

Introduced by Legislator Mejias

LOCAL LAW NO. 13 -2007

A LOCAL LAW in relation to preventing the consumption of alcohol by minors at private homes.

BE IT ENACTED by the County Legislature of the County of Nassau, as follows:

Section 1. Short title. This law shall be known as the Social Host Law and shall appear in the miscellaneous laws as title sixty-four.

§2. Legislative intent. This legislature finds that underage drinking is a significant societal problem that has generated widespread concern in Nassau County. Although the New York state legislature has acted to proscribe the unlawful giving, selling and possessing of alcohol in relation to minors, it has not regulated the situation where a person over the age of eighteen knowingly permits the consumption of alcohol by a minor in his or her home. The underage consumption of alcohol, whether at a party or a smaller gathering, poses an immediate threat to the public health, safety and welfare of the residents of Nassau County, often leading to alcohol abuse by minors, physical altercations, accidental injuries, neighborhood vandalism, excessive noise disturbances requiring the intervention of local law enforcement and the commission of violent crimes including sexual offenses and serious assaults. This local law will serve to deter the consumption of alcoholic beverages by minors by holding those over the age of eighteen responsible when they permit the consumption of alcoholic beverages by minors at their residences.

§3. Definitions. For purposes of this local law the following terms shall be defined as follows:

a. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever means produced.

b. "Alcoholic beverage" shall mean any liquor, wine, beer, spirits, cider or other liquid,

or solid, patented or not, composed of, or containing, alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by subdivision twelve of section two hundred of the New York State Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.

c. “Knowingly” shall mean aware of, or having reason to be aware of, the consumption of alcohol by a minor.

d. “Minor” shall mean any person under the age of twenty-one.

e. “Residence” shall mean any home, apartment, condominium, co-operative unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

§4. Unlawful consumption of alcohol by minor at a residence.

a. It shall be unlawful for any person over the age of eighteen who owns, rents, or otherwise controls a private residence, to knowingly allow the consumption of alcohol or alcoholic beverages by any minor on such premises or to fail to take reasonable corrective action upon learning of the consumption of alcohol or alcoholic beverages by any minor on such premises. Reasonable corrective action shall include, but not be limited to: 1) making a prompt demand that such minor either forfeit and refrain from further consumption of the alcoholic beverages or depart from the premises; and 2) if such minor does not comply with such request, either promptly reporting such underage consumption of alcohol i) to the local law enforcement agency or ii) to any other person having a greater degree of authority over the conduct of such minor.

b. The provisions of this subdivision a of this section shall not apply to: i) the consumption of alcohol or alcoholic beverages by a minor whose parent or guardian is present and has expressly permitted such consumption; or ii) the use and consumption of alcohol or alcoholic beverages by a minor for religious purposes.

§5. Penalties. A violation of section four of this local law shall constitute an unclassified misdemeanor. Each first offense, and subsequent offense, shall be punished as follows:

a. First offense. Any person who violates section 4 of this Local Law shall be punished by a fine of two hundred and fifty dollars, where such violation constitutes the person’s first

offense in violation of this provision.

b. Second offense. Any person who violates section 4 of this Local Law shall be punished by a fine of five hundred dollars, where such violation constitutes the person's second offense in violation of this provision.

c. Third and subsequent offenses. Any person who violates section 4 of this Local Law shall be punished by either a fine of one thousand dollars, a term of imprisonment not to exceed one year, or both a fine of one thousand dollars and a term of imprisonment not to exceed one year.

§6. Effect on other laws. The provisions of section four of this local law shall not in any way affect the application of any other law, where appropriate, including but not limited to New York Penal Law section 260.10 (endangering the welfare of a minor) and section 260.20(2) (unlawfully dealing with a child).

§7. Severability. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

§8. Effective date. This local law shall take effect immediately after it shall have become a law.