

**HB**

**118**

# Alaska State Legislature

**Senator Hollis French, Chair**  
State Capitol, Room 417  
Juneau, Alaska 99801  
Phone: (907) 465-3892  
Fax: (907) 465-6595



**Committee Members:**  
Senator Charlie Huggins  
Senator Bill Wielechowski  
Senator Lesil McGuire  
Senator Gene Therriault

## Senate Judiciary Committee

### MEMORANDUM

Date: May 11, 2007

TO: Jerry Luckhaupt, Leg. Legal

FROM: Cindy Smith

RE: Committee final CS for HB118

Please prepare a final CS for HB118 with this amendment:

On line 6, delete the word "recklessly" and insert the word "knowingly".

*Jerry -  
thanks for  
all your  
work this  
year!  
Cindy*



# **REPRESENTATIVE KEVIN MEYER**

**HOUSE DISTRICT 30**

## **MEMORANDUM**

**DATE:** April 9, 2007

**TO:** Senator Hollis French, Chairman  
Senate Judiciary Committee

**FROM:** Representative Kevin Meyer

**RE:** Hearing Request for House Bill 118 *Allowing Minor's to Have Alcohol*

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Please schedule HB 118 *Allowing Minor's to Have Alcohol* for a hearing in the Senate Judiciary Committee at your earliest convenience.

HB 118 makes it a non-criminal violation to permit minors to possess alcohol in a dwelling over which a person exercises dominion or control.

Included in this packet:

- CSHB 118 (Rules) *Allowing Minors to Have Alcohol* v. I.S-0390\E
- Sponsor Statement
- Letter of Support: Red Ribbon Coalition
- USA Today: *Laws Crash Underage Parties*
- Marin Institute: What's Hot – Adults and Underage Drinking
- Current Status of Underage Drinking in Alaska Power Point



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## Sponsor Statement House Bill 118

*"An Act relating to underage possession of alcoholic beverages in a dwelling."*

While it is against the law in Alaska to rent a hotel room for the purposes of providing alcohol to underage persons (AS 04.16.055) there is no provision in statute that makes it illegal to allow underage drinking in a home. This appears to be a significant oversight in statute since a home is the most commonly cited place underage people consume alcohol.

House Bill 118 closes this gap in statute by making it a non-criminal violation to permit underage persons to possess alcohol in your home. A parent allowing their own child to possess alcohol is not subject to the violation because they are allowed to provide alcohol to their children under AS 04.16.05. Under HB 118 however, a person throwing a party where an underage person possess alcohol (even if they were not responsible for providing the alcohol) would face a \$500 fine.

Alcohol is the drug of choice for young people in Alaska and has very serious impacts on our families, our institutions and our society. HB 118 closes a significant gap in our statutes and gives law enforcement an important tool to deter people from providing a venue for underage drinking.

(Updated 2/6/07)



Red Ribbon Week October 23 - 31

April 9, 2007

Representative Kevin Meyer  
State Capitol, Room 515  
Juneau, AK 99801-1182

Dear Representative Meyer,

On behalf of the Alaska Red Ribbon Coalition, we are writing to express our full support of House Bill 118. As you are aware, there is growing attention on the issue of adults hosting drinking parties for young people in their homes. Some parents and other adults believe that, since young people are going to drink, it is better they drink in their homes rather than somewhere else. On the surface it seems reasonable, but teen drinking parties can be the source of many problems—only one of which is drunken driving. Drinking parties almost always involve binge drinking, and can lead to violence, sexual assault, rape, and even death by alcohol poisoning.

Decreasing the easy access to alcohol in our communities and homes is the best way to decrease teenage alcohol use. This approach involves strengthening statewide alcohol policies and laws, including giving law enforcement the tools to combat and reduce teenage alcohol use as well as the risks associated with this use.

The timing of House Bill 118 could not be better, as you know we are in the middle of our "Parents Who Host Lose The Most" and "Community Heroes" media campaigns, which specifically discourage parents from hosting teenage drinking parties.

The Alaska Red Ribbon Coalition stands in full support of House Bill 118 and applauds you for your efforts. We thank you for encouraging parents to not be a party to teenage drinking. With your leadership, Alaska's future is healthy and bright.

