



Social Host

Laws and Enforcement Options

A Webinar for
The Illinois Higher Education Center
October 11, 2012

Objectives

- Examine laws related to social host and how they are applied
- Review situations in which social host issues arise
- Discuss enforcement strategies for social host environments
- Identify barriers to enforcing social host laws
- Discuss community education programs on social host

Social Host defined

- **MADD**
 - Social host refers to adults who host parties where [alcohol](#) is served on property they control. Through social host liability laws, adults can be held responsible for these parties if underage people are served, regardless of who furnishes the alcohol. Teen parties are a primary setting for underage drinking for high school and college students and high consumption of alcohol and binge drinking.



Paying for Underage Drinking
Social Host Ordinance Could Make Grown-Ups Think Twice

Social Host defined

SocialHostLiability.org



- The definition of a Social Host varies from state to state, but generally a social host is one who:
 - Furnishes alcohol as an act of hospitality with no motive of pecuniary gain (is not a commercial enterprise, such as a bar or restaurant)
 - Has no special relationship, such as an employer, with the guest
 - Serves alcohol or condones the consumption of alcohol on property that the host controls. For example, in Massachusetts, simply allowing the consumption of alcohol is sufficient.
 - The property is often a home, but it can also be a hotel room, beach, boat, or any other property over which the host has control.

The basics of providing

- Sale of alcohol to minors
 - The act occurs when an individual provides alcohol to a minor for consideration (financial or other item of value)
- Delivery of alcohol to a minor
 - The direct providing of alcohol to a minor without consideration (no payment)
- Adult Responsibility
 - An individual makes alcohol available to a minor without control. Alcohol is available and there are no controls in place to prevent the minor from obtaining the alcohol.
- Social Host
 - As described, serves alcohol or condones the consumption of alcohol on property that the host controls.

Applicable Illinois Law



- **Public Act 097-1049** (235 ILCS 5/6-16) (from Ch. 43, par. 131)
 - (a-1) It is unlawful for any parent or guardian to knowingly permit his or her residence, or any other private property under his or her control, to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have knowingly permitted his or her residence, or any other private property under his or her control, to be used in violation of this Section if he or she knowingly authorizes, enables, or permits consumption of alcoholic liquor by underage invitees. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500. Where a violation of this subsection (a-1) directly or indirectly results in great bodily harm or death to any person, the person violating this subsection shall be guilty of a Class 4 felony. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service in observation of a religious holiday.

Applicable Illinois Law



- **Public Act 097-1049** (235 ILCS 5/6-16) (from Ch. 43, par. 131)
 - (c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly authorizes or permits a gathering at a residence which he or she occupies to be used by an invitee of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply: (1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and (2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act. ; and (3) the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

Applicable Illinois Law



- **Public Act 097-1049** (235 ILCS 5/6-16) (from Ch. 43, par. 131)
 - The sentence of any person who violates this subsection (c) shall include, but shall not be limited to, a fine of not less than \$500. Where a violation of this subsection (c) directly or indirectly results in great bodily harm or death to any person, the person violating this subsection (c) shall be guilty of a Class 4 felony. Nothing in this subsection (c) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service in observation of a religious holiday. A person shall not be in violation of this subsection (c) if (A) he or she requests assistance from the police department or other law enforcement agency to either (i) remove any person who refuses to abide by the person's performance of the duties imposed by this subsection (c) or (ii) terminate the activity because the person has been unable to prevent a person under the age of 21 years from consuming alcohol despite having taken all reasonable steps to do so and (B) this assistance is requested before any other person makes a formal complaint to the police department or other law enforcement agency about the activity.

Local Ordinances

- Many Communities have enacted local social host ordinances with varying types of sanctions depending on local authority
 - Criminal – Usually a misdemeanor violation with possibility of jail and or a fine. Under certain conditions may also be a felony.
 - Civil / Cost recovery – Typically includes a fine with increasing penalties for subsequent violations and allows for the recovery of costs of emergency service to respond to and handle the call. May also referred to as a nuisance party ordinance.

