

Social Host Ordinance FAQs

Q. Why is a Social Host Ordinance being proposed?

A. Mille Lacs County residents care deeply about the health and safety of local youth. Most youth are making healthy choices and avoiding alcohol use, however it remains the most commonly used substance by Mille Lacs County youth. Access to alcohol from parties is the primary way Mille Lacs County youth are obtaining alcohol. 46.1% of 11th grade students who reported consuming alcohol in the past 30 days said they obtained the alcohol from parties (2013 Minnesota Student Survey). Underage use of alcohol has many adverse individual, social, and economic impacts on a community. Law enforcement reports it is often difficult to determine the actual provider, but often times there is someone who knowingly hosts, allows, or provides a venue for this illegal activity. Communities have found that imposing criminal responsibility on social hosts has a deterrent effect and reduces the number of underage drinking parties.

Q. What is the Social Host ordinance?

A. The Social Host ordinance would hold individuals (social hosts) criminally responsible for hosting or allowing a party, on public or private property, where persons under the age of 21 possess or consume alcohol, regardless of who supplied the alcohol to the minors.

The Social Host Ordinance would apply to situations where the social host knows or reasonably should know that alcohol is being possessed or consumed by persons under the age of 21 at their residence or premises or at any event they host, whether on public or private property AND the social host fails to take reasonable steps to prevent possession or consumption by those under the age of 21. Exceptions include:

- Individuals cannot be charged if they did not know about the underage drinking party.
- Parents cannot be charged for allowing or permitting alcohol use by their *own* child while present in their own household.
- This ordinance does not apply to legally protected religious observances.
- This ordinance does not apply to licensed liquor-serving establishments, which are already covered by MN Statute 340A.503.
- Individuals cannot be charged if they take steps to prevent the underage drinking once they realize it is occurring.
- Individuals cannot be charged if the person under the age of 21 sneaks alcohol that is available for adults at a party.

Q. I want young people to be safe. Isn't it better to provide a place for minors to drink if they're going to do it anyway?

A. No. The majority of parents do not allow underage drinking; however, some believe it is better and safer for their minor and friends to drink at home as long as they take their car keys away. For many reasons, this isn't safe and undermines other parents and young people. First, many students want to avoid alcohol. Hosting an underage drinking party makes access easy and puts pressure on young people to drink. Allowing underage drinking undermines the parents of minors, who probably are not aware of or would disapprove of their son/daughter drinking. It is always illegal for those under 21 to possess and consume alcohol and there are numerous other hazards besides drinking and driving. There are risks involved with violence, brain development, high-risk sex, other drug use, alcohol poisoning, homicide, suicide, and infinite other possible injuries, including death. All parents and concerned adults need to send a consistent message that underage alcohol use is illegal and dangerous. Underage drinking is not a rite of passage into adulthood.

Q. How many communities in MN have Social Host Ordinance?

A. At least 112 cities and 26 counties have adopted a Social Host Ordinance.

Q. Isn't it already illegal for kids to drink alcohol? Don't existing state laws cover this?

A. It is illegal for minors, under 21, to purchase, attempt to purchase or use alcoholic beverages. Many think that social hosting is covered under the "contributing to the delinquency of a minor" law. However, there are loopholes in this law that the Social Host Ordinance would address.

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Q. Can a “Social Host” be under the age of 21?

A. Yes. Any adult or juvenile could be a social host.

Q. Can law enforcement enter my house without permission?

A. The social host ordinance does not increase law enforcement’s ability to enter someone’s home or property.

Q. Will this violate my property rights?

A. The social host ordinance does not increase law enforcement’s ability to enter someone’s home or property.

Q. Does a Social Host Ordinance make it illegal for parents to give alcohol to their own children?

A. No. This ordinance is designed to address social gatherings where underage drinking is occurring by teens, often being served by a host who is not their parent.

Q. Does the city or county have the authority under state law to adopt a Social Host Ordinance?

A. Yes. MN Statute 145A.05, subdivision 1 vests a city or county board with the authority to adopt ordinances to regulate actual or potential threats to public health unless such ordinances are preempted by, in conflict with, or less restrictive than standards in state law or rule.

