

Intro. Res. No. 1197-2018

Laid on Table 3/6/2018

Introduced by Legislators Cilmi, Kennedy, Muratore, Hahn, Lindsay, Sunderman, McCaffrey, Gregory, Flotteron, Martinez, Calarco, Berland, Fleming, and Anker

**RESOLUTION NO. 283 -2018, ADOPTING LOCAL LAW
NO. 14 -2018, A LOCAL LAW TO AMEND THE COUNTY
SOCIAL HOST LAW TO INCLUDE ILLEGAL DRUG USE**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 6, 2018, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE COUNTY SOCIAL HOST LAW TO INCLUDE ILLEGAL DRUG USE**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 14 -2018, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AMEND THE COUNTY SOCIAL HOST LAW
TO INCLUDE ILLEGAL DRUG USE**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County enacted Local Law No. 35-2007 to establish social host liability for adults who permit the consumption of alcohol by minors at their residences. The penalties for social host liability were strengthened in recent years by the enactment of Local Law Nos. 4-2011 and 19-2016.

This Legislature also finds and determines that, since the establishment of the County's social host law, the improper use of legal and illegal drugs by minors has increased dramatically.

This Legislature further finds and determines that, based on data collected by New York State, Suffolk County experienced the most heroin-related overdose deaths in the State in the last four years.

This Legislature finds that, given the severity of the addiction crisis in our communities, it is imperative that the County take all steps possible to reduce drug and alcohol abuse in every segment of the County's population.

This Legislature also finds that young people are a particularly high risk population with respect to drug and alcohol abuse, as their bodies are still maturing, making the effects of such abuse more significant and long-lasting.

This Legislature determines that penalizing adults who irresponsibly allow minors to consume drugs in their homes would be an additional mechanism to combat the addiction epidemic and hold adults accountable for the impact their actions can have on the lives of children entrusted to their care.

Therefore, the purpose of this law is amend Chapter 294 of the SUFFOLK COUNTY CODE to extend social host liability to adults who allow minors to utilize drugs in their residences.

Section 2. Amendments.

Chapter 294 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 294. Alcoholic Beverages.

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Article II. Social Hosts.

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§ 294-7. Definitions.

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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 the confectionary 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.

DRUG – any substance listed in Schedule I, II, III, and IV of New York State Public Health Law § 3306, including, but not limited to, marijuana, heroin, hydrocodone, oxycodone, fentanyl, anabolic steroids, and cocaine.

KNOWINGLY – Aware of the consumption of alcohol or drug by a minor.

MINOR – any person under the age of 21.

PRACTITIONER – a licensed physician, dentist, podiatrist, nurse practitioner, or other person licensed or otherwise permitted to dispense or administer a controlled substance in the course of their professional practice pursuant to Article 33 of New York State Public Health Law. An individual shall only be deemed a “practitioner” as to such substances, or conduct relating to such substances, as is permitted pursuant to their license, permit or as otherwise permitted by law.

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.

§ 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 or drugs by any minor on such premises or to fail to take reasonable

corrective action upon learning of the consumption of alcohol, [or] alcoholic beverages or drugs by an 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 drugs or depart from the premises; and
- (2) If such minor does not comply with such request, promptly reporting such underage consumption of alcohol or drugs 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[.]; or
- (3) The use and consumption of drugs by a minor that have been prescribed by a licensed practitioner pursuant to New York State Public Health Law and all other applicable rules and regulations, and are consumed as directed by the prescription.

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Section 3. Applicability.

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

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality

(CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: April 24, 2018

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 21, 2018

After a public hearing duly held on May 10, 2018
Filed with the Secretary of State on June 18, 2018