Local Ordinances - Criminal

- Wright Co. MN Section 5. Prohibited Acts.
 - It is unlawful for any person(s) to host or knowingly allow an event or gathering to take place at any residence, premises, or on any other private or public property in Wright County under the following circumstances:
 - where alcohol or alcoholic beverages are present; and
 - the person knows or reasonably should know that an underage person will or does:
 - consume any alcohol or alcoholic beverage; or
 - possess any alcohol or alcoholic beverage with the intent to consume it; and
 - the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
 - A person is criminally responsible for violating Section 5 of this ordinance if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.
 - A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Local Ordinances - Civil/Cost Recovery

- **Round Lake Park IL - 139.07 - SOCIAL HOSTING RESPONSIBILITIES AND REQUIREMENTS**
 - **(E) *Fines; penalties:***
 - (1) Any Person who violates or assists in the violations of any provision of this Section shall be deemed to have committed a petty offense and shall be fined not more than \$750 for each such violation.
 - (2) Each day on which, or during which, a violation occurs shall constitute a separate offense.
 - (3) *Any person who violates this Section shall be liable for the cost of providing enforcement services in response to a party in which underage persons have possessed or consumed alcoholic beverages. Such costs shall include reasonable attorney's fees in the event of litigation.*
 - **(F) *Civil liability for negligence:*** Pursuant to 740 ILCS [58/1](#), et seq., a person who violates this Section and who serves alcoholic beverages to an underage guest may be held liable for injuries sustained by third parties, including, but not limited to, village law enforcement personnel or law enforcement personnel of other jurisdictions, as a result of the underage guest's negligence.

Why social host ordinances

2010 Youth Survey

- Any Social Source
 - Data not compiled
- From a friend
 - 60.8%
- At a party
 - 58.8%
- From an adult (non parent)
 - 35.9%

Data from state wide youth survey and only evaluated students from the 12th grade.

2012 Youth Survey

- Any Social Source
 - 89.34%
- From a friend
 - 76.67%
- At a party
 - 71.5%
- From an adult (non parent)
 - 36.5%

Statewide report not yet complete. Data from 6 random counties participating in the youth survey and only evaluated students from the 12th grade.

Social Host in the college environment



- Expectation that partying is part of the college experience
- Some look at this as a means to help cover their costs of college (tuition or rent parties)
- Social experiences expanded through the available alcohol
- Easy access to “adult” providers

Enforcement Strategies

- Strategies addressing social host
 - Keg Registration / Keg Permitting
 - Controlled Party Dispersal / Party Patrol
 - Source Investigation
- Strategies that indirectly impact social host
 - Shoulder tap
 - Special event permitting
 - Monitoring social media

Enforcement Strategies

- Keg Registration
 - Ties directly to source investigation as it identifies the purchaser of the keg
 - Adult responsibility sign-off educates the purchaser as to their responsibilities
- Keg Permitting
 - Requires a local permit be issued under certain conditions (multiple kegs, attendance)
 - May require meeting with local officials to assure compliance with the law
- Follow the keg enforcement
 - Monitors keg selling location for violations of permitting.
 - Addresses the illegal party before it starts.

Enforcement Strategies

- Controlled Party Dispersal (reactive)
 - **The premise is to:**
 - Dedicate appropriate, available resources
 - Contain the party participants
 - Effectively control their release
 - Minimize liability
 - **Enforcement is used as an education tool to:**
 - Properly manage the incident
 - Involve the parents
 - Discourage underage drinking

Enforcement Strategies

- Party Patrol (proactive)
 - Focus is on events that are unruly or charging for admission or charging for the alcohol.
 - Addresses laws/ordinances related to nuisance parties
 - May use youthful appearing officers and/or minors to attempt to gain legal entry into the event.
 - If illegal activity is detected, uniform enforcement / controlled party dispersal may take place

Enforcement Strategies

- Controlled Party Dispersal
 - **The premise is to:**
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 - **Enforcement is used as an education tool to:**
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Enforcement Strategies