Sincerely,

Carol Comeau  
Superintendent  
Anchorage School District

Harvey Gochring  
Assistant Agent in Charge  
US Drug Enforcement  
Administration

Col. Audie Holloway  
Director  
Alaska State Troopers

Co-Chairs  
Carol Comeau, Anchorage School District  
Col. Audie Holloway, Alaska State Troopers  
Harvey Gochring, US Drug Enforcement Administration

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## Laws crash underage drinking parties

Posted 1/4/2007 11:12 PM ET  
By John Ritter, USA TODAY

OJAI, Calif. — Tony Barrett and his wife were enjoying a getaway weekend when police called to report they'd broken up an underage drinking party at the couple's home here. Their daughter Shannon, legally an adult but at 19 too young to drink, was cited for hosting the party and was fined \$1,000.

Barrett, who grew up in this art- and music-loving city of 8,000, wasn't happy with his daughter — "the house was trashed and stunk like beer and cigarettes for a week" — but was even angrier at Ojai's "social host" ordinance that gave police the authority to bust the party.

"She called three friends, and before an hour was up, 100 people were here," Barrett says. "I told the police she was a hostage, not a host. I'm still not paying the fine, because I didn't do anything."

Authorities here and in a growing number of cities and counties say their ability to enforce "social host" ordinances to curb such parties, held with or without parents' knowledge, is a key tactic in the battle against underage drinking and its potentially tragic consequences.

### CRACK DOWN: Adults penalized for teen drinking

"We don't want to send parents to jail," says Stacy Saetta, a lawyer with the Center for the Study of Law and Enforcement Policy in Felton, Calif. "We want to get parents to change their behavior when kids want to throw a party."

### A catalyst for action

Underage drinking costs the nation at least \$53 billion a year, mostly because of traffic deaths and violent crime, according to a 2003 report by the National Research Council's Institute of Medicine. The report, which urged communities to hold adults accountable for teen drinking parties, was a catalyst for many recent ordinances, Saetta says.

Ojai, the picturesque setting for Shangri-La in the 1937 Frank Capra film *Lost Horizon*, is one of seven cities in Ventura County that passed social host ordinances last year after the county did. In one three-month period in 2004, police in the Ojai Valley, an affluent enclave north of Los Angeles, responded to nearly 300 parties involving underage drinking, according to sheriff's statistics.

"We had overdose deaths. We had prescription-drug use after hazardous drinking. We had parties where gang members showed up and beat the hell out of people. Close to 70% of the sexual assaults on young women were coming out of home parties," says Dan Hicks, administrator of Ventura County Limits, an initiative to curb underage binge drinking.

"It was like the big elephant in the living room: People thought there was nothing we could do about it," he says.

Social host ordinances give police a tool beyond standard disturbing-the-peace laws. Typically these ordinances call for civil fines thus avoiding the courts and the higher burden of proof required under criminal laws.

Ordinances give police discretion to target repeat offenders or the most egregious bashes. Most permit officers to cite a host if they identify a handful of underage drinkers among dozens of parties. Fines range from less than \$500 to \$2,500 and more. "The whole purpose is to make the community aware," says Sgt. Pat Ruby of the Ventura County sheriff's station here. "But this won't have an effect on a lot of people unless it hits them in the pocketbook."

Ojai's laid-back image may be part of the problem, Ruby says. "There's not a whole lot for kids to do up here, and a lot of them look at parties as a release," he says. Violent crime is relatively rare in Ojai. The city hasn't had a murder in years. Its gang problem is small enough that police know all the players.

Social host ordinances have been used 20 times around the county to shut down parties in the past year. Hicks says. Ten of those incidents were in Ojai, and Ruby was involved in seven of them.

There was the 19-year-old who got nailed twice while his parents were vacationing in Hawaii. Police responded the first time to a report of a fistfight. Cars lined both sides of a street. Maybe 75 people were milling around a yard, at least 80% of them underage. Beer was everywhere, Ruby says. The host was cited and fined.

A week before the 19-year-old's parents were to return, he hosted another party and was cited again. "You'd think he'd learn the first time. He didn't," Ruby says. "The parents weren't happy."

#### Party trouble

Another time, officers drove by a party of 25 or so people and found a young man with a severe gash in his leg from falling on a beer bottle. An investigation identified underage drinkers.

Once a father hosted a party — "he was well aware the kids were drinking," Ruby says — and police responding to a noise complaint found a young man lying in a driveway where his friends had left him. He had to have his stomach pumped, Ruby says.

A 49-year-old man hosted a small Halloween party for his daughter that got large and out of hand. He was reluctant to step in. "He didn't want to embarrass his daughter. It's a common thing," Capt. Bruce Norris says.

