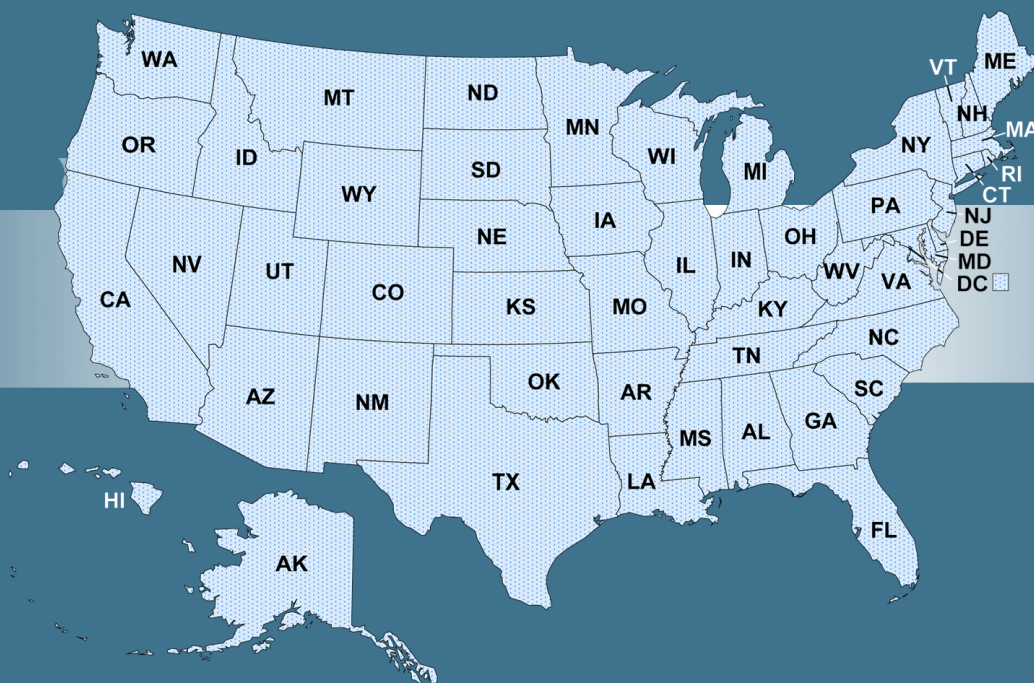


# STATE PERFORMANCE & BEST PRACTICES

*for the Prevention and Reduction of Underage Drinking*

2018



## POLICY SUMMARY:

*Minimum Ages for On-Premises Servers and Bartenders*



***SAMHSA***  
Substance Abuse and Mental Health  
Services Administration

The *State Performance and Best Practices* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), which was enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act directs the Secretary of the Department of Health and Human Services (HHS), working with the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), to develop a set of performance measures for evaluating the states' use of best practices in preventing underage drinking, and to consider a set of enumerated categories in doing so. The STOP Act also requires an annual report on each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

This *State Performance and Best Practices*, and the 51 individual State Reports, were prepared by the ICCPUD, which is chaired by the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services.

**Time period covered by the 2018 *State Performance and Best Practices*:** The 2018 version primarily includes data from calendar year 2017. The data on state legal policies reflects the state of the law as of January 1, 2017. The state survey data was collected in 2017, and is drawn from the most recent 12-month period in which the states maintained the data.

#### **Recommended Citation**

U.S. Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD). (2018). *State Performance and Best Practices for the Prevention and Reduction of Underage Drinking*.

## Minimum Ages for On-Premises Servers and Bartenders

### Policy Description

All states specify a minimum age for employees who serve or dispense alcoholic beverages. Generally, the term “servers” refers to waitpersons, and “bartenders” refers to individuals who dispense alcoholic beverages. These restrictions recognize that underage employees, particularly those who are unsupervised, may lack the maturity and experience to conduct adequate checks of age identification and to resist pressure from underage peers to complete illegal sales.

States vary widely in terms of minimum age requirements for servers and bartenders. In some states, the minimum age for both types of employee is 21, but others set lower minimum ages, particularly for servers. No state permits underage bartenders while prohibiting underage servers. Some states permit servers or bartenders younger than 21 to work only in certain types of on-premises establishments, such as restaurants, or to serve only certain beverage types, such as beer or wine. Underage servers and bartenders may be allowed only if legal-age managers or supervisors are present when underage persons are serving alcoholic beverages or tending bar. State laws setting a minimum age for employees who sell alcohol at off-premises establishments are described in the “Minimum Ages for Off-Premises Sellers” policy.

### Status of Age of Server Policies

#### *Age of Servers*

As of January 1, 2017, Alaska, Nevada, and Utah specify that on-premises alcohol servers of beer, wine, or distilled spirits must be 21 or older (see Exhibit I.25). Only one state (Maine) allows 17-year-olds to be servers. Ten states specify that servers be at least 19 or 20, and the remaining 36 states and the District of Columbia allow 18-year-old servers.

#### *Age of Bartenders*

Minimum ages for bartenders are generally higher than for servers across the states. Nineteen states and the District of Columbia limit bartending to persons 21 or older. Twenty-five states allow 18-year-olds to bartend for at least some beverage types, while only one state (Maine) allows 17-year-olds to bartend. Minimum ages for serving beer, wine, and distilled spirits are identical in most states; however, Maryland, North Carolina, and Ohio have age requirements that differ by alcohol type.

