

## SENATOR FOR A DAY MOCK LEGISLATION

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Senate Bill 8 – Lowering the Age from 18 to 16 Years Old to Handle, Serve and Dispense Alcohol in a Restaurant

### **States seek to let teens as young as 14 serve booze in restaurants**

West Virginia lowered the age to serve alcohol from 18 to 16 in 2021

By: Ariana Figueroa August 8, 2023

WASHINGTON — As a former bartender and current tipped worker, Trupti Patel knows that customers tend to get grabby when there is alcohol involved.

After working in the food service industry for more than a decade, she is accustomed to dealing with drunk customers who get out of hand, especially if they become belligerent or make lewd comments. But the District of Columbia resident finds it disturbing to think of teens trying to handle the same situation.

“It’s one thing if a drunk patron wants to scream and yell at me and wants their way. I’m 45, you can scream at me all you want. I’m not scared of you,” she said in an interview with States Newsroom. “But you’re going to scream and yell at a 14-year-old, a 15-year-old, a 16-year-old? They’re not going to handle it the same way.”

Patel is not the only one concerned about a growing trend among states to propose and enact legislation allowing teens — as young as 14 — to serve alcohol in restaurants, among laws rolling back other child labor limits. She’s joined by labor organizers and legal experts, who worry that the easing of these restrictions can increase a teen’s risk of exposure to sexual harassment, especially in an industry where it’s pervasive.

It’s a development that has been lobbied for in the states by the restaurant industry, which argues the laws are needed to help fill a labor shortage. According to [Bureau of Labor Statistics data compiled by Federal Reserve Economic Data](#), there are more than 1.3 million openings in the hospitality and leisure industry.

And as the restaurant industry turns to state lawmakers to help fill the gap, teens are a target — there is no federal child labor law or regulation barring those under 18 from serving alcohol, even though they are years away from the legal drinking age of 21.

“The most concerning part of [this trend]] is that it exposes women, young girls, at a very young age, to what appropriate behavior is and that follows you for the rest of your life,” Diana Ramírez, senior manager of policy and coalitions at the D.C.-based National Women’s Law Center, said in an interview with States Newsroom.

### State actions

Since 2021, seven states have enacted laws lowering the age to serve alcohol.

In 2021, [New Mexico](#) and [Ohio](#) lowered the age to serve alcohol from 19 to 18 and [West Virginia](#) lowered the age from 18 to 16. Last year, [Kentucky](#) lowered the age to serve alcohol from 20 to 18; [Alabama](#) lowered the age from 19 to 18; and Michigan lowered the age from 18 to 17.

[The most recent state](#) to pass a law easing the restrictions for teens to handle alcohol is Iowa, where 16-year-olds are now allowed to serve and sell alcohol. Iowa's state legislature lobbying records show that the Iowa Restaurant Association, the state affiliation of the NRA, was [in favor of the bill](#).

"A lot of this change in state law was to, I believe, kind of (legalize) things that were already going on," said Charlie Wishman, the president of the Iowa Federation of Labor, AFL-CIO.

In two more states, legislators have introduced laws that would allow teenagers to serve, sell or handle alcohol while working in restaurants.

This year, [Wisconsin state Republicans introduced a bill to allow 14-year-olds](#) to serve alcohol, and last year, [Idaho](#) state Republicans passed a bill in the Senate to lower the age to serve alcohol from 19 to 17.

While child labor violations tracked by the U.S. Department of Labor do not specify those linked to alcohol, the agency has seen an uptick in child labor violations since 2015. A majority of citations have come from the food industry, from fast food chains to meatpacking facilities, according to DOL statistics.

During fiscal 2022, there were 835 companies that employed more than 3,800 children in violation of labor laws. That's an increase from fiscal 2015, when 542 companies employed more than 1,000 children in violation of labor laws.

"The [Fair Labor Standards Act] and its child labor protections apply in all states, and no state has the ability to limit these provisions," U.S. Solicitor of Labor Seema Nanda said in a statement to States Newsroom. "The Department will vigorously enforce child labor protections in all states and is closely monitoring state action in this area."

[However, many states have moved](#) to weaken child labor laws, extending hours for children to work and allowing teens to work in hazardous industries.

But the Department of Labor can only do so much when it comes to states passing laws to allow teens to serve alcohol, with no applicable federal law other than general child labor laws.

Eric Edmonds, a professor of economics at Dartmouth College, said there are two distinct threads occurring in the U.S. regarding child labor.

"One is that the U.S. Department of Labor is trying to strengthen fines when it finds child labor violations in workplaces, so we sort of have that national level, this push to strengthen child labor laws," he said. "And then at the state level, we have a number of conservative states that are trying to roll back child labor laws."

He said one of the challenges of understanding the prevalence of child labor is the lack of data. Edmonds said under the Biden administration, the Department of Labor has conducted more inspections in certain areas where children are likely to be found working, such as in the food industry.

"You're seeing reports of increased child labor, but that's because we're doing more looking in places where there is child labor," he said.

## Sexual harassment of teens in restaurants

Teenagers are typically the most vulnerable to sexual harassment in the restaurant industry, said Jennifer Drobac, a law professor at the Indiana University Robert H. McKinney School of Law who specializes in sexual harassment law.

“The vulnerability combines with the inexperience to create a potentially toxic situation, in which those people who are already engaged in illegal conduct can then exploit younger workers,” she said in an interview with States Newsroom.

The U.S. Equal Employment Opportunity Commission does not collect birthdate data, so it does not know how many sexual harassment complaints filed with the agency are from teens.

[Overall, more than 11,000 sexual harassment](#) complaints were filed at the agency in fiscal 2022.

