

What you should know about the San Diego's Social Host Ordinance

Q: What is a Social Host Ordinance?

A: A local law that makes it illegal to provide an environment where underage drinking takes place, regardless of who provides the alcohol.

The social host ordinance does not make it against the law to furnish alcohol to individuals under the age of 21. THAT IS ALREADY ILLEGAL. The ordinance makes it illegal to provide an environment where underage drinking takes place, regardless of who provides the alcohol.

Q: What is a “Social Host?”

A: Under San Diego's ordinance, a “Social Host” is a person who permits or allows a gathering where one or more minors consume one or more alcoholic beverages on property owned or controlled by the person.

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

A: Yes.

Q: How is “gathering” defined in the San Diego Social Host Ordinance?

A: “Gathering is a party, gathering, or event, where a group of THREE or more persons have assembled or are assembling for a social occasion or social activity.”

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

A: Simple. Don't allow minors to drink alcohol.

By law, 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 by checking IDs.

Supervise –You MUST supervise the activities of minors in attendance and ensure they're NOT drinking.

If the 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: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 San Diego Police Department.

Q: How are social host ordinances enforced? What are the penalties?

A: When local police personnel respond to an event where underage people are gathering, and through the normal course of an investigation they are able to determine that underage alcohol consumption exists, the individual host of the social event can be issued a citation and charged with violating San Diego's social host ordinance.

A social host does not have to be 21 years of age to be in violation of the law. A social host violation may be prosecuted by the City of San Diego, criminally, civilly and/or administratively as provided by the Municipal Code. Moreover, a social host can also be liable for the cost of responding law enforcement services too.

Furthermore, according to California state law, violators may also be held liable for injuries sustained by third parties as a result of the minor guest's negligence.

Lastly, the minor who consumes alcohol at the party could receive a minimum \$100 fine on the first offense as well as other penalties listed above.

Q: How many individuals can receive a citation for each gathering?

A: One or more hosts can be cited for the unlawful gathering, if there is evidence of multiple hosts. Minors not hosting the party but who consume alcohol could be cited for drinking alcohol at the party too.

Q: Will the citations go to the property or the individual host?

A: The individual host(s).

Q: How is the San Diego Social Host Ordinance different than laws that already exist?

A: Under current laws it is illegal to furnish alcohol to individuals under the age of 21.

However, in a party setting, it is often difficult or impossible to identify who provided the alcohol. Therefore, the San Diego Social Host Ordinance assigns responsibility to those who knew or should have known that a party involving underage alcohol consumption was occurring on their property.

Q: Why does this ordinance target parties that occur on private residences and premises?

A: Parties and gatherings on private property have repeatedly been identified as the primary source by which youth obtain alcohol. Youth obtain alcohol at parties through friends, older siblings or adults.

Q: If I go away on vacation and my child hosts an underage drinking party, am I responsible?

A: Under the San Diego Social Host Ordinance, parents are not criminally responsible for hosting the party if they are not at home and their child(ren) hold a drinking party without their knowledge. A teen or other person in control of the house could be cited criminally for hosting the party in addition to possessing alcohol.

This law doesn't change existing civil laws under which adults can be held fiscally responsible for injuries or other consequences that occur regardless of whether they are present or not.

Q: Will I be held criminally responsible if my child hosts a party at my home where underage drinking takes place without my knowledge?

A: Parents may not be held responsible if they did not know about the party. However, under California State law, they could be sued in civil court for their child's actions.

Q: If I'm upstairs sleeping and my child sneaks booze into the house, am I responsible?

A: Adults who knowingly allow underage alcohol use on their private property will be held responsible. If an adult is not aware that an underage person brought alcohol onto the property or if the underage person is concealing the alcohol, that adult will not be held responsible.

Q: What if underage drinkers are trespassing on my property?

A: The provisions of this ordinance shall not apply in the case of a party or gathering consisting entirely of people trespassing on the premise or residence.

Q: If all youth are going to drink anyway, isn't it better to "take the keys" and provide them a safe place to do so?

A: No. Driving drunk is not the only negative outcome of underage drinking. Drinking parties often involve binge drinking (5 or more drinks on one occasion) which greatly increases the risk of alcohol poisoning, accidents and injury, motor vehicle crashes, mixing alcohol with other drugs, violence, sexual abuse and the practice of unsafe and unprotected sex.

Q: If my child is arrested and found guilty, will this go on his/her permanent record?

A: Anyone over the age of 18 found guilty of being a social host or of being a minor guest who has consumed alcohol will have that conviction on their criminal record.

Q: Why should I care about social host ordinances?

A: 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.

The San Diego Social Host Ordinance can help reduce alcohol harm, crimes and costs attributed to underage drinking.