Though most underage drinking parties occur in the summer, there's a feeling among police, not yet backed up by data, that they've declined as word of these crackdowns spread. "So it seems to be working," Norris says.

On a recent Saturday night, Ruby patrolled the city and outlying areas, but the party scene was quiet.

The next night, New Year's Eve, officers in nearby Moorpark had bottles thrown at them as they dispersed 75 people at a party hosted by the mother of an 18-year-old. "She admitted providing alcohol to his friends, and she knew some of the minors were under 21," Capt. Jeff Matson says.

He says her rationale is common among some parents: "If my son is going to drink, it's OK if I provide it at home."

Tony Barrett thinks the city's enforcement is excessive.

"This is all punitive, but they could turn it into a positive," Barrett says. "I told them you have a perfect chance to help these kids, because it's the same core group that go to all these parties. It fell on deaf ears."

#### Find this article at:

[http://www.usatoday.com/news/nation/2007-01-04-teen-drinking-inside\\_x.htm](http://www.usatoday.com/news/nation/2007-01-04-teen-drinking-inside_x.htm)

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## What's Hot - Adults and Underage Drinking

### The Party's Over: San Diego

*"Whenever a young person drinks, an adult is involved in some way," says Dana Stevens, Manager of the North Inland Community Prevention Program in Poway, California.*

*"Whether it is a retailer, parent, older sibling, or friend, it is time we hold adults accountable for underage drinking. Underage drinking is an adult problem, as well as a youth problem."*



Cities in San Diego County are giving local law enforcement new tools to reduce youth access to alcohol. Poway and San Diego passed ordinances that make it illegal for adults to host parties on their property where three or more minors are present and any of the youth are drinking.

Oceanside and La Mesa are also considering "house party" ordinances that close a loophole in California law that meant it was easier to cite teens for possession than penalize the adults who provided the alcohol.

"Before the new ordinance," says Stevens, "criminal penalties required a witness to see the adult provide alcohol to the underage person. Police could only break up a party if it got too loud or if neighbors complained. Now, if police see somebody leaving a party either drinking or intoxicated, and that person appears to be underage, the cops can find out what's going on in the house. If it turns out to be an underage drinking party, the police can cite the parent or other adult at the home."

Penalties under Poway and San Diego's house party ordinances include fines up to \$1,000 and up to six months in jail. Adults are not responsible, under the new law, if they are away from home and teens hold a drinking party without their knowledge.

"When our ordinance came up for a vote in Poway," recalls Stevens, "not a single person spoke in opposition." But, she emphasizes, unanimous support for the measure did not materialize spontaneously. According to Stevens, adoption of the new law was the product of three years of grassroots work and consistent leadership from the San Diego Policy Panel on Youth Access to Alcohol.

The need to close the loophole on house parties emerged as the policy panel reduced or eliminated other sources young people had used to acquire alcohol. Before turning to social access, the panel implemented a series of decoy campaigns to identify retailers who were selling to minors or allowing "shoulder tap" purchases.

"We got better at what we were doing," says Stevens. "And we learned from the kids where they were getting alcohol and where they went to consume it." The panel participants also reviewed the reports filed by police when they cited youth for possession of alcohol. They learned that social access is a significant ingredient in underage drinking.

Some parents believe that hosting a drinking party for teens keeps them safe and "off the streets." A tragedy following one such house party helped to build community support for the ordinance. "A few years ago, some teens were drinking at a party hosted by parents."

recalls Stevens. "The parents thought that they were being responsible because they took the kids' car keys. But then they went to bed, leaving the keys on the kitchen counter. The young people later drove to a store for cigarettes and got in an accident. One teen was killed, and the driver ended up in jail for several years."

Large family celebrations also allow youth access to alcohol. "The adults aren't worried about kids drinking because they are having a good time and it seems safe to them," says Stevens. "But they don't think about what can happen when the young people inevitably leave the party and either drive or go elsewhere unsupervised."

Not all of the adults hosting underage drinking parties are parents. The new law will also help curb underage drinking in and around college campuses where young teens often attend parties hosted by young adults who provide the alcohol.

Advocates of the house party ordinances are happy to have another tool for reducing underage drinking. They are also encouraged to see evidence that the policymakers who passed the new laws recognize that underage drinking is an adult problem.

"If adults face criminal charges," says San Diego Police Detective Larry Darwent, who chairs the Law Enforcement Task Force on Underage Drinking, "they'll think twice before hosting underage drinking parties."

**More information**