

Legislative Analysis



ALLOW 17-YEAR-OLDS TO SERVE OR SELL ALCOHOL

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House Bill 4232 as enacted
Public Act 101 of 2022
Sponsor: Rep. Michele Hoytenga
House Committee: Regulatory Reform
Senate Committee: Regulatory Reform
Complete to 2-6-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4232 amends the Michigan Liquor Control Code to provide that an on-premises licensee may allow an individual 17 years of age or older to sell or serve alcohol if both of the following conditions are met:¹

- The individual has completed a *server training program* as provided for in section 906 of the act and departmental rules (see **Background**, below).
- During the individual's shift, the on-premises licensee has supervisory personnel as required under section 906 who are at least 18 years of age.

Previously, a licensee was prohibited from allowing an individual under 18 years of age to sell or serve alcohol. That prohibition still applies under the bill to off-premises licensees.

MCL 436.1707

The bill took effect June 14, 2022.

BACKGROUND:

Section 906 of the Michigan Liquor Control Code defines *server training program* as an educational program with a curriculum approved by the Michigan Liquor Control Commission (MLCC) and taught by certified instructors or a MLCC-authorized company, trade association, or postsecondary educational institution that is mandatory for servers employed by most on-premises licensees. In addition, certain on-premises licensees are required to have supervisory personnel who have successfully completed a server training program on each shift and during all hours in which alcoholic beverages are served. The program curriculum must include, among other subjects, identifying the stages of intoxication and visible signs of each stage, basic alcohol content among different measured drinks, personal skills to handle slow-down of service and intervention procedures, identifying a fake ID, and understanding state laws related to minors attempting to purchase or possess alcohol and second-party sales or furnishing of alcohol from adults to minors.

¹ Note that employers employing a minor also must comply with provisions of the Youth Employment Standards Act. For example, that act prohibits a work permit from being issued authorizing the employment of a minor 16 years of age or older in, about, or in connection with the part of an establishment where alcoholic beverages are distilled, rectified, compounded, brewed, manufactured, bottled, consumed, sold at retail, or sold for consumption on the premises unless the sale of food or other goods constitutes at least 50% of the total gross receipts. Minors are also limited under the act as to the number of hours they may work in a week and limited to certain hours of the day.

BRIEF DISCUSSION:

Some retail liquor establishments have reported having a hard time with staffing, leaving some patrons to wait longer or requiring some restaurants to close early because of staff shortages. Some believe a solution to this problem is to increase the pool of potential hires by lowering the minimum age to sell or serve alcohol at on-premises establishments from 18 to 17.

In written testimony opposing the bill, the MLCC cited safety concerns with allowing 17-year-olds to sell and serve alcohol. For example, a younger employee could be more susceptible to peer pressure to sell to other minors or may lack the maturity to discern a visibly intoxicated patron (to whom service is prohibited). The MLCC also noted that persons under 18 years of age could already work in licensed establishments in other capacities, such as taking food orders, serving food, bussing tables, stocking shelves, or cashing out customers who did not purchase alcohol for on-premises consumption.

The bill was subsequently amended in the Senate to apply only to 17-year-olds working in on-premises establishments (the House-passed bill had included retail establishments) and to require these younger workers to complete the server training program and be supervised when working by an older employee who also had successfully completed the program.

The 18-years-of-age restriction for sales and service of alcohol in Michigan was originally created by administrative rule in 1981 and codified into law by the legislature in 2008 PA 11. Prior to the enactment of this bill, only Maine allowed on-premises sales and service of alcohol by 17-year-olds. Several states that allow the sale or service of alcohol by individuals under 21 years of age require a person to be at least 21 to bartend, or in some states to bartend spirits.

FISCAL IMPACT:

House Bill 4232 would not have an appreciable fiscal impact on any unit of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.