

Social Host Laws & Ordinances

Youth Access Alcohol at Parties

Alcohol is the most commonly used substance among youth, and most underage drinkers get alcohol socially from parties and friends.

In Texas, 55.7% percent of middle and high school students report getting alcohol at parties and over a third of high school seniors (38.9%) say alcohol is most of the time or always used at parties they attend (DSHS, 2016). Among underage Texas college students, 70% obtained alcohol from a friend who was over 21, 49% obtained alcohol from a parent or relative, and 35% obtained alcohol from a friend who was also under 21 (DSHS, 2017).

Youth underage drinking parties commonly occur at homes of family or friends. The adults may be away from home, at home and unaware of the underage drinking, or, in some cases, at home and allowing the underage drinking, possibly even providing the alcohol.



Social Host Ordinances Reduce Underage Drinking

A social host is an individual who provides alcohol to minors in a home or other private property and/or is responsible for the property where underage drinking occurs.

A local social host ordinance is a local law that holds adults liable for underage drinking on their property and/or for providing alcohol to minors. Communities across the country have begun to pass such ordinances to ensure the health and safety of youth. A social host ordinance is a prevention tool designed “to stop parties where binge drinking is occurring by creating adult accountability without necessarily elevating the offense to the misdemeanor level that can carry a penalty of jail time” (An Issue Briefing: The Petaluma Social Host Ordinance).

Why the Concern for Underage Drinking Parties?

Limited or no supervision combined with heavy drinking creates an unsafe environment where problems beyond drinking and driving occur such as:

- Violence and assaults
- Binge drinking and alcohol poisoning
- Sexual assault
- Unwanted or unplanned sexual activity
- Combination drug use
- Property damage and vandalism

Recommended Components of a Social Host Ordinance for Texas Communities:

Civil Penalty – A financial penalty imposed by a government agency. Civil penalties are more easily enforced than criminal penalties because they require a lower burden of proof.

Cost Recovery – A cost recovery component allows police, fire departments, and other emergency services to recover the costs incurred from responding to underage drinking parties, typically after responding two or more times to the same location. This ensures that public safety departments do not shoulder the financial burden of enforcement.

Due Process – Social host ordinances must allow for due process in order to ensure fairness and respect individuals’ legal rights. Citizens must be able to appeal a social hosting penalty through the legal system.

Nuisance Violation – A social host ordinance categorizes parties where underage drinking occurs as a public nuisance and supports law enforcement who routinely have to respond to calls regarding loud and/or unruly parties where underage drinking occurs.

Parents and Parties

Some parents may allow underage drinking parties because they think it keeps their kids safe and prevents them from driving. However, along with the consequences listed on the previous page, studies show that youth who drink at home are more likely to binge drink outside of the home (McMorris et al 2011). Additionally, starting to drink at an early age is linked with a higher risk of alcohol dependency (Hingson, Heeren, & Winter, 2006)

Current Texas Law

Texas has a strong statewide law – the Furnishing Alcohol to a Minor law – which states that giving alcohol to minors is a Class A misdemeanor, just one degree below a felony. Punishment includes up to \$4,000 in

