



LEWIS J. MOSKOWITZ
CHIEF OF POLICE

BUS: (518) 386-4585
FAX: (518) 386-4594



Town of Niskayuna

DEPARTMENT OF POLICE
OFFICE OF THE CHIEF
ONE NISKAYUNA CIRCLE, NISKAYUNA, N.Y. 12309-4382



LT. JOHN J. LUBRANT
Administrative Services

LT. S.F. FIMINSKI, JR.
Field Services



NISKAYUNA POLICE DEPARTMENT Community Social Host Legislation Frequently Asked Questions

Why is this law needed?

Under existing law, minors (persons under the age of 21) are prohibited from possessing alcohol. The adult who serves them alcohol is liable; however, if the minors will not give the name of the adult who has supplied them with alcohol the police can do nothing. By making “allowing alcohol to be consumed on the premises” illegal this law will close this loophole.

If a person is cited and found guilty, will this go on his/her permanent record?

The offense is a violation – a citation similar to a parking ticket. This is not a misdemeanor or a felony that would stay with them throughout their lives. Its purpose is to hold the person in control of the premises responsible for allowing alcohol to be consumed on the property.

Why is there a need to get tough about underage drinking?

Alcohol is the drug of choice for most youth. More youth drink than smoke cigarettes or use marijuana and other illicit drugs. The rates of past month alcohol use among middle and high school students and the rates of underage binge drinking in New York State far exceed the national average.

What are the consequences of underage drinking?

Underage drinking, especially heavy drinking and frequent heavy drinking is associated with negative consequences. These effects can be acute and result from a single episode of alcohol-impaired functioning – unintentional injury or death, or from accumulated effects of chronic drinking – poor school performance, fractured relationships, addiction. Acute consequences of underage drinking include unintentional death and injury associated with driving, falls, or poisoning, violence, suicide, sexual assault, and risky sexual behavior. In addition youth who begin drinking before age 15 is at greater risk for alcohol dependence than those who wait until age 21 to start drinking. Although chronic health problems typically don't appear in adolescents, heavy drinking in adolescence that continues into adulthood places a person at risk for liver disease, pancreatitis, hepatitis, or hypertension later in life. New research on adolescent brain development suggests early heavy alcohol use also has negative effects on the physical development of the brain.

Why does this bill target house parties or parties that occur on premises?

These parties on private property have repeatedly been identified as the primary source by which youth obtain alcohol. Kids obtain alcohol at parties through friends, older siblings or adults. Because alcohol is often freely available and drinking games are common, binge drinking – consuming five or more drinks on one occasion within a short period of time – frequently occurs. Binge drinking and other heavy drinking is strongly associated with injury, motor vehicle crashes, violence, fetal alcohol syndrome, chronic liver disease, unintended pregnancies and sexually transmitted diseases.

Why has premises been re-defined?

First, premises has been re-defined to include homes, apartments, back yards, outbuildings, fields, wooded areas, fields, etc. This closes the loophole to allow police anywhere on private property when a complaint is filed by a neighbor.

Don't most of the large underage drinking parties happen when parents are out of town?

House parties are happening across our state both when parents are present, and when only teens are home. Under the proposed law, minors can also be cited for hosting underage drinking parties.

If I go away on vacation and my child hosts an underage drinking party, am I responsible?

Under the proposed law, adults are not responsible for hosting the party if they are away from home and youth hold a drinking party without their knowledge. A teen or other person in control of the house could be cited for hosting the party in addition to possessing alcohol. Under other state statutes and case law, the owner of a home may be held liable for injuries or other consequences that occur regardless of whether or not the homeowner is present. This new law doesn't change existing civil liability. However, with this new bill, law enforcement officials may be able to intervene to address the issue of underage drinking before tragedy strikes and minimize damage to a homeowner's property. The phrase in the law which reads: "**knows or has reason to know**" was put in and intended to address the parent/adult who goes out or away, and if in the past, there is evidence (empty bottles, calls to the police, neighbor complaints, etc.) that they **should have known** a party was likely to take place, then they will be held liable. Conversely, if a parent comes home, sees a party, pours out the alcohol, calls other parents, etc. they will not be charged because they have been 'pro-active' in addressing the problem.

Why does this bill target "social hosts"?

Some parents and other adults concerned about drinking and driving mistakenly believe if youth are going to drink, it's better they drink in a home than somewhere else. The truth is that teen drinking parties are the source of many problems- driving drunk is just one. Young adults, often college students over 21 years, also frequently host parties and allow minors to drink alcohol. Drinking parties almost always involve binge drinking (consuming five or more drinks in one occasion), and lead to violence, sexual assault, rape, and even alcohol poisoning. These parties can easily spiral out of control. This proposed law encourages parents and adults to do the right thing – avoid providing unsafe environments that foster high risk destructive behavior. The bill provides parents with peace of mind by knowing that their children should not be encouraged by other adults to drink alcohol when their child goes to someone else's home.

Would this proposed law prevent parents from providing alcohol to their own children?

The decision to provide alcohol to one's own child is a personal choice. Under current law, illegal possession of alcohol by minors does not apply to a minor who possesses alcohol while accompanied by their parent, guardian or spouse over the age of 21. This same exception applies in the proposed law. This bill prevents the adults from knowingly allowing children other than their own to possess alcohol on private property without that child's parent being present. The right to allow a child to drink is reserved for only a child's parent or guardian – not someone else.

If my child were to drink alcohol as part of a religious ceremony, would they or I be ticked or arrested?

No. The proposed law provides an exemption for religious observances. Neither the child nor an adult who is present and allowed the child to possess alcohol as part of a religious activity would be breaking the law.

Why is this bill good legislation?

It addresses the problem of underage drinking where it most frequently occurs by closing the loophole that allows it to take place at house parties. It would further reduce easy access to alcohol by youth, would reduce binge drinking, and hold teens and adults accountable for their behavior. Equally important, it provides law enforcement officials an important tool in their communities to prevent tragedy rather than react to it. It assists both the adult and the child to make wise decisions. And finally, the bill reinforces a consistent message that underage drinking is unhealthy, unsafe and unacceptable.