


16

Introduced by Legislator Laura Schaefer, Alternate Deputy Presiding Officer Denise Ford, and Legislator Thomas McKeivitt

LOCAL LAW 3 -2018

A LOCAL LAW TO AMEND TITLE 64 OF THE MISCELLANEOUS LAWS OF NASSAU COUNTY

Passed by the Nassau County Legislature on March 26, 2018  
Voting: ayes:16, nays: 0, abstained: 0  
Became a law on April 2, 2018 with the approval of the County Executive.

APPROVED AS TO FORM  
  
Majority Counsel

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Title 64, §§ 2, 3, and 4 of the Miscellaneous Laws of Nassau County are amended to read as follows:

TITLE 64  
SOCIAL HOST LAW

§ 2. Legislative Intent. This Legislature finds that underage drinking, drug use, and opioid addiction are societal problems that have generated widespread concern in Nassau County. Although the New York State Legislature has acted to proscribe the unlawful giving, selling and possessing of alcohol in relation to minors, and prohibited allowing children less than eighteen years old to enter or remain where controlled substances or marihuana activity is being maintained or conducted, it has not regulated the situations where a person over the age of eighteen knowingly permits the consumption of alcohol and/or drugs by a minor in his or her home. The underage consumption of alcohol and/or drugs, whether at a party or a smaller

gathering, poses an immediate threat to the public health, safety and welfare of the residents of Nassau County, often leading to alcohol and/or drug abuse by minors, physical altercations, accidental injuries, neighborhood vandalism, excessive noise disturbances requiring the intervention of local law enforcement and the commission of violent crimes including sexual offenses and serious assaults. Additionally, within the past few years, the number of young people addicted to opioids throughout Nassau County and the United States has increased exponentially. Opioid-related overdoses and deaths have become commonplace occurrences, devastating countless addicted individuals, families, friends and communities. This local law will serve to deter the consumption of alcoholic beverages and drugs by minors by holding those over the age of eighteen responsible when they permit the consumption of alcoholic beverages and drugs by minors at their residences.

§ 3. Definitions. For the purposes of this local law the following terms shall be defined as follows:

- a. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl or spirits of wine from whatever source or by whatever means produced.
- b. "Alcoholic beverage" shall mean 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 that confectionary containing alcohol as provided by subdivision twelve of section two hundred of the New York State Agriculture and Markets Law shall not be regarded as an alcoholic beverage within the meaning of this section.
- c. "Knowingly" shall mean aware of, or having reason to be aware of, the consumption of alcohol by a minor.
- d. "Drugs" shall mean any substance listed in schedule I, II, III, and IV of the New York State Public Health Law § 3306, including but not limited to marihuana, heroin, hydrocodone, oxycodone, fentanyl, anabolic steroids, and cocaine.
- e. "Minor" shall mean any person under the age of twenty-one.
- f. "Practitioner" shall mean a physician, dentist, podiatrist, or other person licensed, or otherwise permitted to dispense or administer a controlled substance in the course of a licensed professional practice pursuant to Article 33 of the New York State Public Health Law. Such person shall be deemed a "practitioner" only as to such substances, or conduct relating to such substances, as is permitted by his license, permit or otherwise permitted by law.
- g. "Residence" shall mean any home, apartment, condominium, co-operative unit or other dwelling unit of any kind, including yards and open areas adjacent thereto.

§4. Unlawful consumption of alcohol and/or drugs by a minor at a residence.

- a. It shall be unlawful for any person over the age of eighteen who owns, rents, or otherwise controls a private residence, to knowingly allow the consumption of alcohol, alcoholic beverages, and/or drugs by any minor on such premises or to fail to take reasonable corrective action upon learning of the consumption of alcohol, alcoholic beverages, and/or drugs by any 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 and/or drugs or depart from the premises; and 2) if such minor does not comply with such request, either promptly reporting such underage consumption of alcohol and/or drug use i) to the local

law enforcement agency or ii) to any other person having a greater degree of authority over the conduct of such minor.

b. The provisions of [this] subdivision a of this section shall not apply to: i) the consumption of alcohol or alcoholic beverages by a minor whose parent or guardian is present and has expressly permitted such consumption; [or] ii) the use and consumption of alcohol or alcoholic beverages by a minor for religious purposes; or iii) the consumption of a drug by a minor that has been prescribed by a practitioner pursuant to the New York State Public Health Law and all other applicable rules and regulations, and is consumed as directed by the prescription.

§ 2. Severability

If any section or subdivision of this title is held to be wholly or partially invalid by a final decree or a court of competent jurisdiction, the remainder of this title shall be valid, and no other section or subsection shall be deemed invalid.

§ 3. SEQRA Determination

If is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly is of a class of actions which do not have a significant effect on the environment, and no further review is required.

§ 4. Effective Date

This law shall take effect immediately.

APPROVED

*Jama Cunanan*

County Executive

DATE

*4/2/18*