More than 36% of teens ages 16 to 19 participate in the workforce, [according to Federal Reserve Economic Data](#).

Drobac said that it’s not that teens should be kept out of the workforce. But because the teen years are crucial in hard-wiring their brain development, a bad experience such as sexual harassment “can have a really detrimental effect on the development of their personalities.”

“We do not want to prohibit teens from engaging in service and work opportunities that would be good for them, that would help them develop their skills and hone their work ethic,” Drobac said. “But we need to protect them while they’re engaging in these behaviors so that they don’t get psychologically or physically injured while they’re on the job.”

### Push from industry

In nearly all the state bills passed or introduced, the local chapters of the National Restaurant Association and local alcohol trade groups lobbied for the easing of restrictions, according to state legislature lobbying records.

The National Restaurant Association, or NRA, did not respond to multiple requests for comment from States Newsroom. The organization represents about [500,000 restaurant businesses](#).

Saru Jayaraman, the president of One Fair Wage, a labor organization that advocates for restaurant workers to be paid a full minimum wage, said the labor shortage is a reflection of workers’ refusal to work jobs that pay a subminimum wage. The federal subminimum wage for tipped workers is currently \$2.13 per hour.

Jayaraman said the subminimum wage for tipped workers is “the source of the fact that our industry has the highest rates of sexual harassment of any industry.”

“You’ve got a population that’s actually over two-thirds women, and young women are forced to tolerate all kinds of inappropriate customer behavior in order to get their income in tips rather than an actual wage from their employer,” she said.

Jayaraman said the push from state National Restaurant Association’s is “an effort to address the worst staffing crisis the industry has ever faced in its history.”

“It is insane and outrageous to have children who can’t actually drink alcohol, serve alcohol, but it is because adults and even young adults are not willing to work for these wages right now,” she said.

#### Red and blue states

While a majority of those states moving to lower the age for teens to serve alcohol have Republican-dominated state legislatures, three laws were passed in state’s with a Democratic governor.

Two of those bills were passed and introduced on a bipartisan basis in New Mexico and Kentucky before being signed into law by Democratic governors.

In Michigan, Democratic Gov. Gretchen Whitmer signed a bipartisan bill last year to lower the age for teens allowed to serve alcohol from 18 to 17. While Michigan currently has a triple Democratic majority, last year at the state level, the House and Senate were controlled by Republicans.

The Michigan Licensed Beverage Association, an association that represents bar, restaurant and tavern owners, was [supportive](#) of the bill. [Lobbying records](#) show that the Michigan Restaurant and Lodging Association, the state affiliate for the NRA, spent \$24,640 in lobbying last year.

Making it easier for teens to serve alcohol is [part of a larger trend](#) in which about 11 states have also moved to roll back child labor laws to allow children to work longer hours and in industries that are considered hazardous, such as mining and construction work.

Reid Maki, the director of child labor issues and coordinator at the Child Labor Coalition, said not only is he concerned with teens serving alcohol to adults, but how states are expanding hours for teens to work.

He pointed to New Hampshire, where 14-year-olds can clear off tables with alcohol and can work up to [35 hours a week during the school week](#). In the state, employees still need to be at least 18 years old to serve alcohol.

“When kids work more than 20 hours a week their grades go down, their school completion goes down, and that’s when it moves from child teen work to child labor when it has negative impacts,” he said.

Ramírez, with the National Women’s Law Center, made similar remarks, and said the push to allow teens to work more hours comes down to low wages.

“I know the restaurant industry likes to say we have a labor shortage, but it’s not a labor shortage, it’s a wage shortage,” Ramírez said. “You’re not paying people enough to make them want to put up with this.”

## **More states enacting laws to allow younger teens to serve alcohol, report finds**

By: Simrin Singh July 21, 2023

More and more states are quietly allowing underage workers to serve alcoholic beverages in bars and restaurants, a new report from the Economic Policy Institute shows.

The nonpartisan think tank found that since 2021, seven states — Michigan, Ohio, West Virginia, Kentucky, Alabama, New Mexico and Iowa — have relaxed legislation to allow teenagers, as young as 16 in some cases, serve alcohol. It's something the report says can be dangerous for younger workers.

"While lowering the age to serve alcohol may sound benign, it is not," the report, published Thursday, said. "It puts young people at risk of sexual harassment, underage drinking, and other harms."

In perhaps the most extreme proposed legislation, Wisconsin is looking to lower the alcohol service age from 18 to 14, the report found. Meanwhile, Idaho is hoping to lower its alcohol service age from 19 to 17.

The report alleged that the move to lower the alcohol service age is part of a larger scheme by the restaurant industry to employ cheaper labor and cut costs. In the nine states where the legislation has been either enacted or proposed, minimum wage and tipping for youth are already low, the Economic Policy Institute found.

The report cited the National Restaurant Association — a nationwide trade group which represents the interests of the restaurant industry — as also promoting legislation to see child labor laws eased.

When it comes to restaurant jobs, the Economic Policy Institute says workers are at a higher risk of experiencing racial and gender discrimination, as well as sexual harassment and alcohol dependence. The industry employs the largest share of teens and young adults, according to the U.S. Bureau of Labor Statistics.

The report states that those who advocate for younger workers often use the argument that they will be valuable in supporting employers suffering with a pandemic-induced "labor shortage."

A possible solution to the issue, the report says, would be to have state lawmakers raise minimum wage and eliminate subminimum wage.

In April, U.S. lawmakers introduced legislation to crack down on businesses that employ underage workers after the Labor Department reported seeing a 70% increase in the number of children illegally employed by companies over the past five years.