

Raised HB 5211 An Act Concerning Underage Drinking

Frequently Asked Questions

Why is this law needed?

Under existing law, minors (persons under 21) are prohibited from possessing alcohol in public places (e.g. streets, clubs, restaurants, bars, public parks, etc.). They are not prohibited from possessing alcohol on private property (e.g. homes, backyards, fields). In addition, anyone can host an underage drinking party in their house or on their property regardless of whether or not they are the minor's parent. *It's a loophole in our underage drinking laws.*

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 Connecticut far exceed the national averages. Forty-six percent of 9th-10th graders and 63% of underage Connecticut college students drank alcohol during the past month despite being under the legal drinking age of 21. As students reach 12th grade, 85% have consumed alcohol at least once in their lifetime. *On average, Connecticut youth have their first drink at age 11.*

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 are at greater risk for alcohol dependence than youth 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?

House parties have repeatedly been identified as the primary source by which youth obtain alcohol. Kids often obtain alcohol at parties through friends, older siblings or adults. *In Connecticut, 61% of middle and high school students report drinking alcohol at house parties.* Seventy-seven percent of high school students report obtaining alcohol at home, with or without parental permission. 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.

Don't most of the large underage drinking parties happen when the 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.

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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 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 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.

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. HB 5211 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.

Is it so wrong for youth to drink at someone's residence, where an adult can supervise them?

There are a number of incorrect assumptions here. One is that teens are going to drink no matter what. According to the 2003 National Household Survey on Drug Use and Health, less than 30% of underage youth drank alcohol during the last 30 days, so given other choices nearly a third of our youth don't drink. Another assumption -- that parents don't influence youth behavior -- is lost here. Research shows parents influence their teen's decisions about drinking and drug use. When parents and other adults allow teens to use alcohol and other drugs in their homes, they give the message that this risky behavior is okay. Lastly, all too often the parties are not supervised. Adults send the kids to the basement, don't check on them, go to bed, or otherwise look the other way.

How does this bill target youth who drink at house parties?

It sets reasonable and immediate consequences for teens who possess and drink alcohol anywhere. Penalties serve as a deterrent, and risk of arrest helps kids think before they drink. A study conducted by the UConn Health Center found that over 50% of 9th-10th graders in Connecticut felt that getting arrested for drinking was a very important strategy in preventing kids from drinking. Such a law would send a clear and consistent message to youth that underage drinking is unhealthy, unsafe and unacceptable -- anywhere.

Raised HB 5211 An Act Concerning Underage Drinking Frequently Asked Questions (Continued)

Is possession of alcohol by minors on private property prohibited in other states?

Yes. All states and the District of Columbia prohibit possession or consumption of alcohol by minors on public property. Forty-three (43) states limit places where minors can possess alcohol on private property. *Connecticut's laws are the least restrictive.* Connecticut is one of only 7 states that allow minors to possess alcohol on *any* private property regardless of whether or not a parent or guardian is present.

What are the penalties for allowing minors to possess alcohol on private property and failing to take action to stop house parties?

A first offense is an infraction – a citation similar to a parking ticket, and payable by mail. The first offense is designed to be largely educational, and serves as a warning. Penalties for subsequent offenses increase substantially. In a second or later offense, a host can be fined up to \$500, imprisoned for up to one year, or both. The goal is to encourage adults to not provide unsafe environments where underage drinking is condoned.

What are the penalties for minors who possess alcohol on public or private property under this proposed law?

Under current law, the penalty for illegal possession in public places is a fine of \$200 to \$500. The bill reduces the first offense for a youth to an infraction. The penalty for second and subsequent offenses of illegal possession of alcohol, regardless of location, would be \$200 to \$500. The first offense serves largely as a warning and provides an immediate, moderate consequence to a teen that is caught drinking. The goal is not to turn teens into lawbreakers, but rather to encourage them to make wise, healthy decisions.

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 other 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.

My 18-20 year old works at a package store, bar or restaurant. Is she going to be ticketed or arrested for possessing alcohol as part of her work?

No. Current law and the proposed law make exemptions for underage youth who are working in such establishments.

If my child were to drink alcohol as part of a religious ceremony, would they or I be ticketed 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.

Some who are concerned about the bill say this bill infringes on constitutional rights and would allow police to enter private residences to conduct warrantless search and seizures. Is this true?

No. This legislation does not override or eliminate Fourth Amendment constitutional protections afforded private citizens. It does not give police any special powers regarding investigation of underage drinking in private homes or anywhere else. The proposed law does however make it clear that allowing underage drinking is illegal on private property in addition to public places already covered by state law. Police can enforce this new law in the same way they enforce existing laws on private property, including possession of drugs. A search warrant would still be necessary to enter private homes without consent of the owner. Forty-nine communities have passed local ordinances similar to the proposed law and we have not heard of any abuse by police.

Is there a concern that if this law is enacted, it will have a "substantial disproportionate affect in minority communities"?

No. Analyses of juvenile liquor law violation arrest trends in the United States since 1980 reveal that Native American and Caucasian juveniles have the highest arrest rates for liquor law violations. In 2003, the rate of juvenile liquor law arrests for whites was about four-fifths the Native American rate and more than four times higher than the rates for African American and Asian juveniles.

Does this bill interfere with parental autonomy and the parent-child relationship?

No. The bill reinforces parental responsibility and control over their child. A teen's parent or guardian must be present to permit their child to possess and drink alcohol.

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. This law 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. And finally, the bill reinforces a consistent message that underage drinking is unhealthy, unsafe, and unacceptable.



The Connecticut Coalition to Stop Underage Drinking (CCSUD) is a grassroots network of more than 700 public and private sector organizations, communities, and individuals working to reduce underage drinking. We do this by acting to change public policies and create an environment in our communities that will not tolerate underage drinking.