

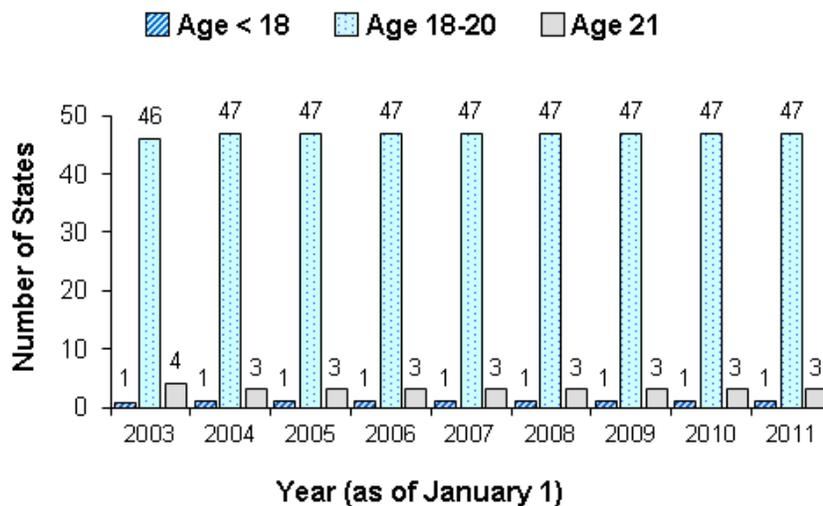
Manager or Supervisor Presence

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 4.3.24). Between 2003 and 2011, Arkansas lowered its minimum age for servers from 21 to 19, and North Dakota lowered its age for servers from 19 to 18.

Exhibit 4.3.24: Distribution of Minimum Ages for On-Premises Servers of Beer, January 1, 2003, through January 1, 2011



References and Further Information

All data for this policy were obtained from APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Minimum Ages for On-Premises Servers and Bartenders.” APIS provides further descriptions of this policy and its variables, details regarding State policies, and a review of the limitations associated with the reported data. To see definitions of the variables for this policy, go to Appendix B.

12. MINIMUM AGES FOR OFF-PREMISES SELLERS

Policy Description

Most States have laws that specify a minimum age for employees who sell alcoholic beverages in off-premises establishments such as liquor stores. A small number require sellers to be at least 21 years old, but most States permit sellers to be younger. Some States allow any person to sell alcohol regardless of age. Other variations across States include minimum age requirements for conducting sales transactions with customers and allowing younger employees to stock coolers with alcohol or bag purchased alcohol. Age restrictions may also vary based on the type of off-premises establishment or type of alcohol being sold. For example, younger persons may be

allowed to sell beer but not wine or distilled spirits. Younger persons may also be allowed to sell alcohol in grocery or convenience stores rather than liquor stores. Some States permit younger minimum selling ages only if a manager or supervisor is present.

State laws specifying minimum ages for employees who sell alcoholic beverages for on-premises consumption are described in the “Minimum Ages for On-Premises Servers and Bartenders” section of this Report.

