

# Alcohol, Drugs and Minors

## Summary:

- It is against the law for a minor to have anything at all to do with alcohol, marijuana or any illegal drugs, and such involvement can result in court action, fine, referral to a county program, probation, and Saint Francis consequences.
- Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcohol beverage to any person under the age of 21 years is guilty of a misdemeanor of contributing to the delinquency of a minor AND liable for possible civil and criminal charges resulting from the subsequent behavior of the minor(s).
- Parents or adults responsible are ultimately “legally” responsible for their children’s actions or actions of those under their supervision and may be subject to both criminal and civil actions for not meeting these responsibilities. **Note that recent court decisions may leave parents open to sizeable civil suits should their own actions or those of their children result in damage or injury to another person.**

## The following is a list of some of the laws concerning alcohol and drug use by minors:

1. Although there have been changes in California Law regarding marijuana, possession of marijuana by a minor is still illegal under California Health and Safety Code. Possession with intent to sell or distribute any amount of marijuana is still punishable by imprisonment and a fine.
2. If the adults serve or permit alcohol to be served to minors at a home party, the adults responsible can be charged with a misdemeanor of contributing to the delinquency of a minor, whether the children are their own or friends of their children. **Note: A 2010 law now allows *social hosts* (age 21 and over) to be sued if they knowingly provide alcohol in their homes to an underage drinker who then causes an injury or accident.**
3. If minors have been asked or been charged a fee for the alcohol, the responsible adults can be liable for criminal and civil charges rising from the subsequent actions of the minor (such as automobile accidents or assault and battery) who drank the alcohol at the party or carried the alcohol to another location where the alcohol was consumed.
4. Minors carrying full or empty cans or bottles in plain view or drinking in plain view anywhere on the property of the home giving the party or on public property can be picked up by police as in possession of alcohol.
5. Parents or other adults who allow minors to take alcohol to a sporting event or who supply alcohol for minors who are school game spectators or participants are liable for possible civil and criminal charges resulting from the subsequent behavior of the minors. If the adults have brought alcohol for their own use but allow the minors to have a drink of the alcohol, the adults are also open to charges of contributing to the delinquency of minors.
6. It is unlawful to have in a vehicle any bottle, can or other receptacle containing any alcohol beverage that has been opened, or seal broken, or contents of which have been partially removed.
7. Any person under the age of 21 years who has in his/her possession any false or fraudulent identification for the purpose of obtaining any alcoholic beverage is guilty of a misdemeanor.
8. Any youth between the ages of 13-21 who is convicted of a drug or alcohol offense committed anywhere will lose his/her driver’s license for a year, or wait an extra year to obtain a license, regardless of whether the offense was driving-related.