



San Luis Obispo County Drug and Alcohol Advisory Board

Social Host Ordinance Position Statement Adopted January 15, 2009

Social host liability laws are designed to hold people accountable for allowing underage drinkers to drink on their property, without regard to who furnishes the alcohol. Social host ordinance laws focus on the setting in which the drinking is taking place rather than on who furnishes the alcohol.

The San Luis Obispo Police Department is currently reevaluating and making proposed changes to the current Social Host Ordinance. The current ordinance was established in 2001. The current threshold for violation is very high. It defines an enforceable infraction as a gathering which has 5 or more persons under 21 present and of whom 3 or more are consuming alcohol. The fines for such infractions are \$360 for a first offense, \$460 for a second offense and \$860 for a third or more offense within a one-year period.

The new revised Social Host Ordinance is intended to ensure that anytime there was a gathering and underage drinking was present the “host” could be held liable for any negative outcomes that may result. Significant changes to the ordinance that have been drafted include lowering the threshold from “5 or more persons present AND 3 or more consuming alcohol” to 3 or more minors present and 1 or more consuming alcohol. This in essence creates a zero-tolerance policy, which would allow for no underage drinkers onsite and would allow the police to fine the “host” if even one underage drinker is present. Changes also call for increasing the punishment from an infraction with fines only to a misdemeanor, increasing the fines and allowing for criminal citation. This board fully supports an increase in fines that are consistent with the fines of similar sized cities with universities. Examples of fines from university cities range from \$500 for a first offense up to \$5,000 for a third offense.

The City of San Luis Obispo is the home of California Polytechnic State University, Cal Poly, a nationally ranked, four-year, public university with over 19,000 students enrolled. It is with young students like these in mind that we must consider whether it is prudent to revise the current social host ordinance; whether we must increase the role of personal responsibility to persons holding parties that furnish alcohol to underage drinkers. We must make the decision about the value of young lives and what we are willing to do, as a community, to protect those lives.

That said, it is the position of this board, and it is the recommendation to the San Luis Obispo County Board of Supervisors and to the cities of San Luis Obispo County, to support and approve the changes to the Social Host Ordinance proposed by the San Luis Obispo Police Department.