

SOCIAL HOST LIABILITY
PIPESTONE COUNTY

Section I. This section prohibits, and establishes penalties for, any person hosting an event or gathering where alcohol, marijuana or other controlled substances are present and being possessed or consumed by persons under 21 years of age. This ordinance is enacted pursuant to Minnesota Statutes §145A.05, subdivision 1.

Section II. *Authority.* This section is enacted pursuant to M.S. § 145A.05, Subd. 1, and M.S. § 340A.509.

Section III. *Definitions.* For purposes of this section, the following terms have the following meanings:

ALCOHOLIC BEVERAGE. Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains 0.05% or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed, or combined with other substances.

CONTROLLED SUBSTANCE. This term has the same meaning as in M.S. § 152.01, Subd. 4. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

EVENT or **GATHERING.** Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

HOST. To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

MARIJUANA. This term has the same meaning as in M.S. § 152.01, Subd. 9.

PARENT. Any person having legal custody of a juvenile:

- (a) As natural, adoptive parent, or step-parent;
- (b) As a legal guardian; or
- (c) As a person to whom legal custody has been given by order of the court.

PERSON. Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

RESIDENCE OR PREMISES. Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

UNDERAGE PERSON. Any individual under twenty-one (21) years of age.

Section IV. *Prohibited acts.*

(1) It is unlawful for any person(s) to:

(a) Host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages, marijuana or controlled substances are present when the person knows or reasonably should know that an underage person will or does:

- 1. Consume any alcohol or alcoholic beverage, marijuana or controlled substance; or

2. Possess any alcohol or alcoholic beverage, marijuana or controlled substance with the intent to consume it; and

3. The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(b) A person is criminally responsible for violating division (1) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Section VI. *Penalty.* A violation of this section is a misdemeanor.

Section V. *Exceptions.*

(1) This section does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

(2) This section does not apply to legally protected religious observances.

(3) This section does not apply to retail intoxicating liquor or 3.2% malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by M.S. § 340A.503 Subd. 1(a)(1).

(4) This section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages, marijuana or controlled substances during the course and scope of employment.

Passed and adopted this ____ day of ____ 2018.

County Chair