

## Social Host Ordinances

### Frequently Asked Questions

This information is provided as a general resource for cities and counties considering adopting a Social Host Ordinance to combat underage alcohol consumption and should not be interpreted as legal advice.

- 1) If an event occurs at a residence and the property owners/parents are not present and had no knowledge of the event where alcohol was consumed by underage drinkers, would the owners/parents be criminally charged?**

*Answer: An ordinance can be written to make the owners/parents who were unaware of illegal alcohol consumption on their property while they were away from the residence not meet the definition of a host. However, an ordinance can be written to consider them a host if they are not present and it is identified that they supported the event by providing the alcohol or knew that the event was going to occur. Additionally, a family member of the property owner/parent who is at the event could be considered a host, regardless of their age.*

- 2) Can a parent be criminally charged if the parent allows their child to consume alcohol in the privacy of their own home?**

*Answer: A parent cannot be charged under a Social Host Ordinance if, in their presence, they allow their underage child to consume alcohol in their residence. Allowing someone else's child to do so would be illegal. The parent is responsible for the safety and actions of their underage child.*

- 3) Are there exceptions for graduation parties or other celebrations?**

*Answer: No.*

- 4) Doesn't Minnesota already have a Social Host Law?**

*Answer: Minnesota Statute 340A.503 subdivision 2 makes it unlawful for any person to provide alcohol to a person under age 21.*

*Minnesota Statute 340A.801, subdivision 6, allows only civil actions against a social host over the age of 21 who knowingly provides alcohol to someone under age 21. The courts have ruled that allowing a party at a home where the owners/parents knew minors would consume alcohol, or by not taking the alcoholic beverages away from the minors, or by failing to stop the party, does not fall within the meaning of providing or furnishing alcohol to minors. These failed actions, or loopholes, are the basis of the need for Social Host Ordinances.*

- 5) Does a city or county have authority under state law to adopt a Social Host Ordinance?**

*Answer: Cities and counties are not granted general police powers, but have statutory authority to adopt and enforce this type of ordinance per Minnesota Statute 340A.509. This section preserves the power of local government to impose further restrictions and regulations regarding the sale and possession of alcoholic beverages within its limits. Additionally, Minnesota Statute 145A.05, subdivision 1 vests a city or county board with 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.*

- 6) If a county adopts a Social Host Ordinance is it enforceable within incorporated areas (cities)?**

*Answer: The authority to permit and regulate the sale & consumption of liquor within a city commonly rests with the city council, since they are the licensing authorities. It is enforceable within incorporated areas only if the cities adopt an ordinance. The County Attorney's Office should be the primary source to obtain an official opinion on this issue.*