

Legislative Analysis



ALLOW 17-YEAR-OLDS TO SERVE OR SELL ALCOHOL

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House Bill 4232 as reported from committee

Sponsor: Rep. Michele Hoytenga

Committee: Regulatory Reform

Complete to 12-2-21

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

SUMMARY:

House Bill 4232 would amend the Michigan Liquor Control Code to permit a licensee to allow an individual 17 years of age or older to sell or serve alcohol. Currently, a licensee is prohibited from allowing an individual under 18 years of age to sell or serve alcohol.

(Note that employers employing a minor 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, distributed, 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.)

The bill would take effect 90 days after being enacted.

MCL 436.1707

BRIEF DISCUSSION:

Reportedly, some retail liquor establishments are having a difficult time staffing their establishments, leaving some patrons to wait longer or requiring some restaurants and liquor stores to close early because of staff shortages. Some believe that a solution to this problem would be to increase the pool of potential hires by lowering the minimum age required under the Liquor Control Code to sell or serve alcohol at retail from 18 years of age to 17 years of age. Currently, 17-year-olds can clear alcohol from tables and stock the bar, but cannot carry alcohol to a table or, as a cashier, complete a sale for alcohol for consumption on or off the licensed premises.

In written testimony opposing the bill, the Michigan Liquor Control Commission cited health and safety concerns with allowing 17-year-olds to sell and serve alcohol. For example, a younger employee could be more susceptible to pressure to sell to minors or to an intoxicated person. A 17-year-old also may lack the maturity to discern a visibly intoxicated patron, to whom service is prohibited. Meanwhile, persons under 18 years of age can 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- or off-premises consumption.

Currently, only Maine allows on-premises sales and service of alcohol by 17-year-olds. Thirty-two states (including Michigan) now require a person to be 18 or older to sell alcohol for off-premises consumption, with some setting the minimum age at 19 or 21. 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 to bartend spirits.

The 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.

FISCAL IMPACT:

House Bill 4323 would not have an appreciable fiscal impact on any unit of state or local government.

POSITIONS:

A representative of the Michigan Licensed Beverage Association (MLBA) testified in support of the bill. (6-15-21)

The Michigan Retailers Association indicated support for the bill. (6-15-21)

The following entities indicated opposition to the bill:

- Michigan Liquor Control Commission (11-2-21)
- Michigan Alcohol Policy Promoting Health and Safety (6-15-21)

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