- Source Investigation
 - Used in cases where minors have gained access to alcohol
 - Especially important when minor is injured or killed as a result of accessibility to alcohol.
- Place of last drink data
 - Provides information to target sources of alcohol
 - Allows for community education and builds community support to address those problem locations

Enforcement Strategies

- **Shoulder Tap**
 - **Designed around enforcement at or near locations selling alcohol for off premise consumption**
 - **Addresses youth who solicit adults and adults who are willing to purchase alcohol for youth**
 - Adult decoy – unknowing minors solicit undercover to purchase alcohol for them
 - Youth decoy – minor decoy approaches adult and asks for the adult to purchase alcohol for them
 - Minors clearly scripted to avoid issues of entrapment
 - Enforcement action cleared by prosecution prior to being conducted

Enforcement Strategies

- Event permitting
 - **Communities have ordinances for large gatherings**
 - Allows for guidance on crowd control, alcohol control, noise and safety
 - Allows for location inspections for occupancy and fire code
 - **Enforcement focuses on locations having large gatherings without permits**

Barriers to enforcement

- Not a high priority
 - In some cases these investigations are looked at as more a civil problem
- Uncooperative participants
 - Unwillingness to turn over their source (friend)
 - Parents obstruct the investigation by telling kids not to talk or prevent access
- Lack of physical evidence

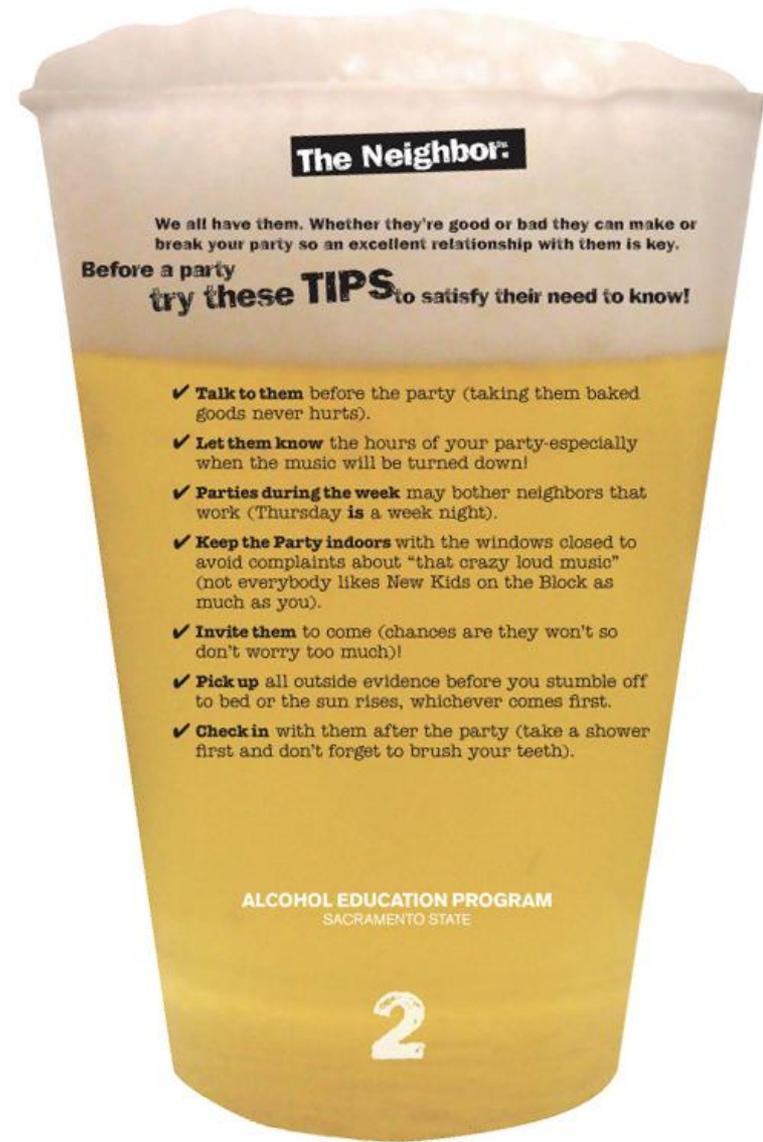
Education programs

- Many state and local coalitions have developed social host awareness and educational programs



