



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District
DIANNE JACOB
Second District
2019 APR 22 AM 10:36
KRISTIN GASPAR
Third District
NATHAN FLETCHER
Fourth District
JIM DESMOND
Fifth District

DATE: April 30, 2019 and May 21, 2019

01

TO: Board of Supervisors

SUBJECT

ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE SOCIAL HOST LIABILITY FOR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR MARIJUANA BY MINORS (FIRST READING OF ORDINANCE – 4/30/2019; SECOND READING OF ORDINANCE – 5/21/2019) (DISTRICTS: ALL)

OVERVIEW

In 2003, the County of San Diego established a social host ordinance which imposes civil and criminal liability on adults owning or controlling private residences or premises who fail to properly supervise minors and prevent them from obtaining, possessing, or consuming alcoholic beverages. However, with the passage of Proposition 64 in 2016, which made the use of marijuana legal for adults under certain circumstances, minors are now more likely to be exposed to marijuana and the harmful effects on their health.

Since marijuana may be dangerous for children and minors' brain development, and can lead to other substance abuse, today's board action seeks to amend the County's Social Host Ordinance, which makes it illegal to provide an environment where underage drinking takes place, to now include marijuana as a substance that cannot be consumed by a minor in such social settings, except for medical purposes if authorized under state law.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

Approve the introduction of the Ordinance (first reading), read title and waive further reading of the Ordinance:

AN ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE SOCIAL HOST LIABILITY FOR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR MARIJUANA BY MINORS

If, on April 30, 2019, the Board takes the action as recommended, then on May 21, 2019 consider and adopt the Ordinance (second reading):

SUBJECT: ORDINANCE AMENDING SECTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE SOCIAL HOST LIABILITY FOR CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR MARIJUANA BY MINORS (FIRST READING OF ORDINANCE – 4/30/2019; SECOND READING OF ORDINANCE – 5/21/2019) (DISTRICTS: ALL)

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FISCAL IMPACT

There is no fiscal impact associated with today's requested actions to amend the San Diego County Code. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

In 2003, the County of San Diego established a Social Host Ordinance which imposes civil and criminal liability on adults owning or controlling private residences or premises who fail to properly supervise minors and prevent them from obtaining, possessing, or consuming alcoholic beverages.

In 2016, with the passage of Proposition 64, the possession, cultivation and use of marijuana became legal for adults under certain circumstances, including recreational use in the home and in social circumstances. State law, however, prohibits minors under 21 years of age from purchasing, possessing, or consuming marijuana (with the exception of medicinal use by individuals 18 years and older). A recent study by the University of Minnesota School of Public Health, published in the International Journal of Drug Policy, indicated that law enforcement agencies in Colorado and Washington—states where marijuana is legalized—report common problems with underage marijuana use and driving under the influence of marijuana in their communities.

Since marijuana may be dangerous for children and minors' brain development, and can lead to other substance abuse, today's board action seeks to amend the County's Social Host Ordinance, which makes it illegal to provide an environment where underage drinking takes place, to now include marijuana as a substance that cannot be ingested by a minor in such social settings, except for medical purposes if authorized under state law.

If approved, the Board's action will introduce an ordinance amending the San Diego County Code of Regulatory Ordinances, Title 3, Division 2, Chapter 3 relating to the Social Host Liability for Consumption of Alcoholic Beverages by Minors to now include marijuana (first reading) so that it can be acted upon at the May 21, 2019 meeting (seconding reading).

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LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Living Safely Strategic Initiative of the County of San Diego's 2019-2024 Strategic Plan by enhancing the ability of County law enforcement agencies to protect the safety of minors.

Respectfully submitted,



DIANNE JACOB
Chairwoman, District 2



WILLIAM D. GORE
Sheriff

ATTACHMENT(S)

Attachment A - Social Host Ordinance – Strikeout

Attachment B - Social Host Ordinance – Clean

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

February 10, 2009 (14) Adoption of Ordinance Amending Title 3 of the San Diego County Code Relating to Public Safety, Morals, and Welfare; July 25, 2006 (6) Adoption of Ordinance Amending Chapter 15 Social Host Ordinance; June 17, 2003 (5) Adoption of the Social Host Ordinance Concerning Consumption of Alcoholic Beverages by Minors.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: District 2 and Sheriff

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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