



County of San Mateo

Inter-Departmental Correspondence

Department: BOARD OF SUPERVISORS
DISTRICT 2
File #: 19-121

Board Meeting Date: 2/12/2019

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Supervisor Carole Groom, District 2
Supervisor David J. Canepa, District 5

Subject: Ordinance Adding Chapter 3.05 to Title 3 of the San Mateo County Ordinance Code to Prohibit Loud or Unruly Gatherings Where Alcohol, Alcoholic Beverages, Cannabis, or Certain Other Controlled Substances are Served To, Ingested by or in the Possession of Minors

RECOMMENDATION:

Introduction of an ordinance adding Chapter 3.05 to Title 3 of the San Mateo County Ordinance Code to prohibit loud or unruly gatherings where any alcohol, alcoholic beverages, cannabis, and/or controlled substances are served to, ingested by or in the possession of minors, and waive the reading of the ordinance in its entirety.

BACKGROUND:

For the 2017-18 term, the Health and Wellness Committee of the Youth Commission prioritized adolescent use of alcohol and other drugs (AOD) as an issue they wanted to address. Although it is illegal for youth under 21 years of age to use or have access to AOD, substance use disorders continue to be a pervasive problem that continues to negatively impact the lives of young people. While alcohol sting surveys conducted by local law enforcement agencies show that youth are able to access alcohol from retail establishments, according to the Federal Trade Commission, 72% of youth who drink alcohol are able to get it from family and friends, at parties, or by taking it without permission. Similarly, 57% of youth who use cannabis are accessing the products through social sources like friends.

Alcohol and cannabis are the two illicit substances most often used by youth. The results of the California Healthy Kids Survey (CHKS) for 2015-16 showed that 23% of 11th graders in San Mateo County reported being current alcohol users. That Survey also showed that 14% of 11th graders in San Mateo County reported being current users of cannabis. With the legalization of cannabis in California during the November 2016 election and the subsequent increase in availability of cannabis products in the community, early results from the 2017-18 CHKS survey showed an 18% current

cannabis use rate for 11th graders in one of the districts in San Mateo County, an alarming upward trend that we expect will be reflected as results from other districts and the whole county become available. The CHKS results for 2015-16 (the most recent survey for which countywide data are available) showed that 62% of 11th graders who use alcohol reported initiating alcohol use by age 12; 36% of 11th graders who use cannabis reported initiating use by 12 years old. Research shows that early age of initiation of an illicit substance is linked to an increased risk of addiction. Data from the California Department of Education (Dataquest) for academic year 2017-18 showed that of the 4,841 student suspensions that year, 941 were due to illicit drugs. Of the 27 expulsions, 14 were due related to illicit drugs. Suspensions and expulsions directly impact the academic success of youth, which will have long term implications for their employment and health outcomes.

The Youth Commission recommended that the San Mateo County Board of Supervisors “adopt an inclusive and cohesive social host ordinance that covers the entire unincorporated areas of the county.” The Commission further recommended that the ordinance include restorative justice elements that would provide residents with opportunities to learn from their experiences, restore their standing in the community, and avoid further offenses. The Commission also recommended that community members seeking medical assistance for substance use not be prosecuted under the ordinance.

DISCUSSION:

The proposed ordinance would prohibit any person from acting as a “social host”, as defined, of a loud or unruly gathering where a minor has possessed, consumed or been served any alcoholic beverage, cannabis, or other specified controlled substance. A “social host” is defined as a person who owns, rents or controls the premises where the gathering occurs and/or a person who organized the gathering. Violation of the ordinance is deemed an infraction and is also punishable by administrative fines in the same manner and in the same amounts as other ordinance code violations, under Chapter 1.40 of the Ordinance Code. In addition, a third or subsequent violation will result in liability on the part of the social host(s) for the costs of certain public safety response services. The ordinance provides that the ordinance would not be enforced in cases in which a social host or participant at the gathering has sought medical assistance on behalf of any person present. The San Mateo County Sheriff would be responsible for enforcement of the ordinance, which would apply only in the unincorporated areas of the County.

There is currently no countywide restorative justice program. The establishment of the restorative justice component of this ordinance will be proposed once the program is developed. Marin County has adopted such a program, and the County will look at that program and others as it explores development of its proposed program.

This ordinance addresses the Shared Vision for a Healthy Community by limiting youth access to alcohol, cannabis, and other specified controlled substance through social sources.

FISCAL IMPACT:

The fiscal impact of this ordinance should be minimal as it simply provides the Sheriff with an additional enforcement tool to address substance abuse by minors in the unincorporated County.