

ORDINANCE 24-132

Introduced by Councilor Howland

**AN ORDINANCE AMENDING CHAPTER 22 HEALTH**

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA HEREBY ORDAINS:

**ARTICLE III. – SOCIAL HOSTS AND UNDERAGE CONSUMPTION**

**Sec. 22.021. - Purpose and findings.**

- (a) The city council intends to discourage underage possession and consumption of alcohol and/or cannabis, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under twenty-one (21) years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.
- (b) The city council finds that:
  - (1) Events and gatherings held on private or public property where alcohol and/or cannabis is possessed or consumed by persons under twenty-one (21) years of age are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
  - (2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol and/or cannabis consumption, such as alcohol and/or cannabis overdose or alcohol and/or cannabis related traffic collisions.
  - (3) Alcohol and/or cannabis are addictive drugs which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
  - (4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parents are present and condone the activity and, in some circumstances, provide the alcohol and/or cannabis.
  - (5) Even though giving or furnishing alcohol and/or cannabis to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
  - (6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

**Sec. 22.022. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half (0.5) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp derived consumer products shall have the meanings as defined in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023).

Event or gathering means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.

Host means to aid, conduct, allow, entertain, organize, supervise, control, allow or permit a gathering or event.

Parent means any person having legal custody of a juvenile:

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

Residence or premises means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, watercraft, aircraft, or any other private or public property or place of assembly 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 means any individual under twenty-one (21) years of age.

**Sec. 22.023. - Prohibited acts.**

- (a) It is unlawful for any person to host an event or gathering at any residence or premises where alcohol and/or cannabis or alcoholic and/or cannabis beverages are present when the person knows that an underage person will or does consume any alcohol and/or cannabis or alcoholic and/or cannabis beverages or possess any alcohol and/or cannabis or alcoholic and/or cannabis beverages with the intent to consume it and the person fails to take reasonable steps to prevent possession or consumption by the underage person.
- (b) A person is criminally responsible for violating subsection (a) of this section if the person intentionally aids, advises, hires, counsels, consents to, allows, or conspires with or otherwise procures another to commit the prohibited act.

(c) A person who hosts an event or gathering and a person who performs acts as defined in subsection (b) of this section does not have to be present at the event or gathering to be criminally responsible.

**Sec. 22.024. - Exceptions.**

- (a) This article does not apply to conduct solely between an underage person and his parents while present in the parent's household.
- (b) This article does not apply to legally protected religious observances.
- (c) This article does not apply to retail intoxicating liquor or three and two tenths (3.2) percent malt liquor licenses, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stats. § 340A.503, subd. 1(a)(1).
- (d) This article does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

That the motion for the adoption of the foregoing resolution was duly seconded by Councilor Christensen, and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, Anderson, and Mayor Murray;

And, the following voted against the same: Councilor Olson voted no. Councilor Rasmussen was absent.

Introduced and passed the first time on the 12<sup>th</sup> day of November, 2024

Introduced and passed the second time on the 25<sup>th</sup> day of November, 2024

---

Mayor Rich Murray

Filed and attested on the 26<sup>th</sup> day of November, 2024

---

Secretary of the Council