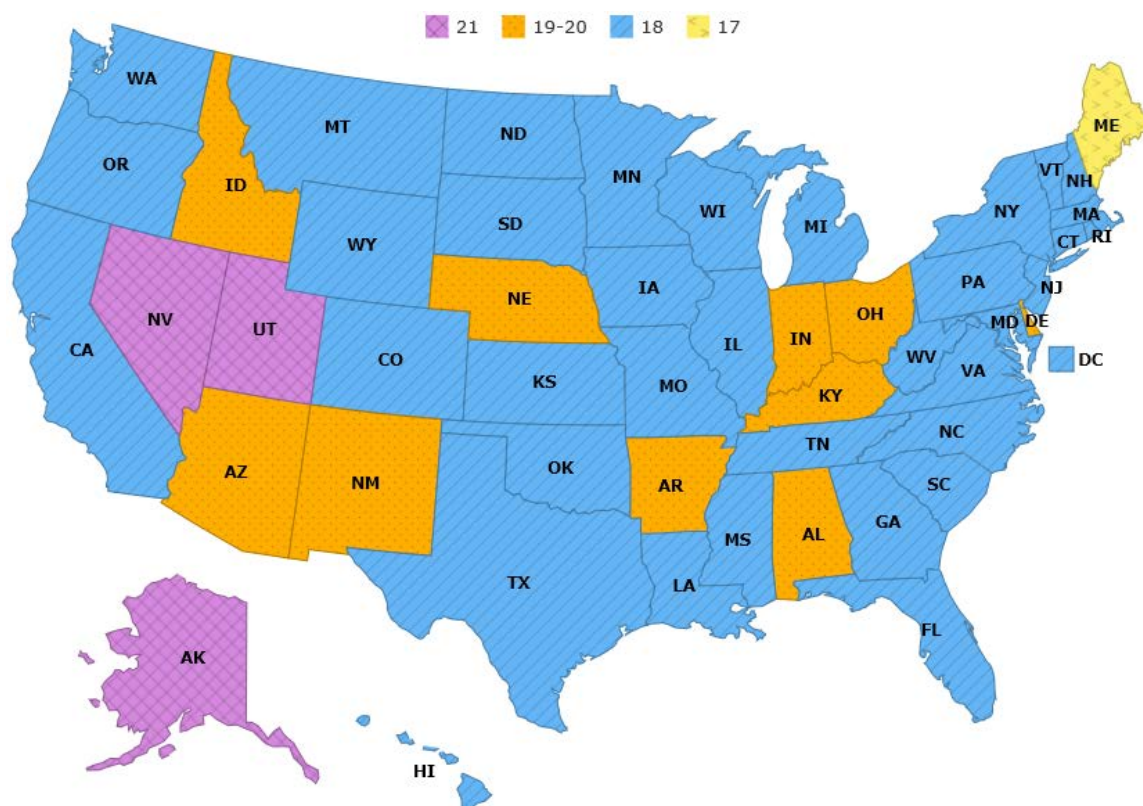
#### *Manager or Supervisor Presence*

Ten states require that a supervisor or manager be present when an underage seller conducts an alcoholic beverage transaction.

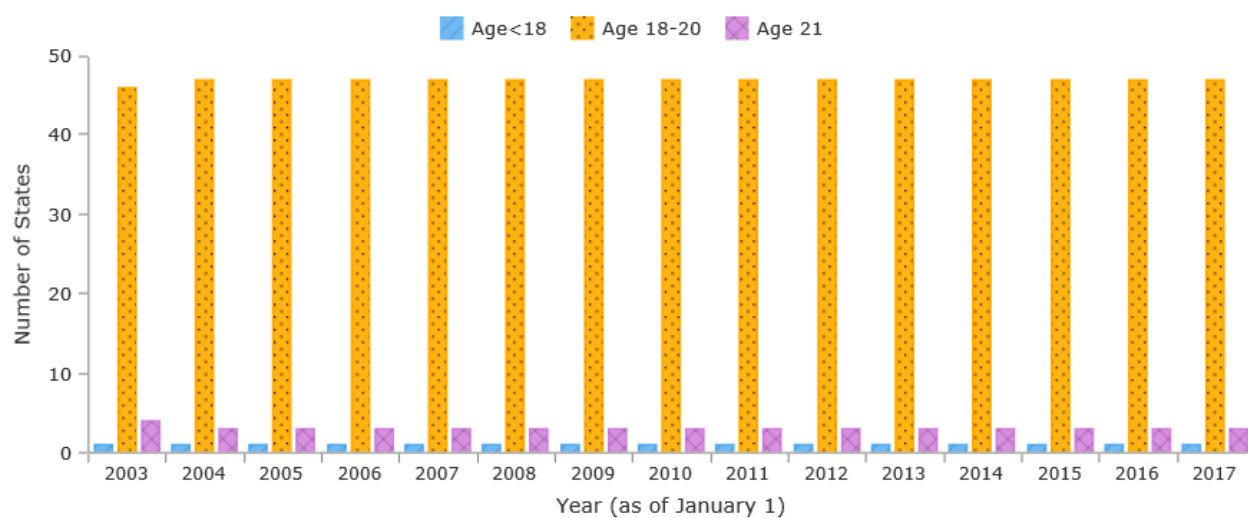
### Trends in Age of Server Policies

State policies for ages of servers and bartenders in on-premises establishments have been generally stable over the last decade (see Exhibit I.26). Between 2003 and 2017, Arkansas lowered its minimum age for servers from 21 to 19, and North Dakota lowered its age for servers from 19 to 18.

**Exhibit I.25: Minimum Ages for On-Premises Servers (Beer) as of January 1, 2017**



**Exhibit I.26: Distribution of Minimum Ages for On-Premises Servers of Beer, January 1, 2003, through January 1, 2017**



## Data Sources and Citations

All data for this policy were obtained from <http://www.alcoholpolicy.niaaa.nih.gov>, NIAAA's APIS. Follow links to the policy titled "Minimum Ages for On-Premises Servers and Bartenders" for further descriptions of this policy and its variables, details regarding state policies, and a review of the limitations associated with the reported data.

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