Local Government Mandate Statement
Kentucky Legislative Research Commission
2022 Regular Session

Part I: Measure Information

Bill Request #: **302**

Bill #: HB 252 HCS 1

Document ID #: 5964

Bill Subject/Title: AN ACT relating to the age requirement for servicng alcoholic beverages.

Sponsor: Representative Killian Timoney

Unit of Government: **X** City **X** County **X** Urban-County **X** Charter County **X** Consolidated Local **X** Unified Local Government

Office(s) Impacted: Treasurer (occupational tax)

Requirement: **X** Mandatory ____ Optional

Effect on
Powers & Duties: ____ Modifies Existing **X** Adds New ____ Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 252 HCS 1 would lower the legal age for selling and serving alcoholic beverages from 20 to 18 if the person is under the supervision of a person 20 years of age or older. This would include beer, wine, and spirits; and would include retail establishments. It would not include duties related to bartending.

HB 252 HCS 1 would also allow persons who are 18 years old and older to work in the warehouse of a wholesaler or distributor if the employment does not include the sale or service of alcoholic beverages and if under the supervision of an employee who is 21 years old or older.

The fiscal impact of HB 252 HCS 1 on local governments is undeterminable but expected to be minimal. Whether or not it would expand the occupational tax base is hard to assess. It is difficult to assess how many 18 and 19 year olds would be added to the workforce or if they would simply be changing jobs. If changing jobs, then they are

currently paying occupational taxes. There are several unknown factors regarding whether or not this age group would be taking jobs away from more mature servers or if any influx of employees would simply be a return to pre-COVID-19 employment levels. In the nine years preceding COVID-19 (2010-2019), the labor force participation rate for 16 to 19 year olds in Kentucky remained unchanged so it is doubtful this would have a significant impact on the number of new-hires.

However, since a number of alcohol-serving businesses have had trouble hiring and retaining employees over the past couple of years, passing HB 252 may alleviate their worries regarding hiring by making available a new source of eligible new-hires.

Below are the serving ages for the fifty states and the District of Columbia as of January 2021. 39 out of the 51 states have a minimum serving age of 18; 7 states have a minimum serving age of 19. Maine's serving age is 17. Only 3 states have serving age requirements higher than Kentucky.

Policy as of January, 2021

	Minimum Age To Serve				Minimum Age To Serve		
State	Beer	Wine	Spirits	State	Beer	Wine	Spirits
Alabama	19	19	19	**Missouri**	18	18	18
Alaska	21	21	21	**Montana**	18	18	18
Arizona	18	18	18	**Nebraska**	19	19	19
Arkansas	19	19	19	**Nevada**	21	21	21
California	18	18	18	**New Hampshire**	18	18	18
Colorado	18	18	18	**New Jersey**	18	18	18
Connecticut	18	18	18	**New Mexico**	19	19	19
Delaware	18	18	18	**New York**	18	18	18
District of Columbia	18	18	18	**North Carolina**	18	18	18
Florida	18	18	18	**North Dakota**	18	18	18
Georgia	18	18	18	**Ohio**	19	19	19
Hawaii	18	18	18	**Oklahoma**	18	18	18
Idaho	19	19	19	**Oregon**	18	18	18
Illinois	18	18	18	**Pennsylvania**	18	18	18
Indiana	19	19	19	**Rhode Island**	18	18	18
Iowa	18	18	18	**South Carolina**	18	18	18
Kansas	18	18	18	**South Dakota**	18	18	18
Kentucky	20	20	20	**Tennessee**	18	18	18
Louisiana	18	18	18	**Texas**	18	18	18
Maine	17	17	17	**Utah**	21	21	21
Maryland	18	18	18	**Vermont**	18	18	18
Massachusetts	18	18	18	**Virginia**	18	18	18
Michigan	18	18	18	**Washington**	18	18	18
Minnesota	18	18	18	**West Virginia**	18	18	18
Mississippi	18	18	18	**Wisconsin**	18	18	18
				Wyoming	18	18	18

**KRS 244.090 currently states that a grocery or convenience store worker may be 18 years old and sell malt beverages. (see KRS 244.090(1)(c)(3): "At the premises licensed only with a nonquota retail malt beverage package license, and the person employed to sell malt beverages is at least eighteen (18) years of age and under the supervision of a person twenty (20) years of age or older or…"*

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II refers to HB 252 HCS 1.
HB 252 HCS 1 keeps all the provisions of HB 252 as introduced and makes the following addition:

- Allows persons who are 18 years old and older to work in the warehouse of a wholesaler or distributor if the employment does not include the sale or service of alcoholic beverages and if under the supervision of an employee who is 21 years old or older.

Data Source(s): LRC Staff, WLKY article "Proposed Kentucky Bill Would Lower Age Requirement for People who Serve Alcohol; August 12, 2021, National Institute on Alcohol Abuse and Alcoholism, U.S. Census Bureau

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