Education programs

- Community awareness
 - Focused on the consequences of hosting
 - Defines the behavior
 - Provides sanctions for providing / hosting
- Education
 - Not only provides consequences but:
 - Provides tips on being a good neighbor / host
 - Emphasizes safety and provides important tips
 - Addresses intoxication and how to handle these issues
 - Encourages compliance with laws and directs host to permitting requirements



The Neighbor.

We all have them. Whether they're good or bad they can make or break your party so an excellent relationship with them is key.
Before a party try these **TIPS** to satisfy their need to know!

- ✓ **Talk to them** before the party (taking them baked goods never hurts).
- ✓ **Let them know** the hours of your party-especially when the music will be turned down!
- ✓ **Parties during the week** may bother neighbors that work (Thursday is a week night).
- ✓ **Keep the Party indoors** with the windows closed to avoid complaints about "that crazy loud music" (not everybody likes New Kids on the Block as much as you).
- ✓ **Invite them** to come (chances are they won't so don't worry too much)!
- ✓ **Pick up** all outside evidence before you stumble off to bed or the sun rises, whichever comes first.
- ✓ **Check in** with them after the party (take a shower first and don't forget to brush your teeth).

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Your Guests:

When throwing a party
try these **TIPS**

- ✓ **Minors CANNOT DRINK** (serve a minor and it's on you and we don't think you want to pay the hefty \$1000 fine). If alcohol is going to be served, everybody needs to be 21 or over.
- ✓ **Know your guests.** Only invite people you know and trust. That weird guy that nobody knows sleeping on your couch might not be such a good idea, and could be hard to get rid of.
- ✓ **Keep the size reasonable** (200+ people not so reasonable).
- ✓ **Don't let anyone leave alone** Special Tip: ABC (Alcoholic Beverage Control) now has a new program called TRACE (Target Responsibility for Alcohol Connected Emergencies). The purpose of the program is to investigate accidents or incidents involving alcohol and underage individuals. The person found to have supplied the alcohol to them will be prosecuted.
www.abc.ca.gov/programs/trace.pdf.
- ✓ **Lock all rooms** you don't want people going into and keep valuables in a safe place—you don't want someone walking away with your favorite 'N Sync CD!
- ✓ **Don't encourage drinking games**—they can get loud and DANGEROUS.

Remember:

You can be held accountable for the actions of your guests both while they're at the party and afterwards!

Alcohol Poisoning:

Your Momma always told you
“**SAFETY FIRST**”!!

- ✓ **Provide non-alcoholic beverages and FOOD** during your party (Jello Shots and breath mints don't count as food) P.S.: **foods high in fat and protein are best before and while drinking!**
- ✓ **Know the symptoms** of alcohol poisoning and how to get help

SYMPTOMS:

- + **Person is unconscious** (passed out) or semiconscious (or walking around with your lampshade on their head).
- + **Person cannot be woken up** Note: Someone needs to stay with your friend when they say that they're gonna go “pass out”.
- + **Cold, clammy, pale, or bluish skin.**
- + **Breathing is slow** and irregular.
- + **Person is unconscious** and breathing less than 10-12 times a minute (I know it's hard to count when you've been drinking but this is really important).
- + **Ten seconds** or more between breaths
- + **Vomiting while sleeping** or passed out and not waking up (if your friend goes to sleep have them lie on their side A: they could choke if they're on their back, and B: Vomit tastes horrible.)

** If a person is suffering from any one of these acute alcohol poisoning symptoms without immediate medical attention he or she may be at risk of dying or suffering severe brain damage

****CALL 911 FOR HELP****

What's worse, someone busting up your party or someone dying?