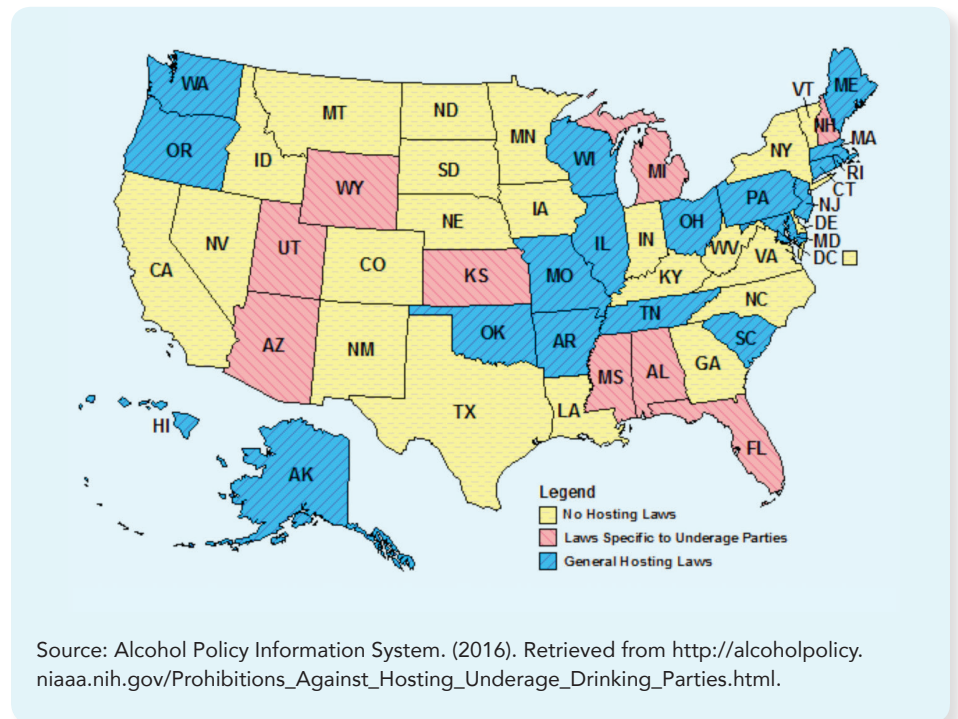
fines, up to one year in jail, and an automatic 180-day suspension of the offender’s driver’s license. Additionally, an adult can be sued for damages if they knowingly serve, provide, or allow alcohol to be served to a minor on premises they own or lease. These laws are often difficult to enforce. Local civil social host ordinances are more easily enforced and serve as a tool to reduce underage drinking.

Do Social Host Ordinances Work?

- Research indicates that social host laws are among the most effective and recommended ways to reduce underage and risky drinking (Thomas et al, 2012).
- In the first national study of social host liability, such liability was found to reduce self-reported heavy episodic drinking and drinking and driving (Stout et al., 2000).
- Social host ordinances are considered a “promising practice” because existing evidence shows they are effective at reducing underage drinking, although more research is needed to strengthen these findings (Nelson, et al., 2013).
- Communities that implement social host ordinances often describe a positive impact. For example, the San Diego Police Department reported a reduction in home party calls around San Diego State University when their social host ordinance went into effect (An Issue Briefing: The Petaluma Social Host Ordinance).

6 Texas Cities Have Passed Social Host Ordinances

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References

- 1) Department of State Health Services. Texas Survey of Substance Use among College Students, 2017.
- 2) Department of State Health Services. Texas School Survey of Substance Use among Students, Grades 7-12, 2016.
- 3) Health Community Consortium. An Issue Briefing: The Petaluma Social Host Ordinance. Vol. 1, Issue 2, Summer, 2006.
- 4) Hingson RW, Heeren T, & Winter MR. Age of alcohol-dependence onset: associations with severity of dependence and seeking treatment. *Pediatrics*, 118, 2006.
- 5) McMorris BJ, Catalano RF, Kim MJ, Toumbourou JW, Hemphill SA. Influence of family factors and supervised alcohol use on adolescent alcohol use and harms: similarities between youth in different alcohol policy contexts. *Journal of Studies on Alcohol and Drugs*, 72, 418-428, 2011.
- 6) Nelson TF, Xuan Z, Babor TG, Brewer RD, Chaloupka FJ, Gruenewald PJ, Holder H, Klitzner M, Mosher JF, Ramirez RL, Reynolds R, Toomey TL, Churchill V, Naimi TS. Efficacy and the strength of evidence of U.S. alcohol control policies. *American Journal of Preventive Medicine*, 45(1), 2013.
- 7) Stout EM, Sloan FA, Liang L, Davies HH. Reducing harmful alcohol-related behaviors: effective regulatory methods. *Journals of Studies on Alcohol and Drugs*, 61(3), 2000.
- 8) Texas Alcoholic Beverage Code § 106.6: Purchase of Alcohol for a Minor ; Furnishing Alcohol to a Minor.
- 9) Thomas S, Paschal MJ, Grube JW, Cannon C, Treffers R. Underage alcohol policies across 50 California cities: an assessment of best practices. *Substance Abuse Treatment, Prevention, and Policy*, 7, 2012.