Q. If a county adopts a Social Host Ordinance, is it enforceable within incorporated areas (cities)?

A. It is enforceable within incorporated areas only if the cities adopt an ordinance.

Q. Who will enforce the ordinance and what are the penalties?

A. If enacted, the ordinance would be enforced by the Mille Lacs County Sheriff’s Department and any other licensed peace officer with jurisdiction in the areas covered by the ordinance. Violation of the ordinance will be a misdemeanor subject to a maximum penalty of 90 days in jail and/or a \$1,000 fine.

Q. Will I be held responsible if I am away for the weekend and my kids have a party at my home or if someone under the age of 21 sneaks beer out of my refrigerator or cooler?

A. No. Under the proposed ordinance, individuals will not be held criminally responsible if they did not know about the party. If an individual knew about the party, knew that underage drinking was occurring and did nothing to prevent it, they will be held responsible. Individuals will not be held criminally responsible if a person under the age of 21 sneaks alcohol that is available for adults at a party unless the individual indicates that it is OK for the underage person to do so.

Q. I own several hundred acres in Mille Lacs County for farming or hunting. If youth trespass on my property to party, could I be charged under this ordinance?

A. No. Under the proposed ordinance, individuals will not be held responsible if they did not know about the party. If an individual knew about the party, knew that underage drinking was occurring and did nothing to prevent it, they will be held responsible.

Q. I own a bar in Mille Lacs County. A minor who was not served by our staff sneaks alcohol that was served legally to someone over 21. Could I be charged under this ordinance?

A. No. This ordinance does not apply to liquor-serving establishments, so you could not be charged under this ordinance. This is already covered under MN Statute 340A.503.

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Q. What happens if I find underage drinkers at a party I'm hosting?

A. If you discover that underage people are drinking at your party, ask them to stop. If they refuse, you may have to call the Sheriff's Department. You are not in violation of the ordinance if you ask for help from them immediately.

Q. What if I'm upstairs sleeping and my child and his friends sneak booze into the house. Am I responsible?

A. No. Under the proposed ordinance, individuals will not be held responsible if they did not know about the party. If an individual knew about the party, knew that underage drinking was occurring and did nothing to prevent it, they will be held responsible.

Q. If I host a party where alcohol is served, how can I avoid breaking the law?

A. It's simple. Don't allow minors to drink alcohol. A host must take "reasonable" steps to prevent consumption of alcohol by anyone under the age of 21. Those steps include:

- Control access-keep alcohol away from minors at your party
- Control quantity-Don't buy so much you lose track of who has what
- Verify age-you have a responsibility to know how old everyone is at your party
- Supervise the activities of minors in attendance and ensure they are not drinking.

If a social host fails to take reasonable steps to prevent alcohol possession or consumption by the underage person or persons on property they control, they could be found in violation of the ordinance.

Q. I'm an organizer of a community event. If underage drinking occurs at this event, will I be held responsible?

A. No. The event organizer will not be held responsible under this ordinance unless he/she knew about the underage drinking and did nothing to stop it once they knew it was happening.

Q. Will I be held responsible if I'm out of town and told my teens not to throw a party?

A. No. Under the proposed ordinance, individuals will not be held responsible if they did not know about the party. If an individual knew about the party, knew that underage drinking was occurring and did nothing to prevent it, they will be held responsible.

Q. Are there exceptions for graduation parties or other celebrations?

A. No.

Q. What if I just "don't know" what my kid was doing with his/her friends

A. A person is only responsible if he/she knows or reasonably should know that the minor has obtained, possesses, or is consuming alcoholic beverages.

Q. How does a Social Host Ordinance help reduce and prevent underage drinking parties?

A. A Social Host Ordinance acts as a deterrent, making parents and community members aware of the consequences of underage drinking and more active in preventing it from happening. These laws also provide law enforcement with a tool for responding to parties where underage drinking is occurring and reinforces a clear community message that underage drinking is unacceptable.

Q. Who supports enacting a Social Host Ordinance?

A. In 2012, a survey of Mille Lacs area community members revealed MOST respondents would support a Social Host Ordinance. A 2013 an Onamia parent survey revealed similar findings. In 2014, a similar survey was taken by the Mille Lacs County law enforcement in **100%** of respondents agree their community should adopt a Social Host Ordinance. This ordinance is also endorsed by community coalitions, Public Health, County Attorney's office, local law enforcement, parents, and youth.