drinking to occur on property they control is unacceptable in Cobb County.

#### **4. What problems will social host ordinances address?**

Currently in Cobb County individuals under age 21 can be charged with possession or consumption of alcohol and an individual can be charged with furnishing alcohol to an underage person. However, what often happens is law enforcement officers and/or deputies will arrive at a party where underage youth are drinking alcohol, but they will be unable to determine who furnished the alcohol. Social host ordinances would allow officers and/or deputies to cite or charge the individual who hosts the underage drinking party, with providing the place for underage drinking to occur.

The public has long recognized that youth access to alcohol is problematic. Current laws do not sufficiently address the problem of youth social access to alcohol. Cobb State Court recorded 1,309 cases of 'minor in possession' and only 38 cases of 'furnishing to a minor', in 2008. In communities with social host ordinances, adults do not need to serve, provide or furnish alcohol in order to break the law. It's enough if alcohol is present at the party. It doesn't require a young person to suffer injury or cause property damages in order to hold the party host accountable.

#### **5. *How are social host ordinances enforced? What are the penalties?***

When local public safety personnel respond to an event where underage persons are cited for alcohol possession or consumption, the individual host of the social event can be issued a citation and charged with violating the local county/city social host ordinance. Charges can be criminal, civil, administrative, or a combination. Individuals held responsible under social host ordinances may include parents, property owners, tenants and youth.

Penalties for violating social host ordinances may include the following; fines up to \$1,000, restitution and community service, and confinement up to 12 months for repeat offenders. Restitution will allow public safety agencies to recover costs incurred in breaking up private parties where underage drinking occurs.

#### **6. *Doesn't GA State Law allow parents to let their own minor children drink alcohol?***

Georgia State Law O.C.G.A. Section 3-3-23 & 3-3-5 does provide for a "parental exception", allowing alcohol consumption by a person underage age 21 under certain conditions; when the parent or guardian of the person gives the alcohol to the person, and when it is in the home of the parent or guardian and such parent or guardian is present. Georgia State Law does not allow parents to give alcohol to their children's friends who are under age 21, under any circumstances, even in their own home, even with their parents' permission.

#### **7. *Will I be held responsible if my child hosts a party at my home where underage drinking takes place without my knowledge?***

Parents may not be responsible if they did not know about the party. Parents, property owners, and tenants will be responsible whether they are present or not, under these conditions:

- If they *knew or reasonably should have known* about the party or gathering, and/or
- If they *failed to take reasonable steps* to prevent alcohol possession or consumption by underage persons.

Records are kept and penalties increase if public safety personnel respond to an underage drinking party at the same location on subsequent occasions. Parents would not be off the hook if they leave town, with teens at home and unsupervised, without 'taking reasonable steps' to prevent an underage drinking party from occurring on their property.

Check out Cobb Safe Neighborhoods Safe Homes at [www.cobbat.org/safehomes](http://www.cobbat.org/safehomes) for teen safe party tips - learn reasonable steps for preventing underage drinking from occurring on your property.

#### **8. *Why should I care about social host ordinances?***

Alcohol is the drug of choice for youth, causing more harm and death for youth than all illegal drugs, combined. There are also serious second hand effects of underage drinking, endangering public health, safety and quality of life, such as those listed below:

- 50% of alcohol related traffic fatalities with drinking driver under age 21 the dead are persons other than the drinking driver,
- 50% of criminal cases (assault, traffic, fraud, sex crime, etc.) in the juvenile justice system involve alcohol, and

- \$1.7 billion in costs to Georgian citizens annually, from underage drinking alone (pain and suffering, medical costs, criminal justice costs, work loss costs)
- SHO can help reduce harms, crimes and costs attributed to underage drinking.

### **9. Is a SHO too much government intrusion?**

Of course that's a matter of opinion, but we don't think so. A SHO is a type of public nuisance law. Public nuisance law requires property owners to take steps to maintain their property so as not to endanger community health and safety. For example, swimming pools must have fences and toxic substances must be removed from private property – both widely accepted public policies that are implemented to protect community health and safety. Sufficient evidence has identified underage drinking parties as endangering community health and safety. SHO are no more intrusive than other public nuisance laws.

### **10. Have social host ordinances been effective elsewhere?**

As of January 2009, 33 states had adopted social host civil liability holding social hosts accountable for furnishing alcohol illegally, 24 states had adopted social host criminal liability holding social hosts accountable for underage drinking parties, and hundreds of local communities in 21 states had passed social host or teen party ordinances that impose criminal or civil or administrative liability on social hosts for underage drinking parties.

Current research reports social host laws in general as among the most effective forms of public policy in reducing binge drinking and drinking and driving.

Benefits from implementing local social host ordinances, have been described as:

- Deterring adults and youth under age 21 from hosting parties where underage drinking occurs
- Increasing the awareness of dangers of underage drinking parties and providing an incentive for hosts to be vigilant to prevent underage consumption of alcohol
- Encouraging parents to take steps to prevent teenage drinking parties while they are away
- Holding underage youth accountable for underage drinking parties planned without the knowledge of their parents
- Recovering the costs for law enforcement of repeatedly responding to the same party site
- Officially establishing a community's "zero-tolerance" policy for underage drinking
- Helping to reduce harms, crimes and costs attributed to underage drinking

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