Alcohol Poisoning:

WHAT TO DO and HOW TO GET HELP if someone is SUFFERING from ALCOHOL POISONING

- + **CALL 911 immediately**- your friend's life may depend on it.
- + **Don't** leave the person alone.
- + **Turn the person on his or her side** to prevent choking on vomit (buy carpet cleaner, 'cause you know your carpet will be nasty after the party anyway).
- + **It is always better to be safe than sorry**. A cold shower to sober them up = **BAD IDEA**. The shower is slippery enough when your sober!
- + **Focus** on your friend's health, not on keeping them or you out of trouble.
- + **Do not** give them anything to eat or drink.

DON'T leave the person alone.

FYI: If you think that your friend could have alcohol poisoning **CALL 911** they will send an EMT out to assess the victim for **FREE!**

\$\$\$:

We're all poor, starving college students, but somehow we always scrape up some funds when we want to drink, right? Well, we may not always have \$\$ for the fines associated with the misuse of alcohol and the activities associated with it.

FYI:

FINES & REQUIREMENTS*

	Possible Fine	Additional Requirements
Fake ID	\$250-1,000	32 hours-6 months in jail
MIP (minor in possession)	\$250	One year loss of license
Purchase for a minor	\$1000	24-32 hours of community service
Charging people to drink	\$500	Court Fees + loss of all alcohol
DUI fine	\$480	1 hour in handcuffs
Tow and storage of vehicle	\$187	4 hours in jail
Court assessment fee	\$816+	2 days freeway trash pick up
DUI victim fund	\$100	15 weeks of alcohol classes
Alcohol education class	\$50	2 days at DMV
Increase in insurance	\$2700	3 years probation
Cost of saving a life	Priceless	Never drink and drive

*Partial list.

Got Drunk?

RESPONSIBLE Alcohol consumption

- ✓ **Responsible** alcohol consumption is drinking no more than one alcoholic beverage per hour.

One 12 oz. beer, one 5 oz. glass of wine, or one mixed drink that has only one 1 oz. shot of alcohol in it, is considered one drink.

- ✓ **Alternating** non-alcoholic and alcoholic beverages will make the next morning much easier.
- ✓ **Drink on a full stomach**, and have food available while you drink - who doesn't like chips 'n salsa?
- ✓ **Avoid** letting others handle your drink and don't leave it unattended.
- ✓ **Use your sober designated driver** to get home (That doesn't mean the least drunk person)
- ✓ **Drink Moderately.** Get a good buzz on, then ride it out and enjoy. You'll love it, everybody around you will love it, and most importantly you won't wake up with the dreaded hangover AND you won't be the topic of everybody's morning conversation.

So your neighbor called the POLICE? Don't panic- just follow these simple guidelines:

- ✓ **Answer the door**—yeah yeah, it sounds scary but you'll be better off in the long run.
- ✓ **Do what they tell you**, i.e. if they tell you to turn down the music, DO IT! (if you don't they can and will confiscate your stereo, and we all know that going without The Backstreet Boys could be a real tragedy).
- ✓ **The party's over**—if they tell you to end the party- END IT! There are 365 days in the year. We promise there will be more parties!

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IMPORTANT PHONE NUMBERS:

Emergency.....	911
Sacramento City Police (Non Emergency).....	264-6471
Sac State Campus Police (Non Emergency).....	278-6861
Sac County Sheriff (Non Emergency).....	684-2000

NEED A RIDE?

NEED A RIDE?

ASI Safe Rides	1-800-GO-4-CSUS (Thur-Sat 10pm-3am)
Designated Drivers (Fri-Sat 10pm- 2am).....	336-6666
Taxi Cab Service (National Dispatch Service)1-800-TAXICAB	

THE DAY AFTER:

THE DAY AFTER:

CSUS Student Health Center.....	278-6461
CSUS Women's Resource Center.....	278-7388
CSUS Psychological Counseling Services	278-6416
Planned Parenthood	1-800-230-PLAN

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Social Host

- Underage drinking is an adult problem
- While we can focus on the youth, a greater impact may be possible by holding the providers more accountable.
- Benefits include more awareness of the issues of youth access and cost recovery to local agencies involved in the enforcement of these laws.

Presenter

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