

City of El Segundo Social Host Ordinance

On September 18, 2018, the El Segundo City Council approved a new Social Host Ordinance (SHO).

Here are some answers to commonly asked questions on what the SHO is and what it entails:

Q: What is a social host ordinance?

A social host ordinance (“SHO”) is a local, city-specific law that holds individuals responsible for hosting or knowingly allowing a gathering to occur at which underage drinking or recreational marijuana use takes place. Venues for such gatherings include homes, hotel/motel rooms, and other private locations. The purpose of an SHO is to establish liability and serve as a deterrent to underage drinking and drug use.

Q: How is an SHO different than the laws that already exist regarding underage drinking and drug use?

State law makes it illegal to (1) provide alcohol to minors under the age of 21; (2) possess or consume alcohol in a public or commercial setting; and (3) possess marijuana for recreational use if you are under 21. The purpose of a social host ordinance is not to criminalize conduct which is already against state law, but to make it illegal to provide an environment where underage drinking or illegal drug-use takes place, regardless of who provides the alcohol or marijuana. Said differently, a social host ordinance assigns responsibility to those who knew or should have known that a party was occurring on their private property which involved underage drinking or recreational marijuana use.

Q: Did El Segundo really need an SHO?

The following statistics are pulled directly from El Segundo’s results for the California Healthy Kids Survey that was given to our students at ESMS and ESHS this year (2017-2018):

Alcohol consumption:

- For a substance that is not intended for minors, it has been found that consumption of alcohol to those under 21 increases with age.
 - In 7th grade, 4% of the students said they have drunk alcohol – that’s twelve 13-14 year old kids who have already experimented.
 - 51 students (or 17%) in 9th grade admitting to drinking at 15-16 years of age.
 - 27% (81 students) in 11th grade said that they had drunk alcohol.
- When asked if students had consumed alcohol within 30 days of taking part in the survey:
 - 7% of 9th graders ((23) 13-14 year olds) said that they’ve had 1 or more drinks of alcohol over the course of 1 or 2 days;

- 11% (33 students) of 11th graders indicated they had, while an additional 4% (twelve 16-17 year olds) said that they had been binge drinking for 1 or 2 days.

Marijuana consumption:

- The number of students at ESMS and ESHS who abstain from marijuana consumption decreases with age:
 - 3% of 7th graders have used marijuana,
 - this increases to 8% of 9th graders and
 - in 11th grade nearly 20%, about 50 students, have used marijuana.

The following speaks to the prevalence of illegal substances and its accessibility to minors:

- **How many times in the past 12 months have you been offered, sold or given an illegal drug on campus?**
 - In 7th grade 3% of the students have been approached on campus.
 - In 9th grade 13% were offered sold or given an illegal drug on campus and
 - in 11th grade, it increases to 20%.
- In the past 12 months 11% of the 7th graders stated that they had used drugs or alcohol.
 - This number increases to 18% of 9th graders
 - and increases even further to 30% of 11th graders. This is nearly 100 students in only 1 grade level that have used drugs or alcohol.
- What is the perceived difficulty of getting
 - Alcohol?
 - 29% of 7th graders said it was very easy or fairly easy.
 - 48% of 9th graders and
 - 34% of 11th graders agreed.
 - Marijuana?
 - 18% of 7th graders said it was very easy or fairly easy – that’s 55 students.
 - 42% for 9th graders (126 students) and
 - 55% for 11th graders (165 students)
 - What are the sources for alcohol?
 - At the 9th and 11th grade level, 37% and 45% of the respondents indicated that parties were sources for alcohol. This was the most common source for alcohol

Q: What is the goal of the ordinance?

The goal is to decrease underage drinking by reducing what research has shown is a primary source of youth access to alcohol- parties and gatherings in homes and other locations. Often at these events, underage drinkers obtain alcohol through older friends and adults. They encourage adults to avoid unsafe environments that foster high-risk, destructive behavior. They assist families in making healthy decisions and provide underage youth with support to avoid peer-pressure situations. They also give law enforcement a vital tool to prevent tragedy and address underage drinking locally. A study published in 2014 by the Journal of Studies on Alcohol and Drugs concluded that local policies which include strict liability and civil penalties

which are imposed administratively may be associated with less frequent underage drinking in private settings, particularly among adolescents who had already initiated alcohol use.

In El Segundo, the ordinance will do the following:

- Define “responsible person” as either a person in charge of the premises when the gathering occurs, or the person who organized the gathering. Under this definition, a “responsible person” includes persons of all ages, including those under the age of 21.
- Define “responsible adult” as a person 21 years of age or older who owns, rents, leases, or otherwise has control over the premises where the gathering occurs.
- Define a “gathering” as 3 or more individuals.
- Provide that a fine will be imposed when:
 - A responsible adult is present during a gathering where minors are consuming alcohol or marijuana;
 - A responsible person is present during a gathering where minors are consuming alcohol or marijuana and at least one of the minors is obviously intoxicated or under the influence of marijuana; or
 - A responsible person is present during a gathering where minors are consuming alcohol or marijuana and a warning for alcohol/marijuana use has been issued at the property within the last 12 months.
- Impose one fine per incident (where a fine is appropriate). For a first offense, the fine will be \$1,000. A second violation (within a 12-month period) carries a fine of \$2,000 and a third offense (within a 12-month period) carries a fine of \$5,000. These fines were set by City Council resolution.

The ordinance will **not**:

- Hold a social host liable for the cost of responding law enforcement services;
- Increase police authority to enter private property. Cities cannot enact a law that grants police officers with greater authority to enter a person's property than already exists under Federal law;
- Create the ability to double-fine. Depending on the circumstances, only the responsible adult or responsible person will be held in violation of the ordinance, not both;
- Regulate any premises licensed by the ABC;
- Regulate the possession or consumption of an alcoholic beverage in connection with a religious or cultural activity;
- Regulate any conduct protected by state law; or
- Penalize a responsible person who requests immediate assistance from law enforcement to remove violators or to terminate an unlawful gathering, or who requests immediate medical assistance related to marijuana use or alcohol consumption.

Q: Do SHOs work?

In communities where social host ordinances have been enacted, law enforcement officers report that the law is a useful tool in addressing underage drinking parties. The vast majority of citations for violations of social host ordinances are issued for first offenses. Over time, the passage of a social host ordinance results in fewer calls for service for law enforcement. Communities with social host ordinances have fewer large underage drinking parties.

Source: <http://www.chemicalpeople.org/socialhostordinance/>

California Healthy Kids Survey data for Thousand Oaks students demonstrated decreases in ease of obtaining alcohol since the implementation of the ordinance - 59% of 9th graders and 78% of 11 graders reported that alcohol is fairly or very easy to obtain in Fall 2007, as compared to 65% and 84% of 9th and 11th graders before the ordinance was passed. The majority of persons who received a Social Host violation have done so only once. That is, only 4% of violators were repeat offenders.

Q: Who supported a SHO in El Segundo?

Many residents and community members support the City's ordinance. This includes the ROAD (Reach Out Against Drugs) Organization, El Segundo Unified School District, El Segundo PTA Council, school administrators and teachers, law enforcement, health care providers, emergency responders, residents and community members.

Q: Where are SHOs being enforced?

Many states and local communities have enacted social host laws to reduce underage drinking in private settings, including:

- Manhattan Beach
- Palos Verdes Estates
- Hermosa Beach
- Rancho Palos Verdes
- Rolling Hills
- Rolling Hills Estates