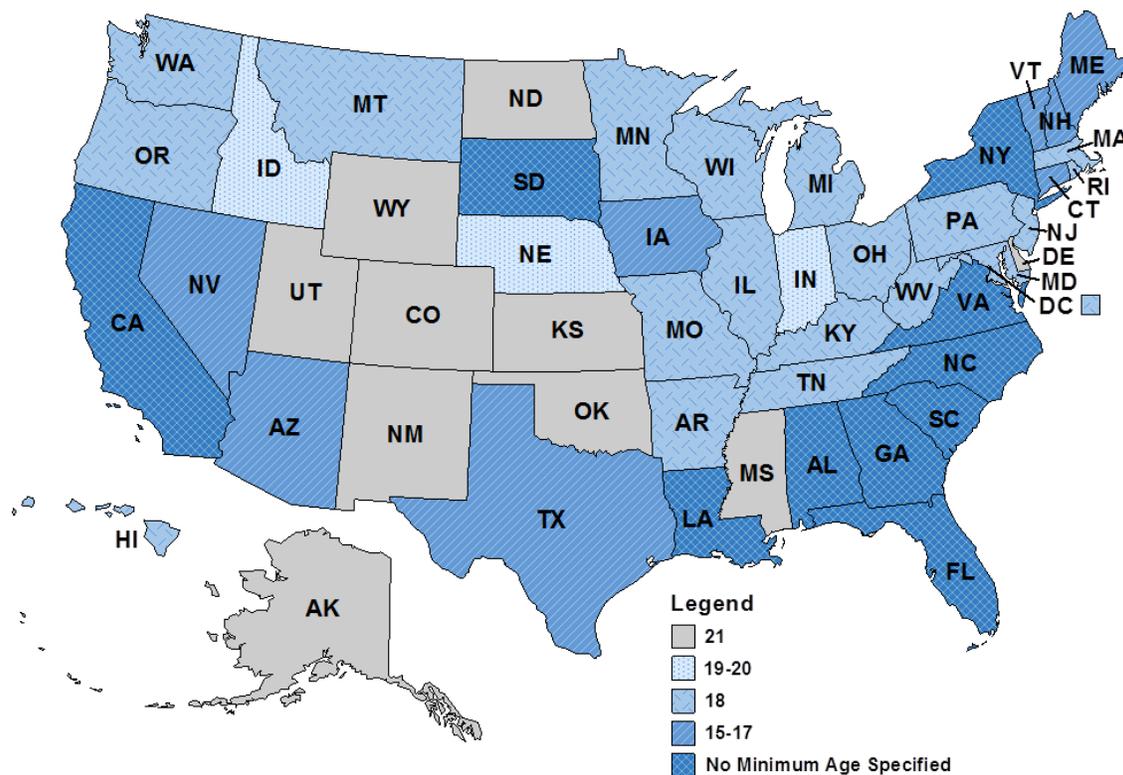
Status of Age of Seller Policies

Minimum Age of Sellers and Types of Beverages

Most jurisdictions specify the same minimum age for sellers of all types of alcoholic beverages (see Exhibit 4.3.25). As of January 1, 2011, 10 States specify that off-premises sellers must be 21 years or older. Three States (Idaho, Indiana, and Nebraska) require off-premise sellers to be 19 years or older; 15 States and the District of Columbia have set the minimum age at 18. Four States (Arizona, Maine, Nevada, and New Hampshire) set the minimum age between 16 and 17 years. Four states (California, Georgia, Louisiana, and Virginia) do not specify any minimum age for sellers.

Minimum age requirements in the remaining 14 States vary by type of alcohol, with age requirements generally higher for the sale of distilled spirits and lower for beer. Florida, New York, and North Carolina set a minimum age of 18 for the sale of spirits and have no age minimum for beer or wine. Alabama and South Carolina have a minimum age of 21 for the sale of spirits but no minimum for beer and wine. Vermont sets a minimum age for selling beer and wine (16), but does not specify a minimum age for selling spirits.

Exhibit 4.3.25: Minimum Age To Sell Beer for Off-Premises Consumption as of January 1, 2011



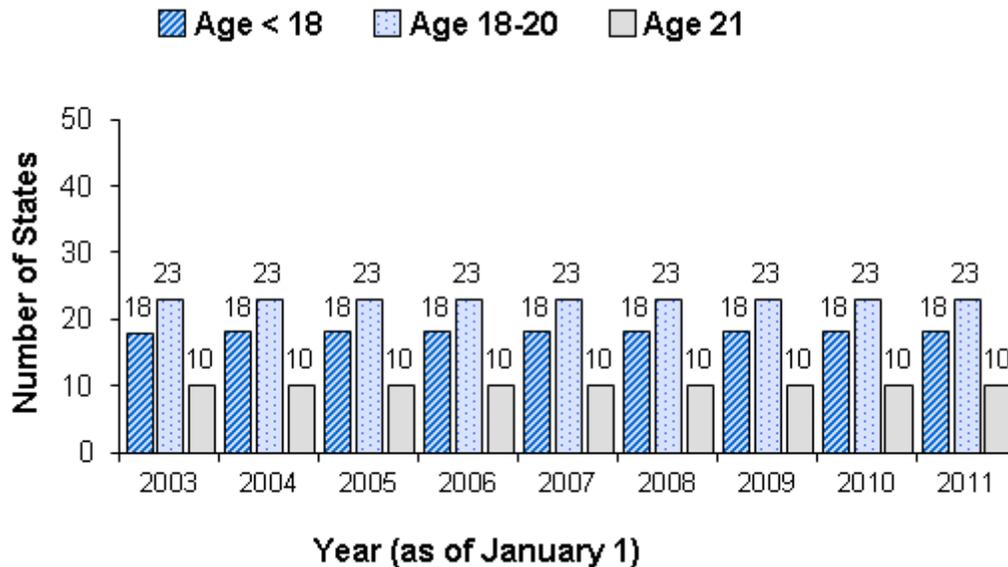
Manager or Supervisor Presence

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

Trends in Age of Seller Policies

There have been no changes in age of seller policies across States between 2003 and 2011 (see Exhibit 4.3.26).

Exhibit 4.3.26: Distribution of Minimum Ages for Off-Premises Sellers of Beer, January 1, 2003, through January 1, 2011



References and Further Information

All data for this policy were obtained from APIS at <http://www.alcoholpolicy.niaaa.nih.gov>. Follow links to the policy entitled “Minimum Ages for Off-Premises Sellers.” APIS provides further descriptions of this policy and its variables, details regarding State policies, and a review of the limitations associated with the reported data. To see definitions of the variables for this policy, go to Appendix B.

13. DRAM SHOP LIABILITY

Policy Description

Dram shop liability refers to the civil liability faced by commercial alcohol providers for injuries or damages caused by their intoxicated or underage drinking patrons. The analysis in this Report is limited to alcohol service to minors.³² The typical factual scenario in legal cases arising from dram shop liability involves a licensed retail alcohol outlet that furnishes alcohol to a minor who, in turn, causes an alcohol-related motor vehicle crash that injures a third party. In States with dram shop liability, the injured third party (“plaintiff”) may be able to sue the retailer (as well as the minor who caused the crash) for monetary damages. Liability comes into play only if an injured private citizen files a lawsuit. The State’s role is to provide a forum for such a lawsuit; the State does not impose a dram-shop-related penalty directly. (This distinguishes dram shop liability from the underage furnishing policy, which results in criminal liability imposed by the State.)

³² “Dram shop liability” is a legal term that originated in the 19th century. Dram shops were retail establishments that sold distilled spirits by the “dram” – a liquid measure that equals 1 ounce. This form of liability may also be referred to as “commercial host liability.”