

Article II. Social Hosts

[Adopted 12-3-2007 by L.L. No. 35-2007 (Ch. 214, Art. III, of the 1985 Code)]

§ 294-6. Legislative intent.

A. This Legislature hereby finds and determines that, according to nationwide statistics, nearly 50% of teenagers have attended parties where the consumption of alcohol occurred and where parents were present.

B. This Legislature also finds and determines that the American Medical Association has reported that one out of three teenagers said it was easy to obtain alcohol from their own consenting parents, and on average they obtained alcohol three times in any given six-month period.

C. This Legislature further finds and determines that the Surgeon General has stated that young people who start drinking before the age of 15 are five times more likely to develop alcohol-related problems later in life.

D. This Legislature finds that the underage consumption of alcohol, whether at a large party or small gathering, poses a risk to the residents of Suffolk County, as minors who drink are more likely to engage in disruptive, loud, or even violent behavior.

E. Therefore, the purpose of this article is to deter the consumption of alcohol by minors by holding those over the age of 18 responsible when they permit the consumption of alcohol by minors at their residences.

§ 294-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALCOHOL

Ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever means produced.

ALCOHOLIC BEVERAGE

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 confectionery containing alcohol as provided by Subdivision 12 of § 200 of the New York State Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.

KNOWINGLY

Aware of the consumption of alcohol by a minor.

MINOR

Any person under the age of 21.

RESIDENCE

Any permanent or temporary domicile, including a home, apartment, condominium, cooperative unit, trailer home, recreational vehicle, mobile home, overnight accommodation at a hotel, motel, campsite or short-term rental property, or other dwelling unit of any kind, including yards and open areas adjacent thereto.

[Amended 12-7-2010 by L.L. No. 4-2011]

§ 294-8. Allowing consumption by minors at private residences prohibited; exceptions.

A. It shall be unlawful for any person over the age of 18 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, promptly reporting such underage consumption of alcohol either to the local law enforcement agency or to any other person having a greater degree of authority over the conduct of such minor.

B. The provisions of Subsection A of this section shall not apply to:

(1) The consumption of alcohol or alcoholic beverages by a minor whose parent or guardian is present and has expressly permitted such consumption; or

(2) The use and consumption of alcohol or alcoholic beverages by a minor for religious purposes.

§ 294-9. Penalties for offenses.

[Amended 12-7-2010 by L.L. No. 2-2011]

A violation of § 294-8 of this article shall be punished as follows:

A. First offense: Any person who violates § 294-8 of this article shall be guilty of a violation punishable by a fine not to exceed \$500, where such violation constitutes the person's first offense.

B. Second and subsequent offenses: Any person who violates § 294-8 of this article shall be guilty of an unclassified misdemeanor punishable by a fine not to exceed \$1,000, a term of imprisonment not to exceed one year, or both.

§ 294-10. Effect on other laws.

The provisions of § 294-8 of this article shall not in any way affect the application of any other law, where appropriate, including but not limited to New York Penal Law § 260.10, Endangering the Welfare of a Minor, and § 260.20(2), Unlawfully Dealing with a Child.

§ 294-11. Applicability.

This article shall apply to all actions occurring on or after the effective date of this article.