



2018 New York State YMCA

Youth And Government

WWW.YMCANYS.ORG

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate 1

Bill #: S-37

1 **Sponsors:** Ryan Magill, Jeremy Masterson, Alex Hermsdorf and Donovan Bauman

2

3 **An Act To**

4 Amend New York State Alcoholic Beverage Control Law Article 8 Section 100
5 Part 2-a, allowing those sixteen years of age and older to pour/serve
6 alcoholic beverages.

7

8 *The People of the State of New York, represented in the*
9 *Senate and Assembly do enact as follows:*

10

11 **Purpose**

12 We initiate this bill to legally allow those employed as waiters, waitresses,
13 hosts and hostesses under the age of eighteen and over the age of
14 fifteen with written parental consent to pour/serve alcoholic beverages
15 under the direct supervision of a person of legal age to purchase
16 alcoholic beverages in the state.

17

18 **Summary of Provisions**

19 **Section 1: Definitions**

20 **Alcoholic Beverage:** any fermented beverage or liquor, such as wine,
21 beer, or distilled spirit, that contains ethyl alcohol, or ethanol
22 (CH₃CH₂OH), as an intoxicating agent.

23 **Parental Consent:** a statement from the parent or legal guardian,
24 expressing notification and agreement to allow their child to partake in
25 the defined activity.

26 **Section 2:**

27 § 100. 2-a. No retailer shall employ, or permit to be employed, or shall
28 suffer to work, on any premises licensed for retail sale hereunder, any
29 person under the age of eighteen years, as a hostess, waitress, waiter, or
30 in any other capacity where the duties of such person require or permit
31 such person to sell, dispense or handle alcoholic beverages; except that:
32 (1) any person under the age of eighteen years and employed by any
33 person holding a grocery or drug store beer license shall be permitted to
34 handle and deliver beer and wine products for such licensee,
35 (2) any person under the age of eighteen employed as a cashier by a
36 person holding a grocery or drug store beer license shall be permitted to
37 record and receive payment for beer and wine product sales when in the
38 presence of and under the direct supervision of a person eighteen years
39 of age or over,



Committee Assignment: Senate 1

Bill #: S-37

40 (2-a) any person under the age of eighteen years and employed by a
41 person holding a grocery store or drug Store beer license as either a
42 cashier or in any other position to which handling of containers which
43 may have held alcoholic beverages is necessary, shall be permitted to
44 handle the containers if such have been presented for redemption in
45 accordance with the provisions of title ten of article twenty-seven of the
46 environmental conservation law,

47 (3) any person under the age of eighteen years employed as a
48 dishwasher, busboy, or other such position as to which handling of
49 containers which may have held alcoholic beverages is necessary shall be
50 permitted to do so under the direct supervision of a person of legal age
51 to purchase alcoholic beverages in the state,

52 (4) any person under the age of eighteen and older than the age of
53 fifteen with written parental consent may be employed and may suffer to
54 work as a waiter, waitress, hostess, or in any other capacity where the
55 duties of such person require or permit such person to sell, dispense or
56 handle alcoholic beverages while under the direct supervision of a person
57 of legal age to purchase alcoholic beverages in the state.

58

59 **Justification**

60 The largest sector of employment for American teenagers is the food and
61 beverage service industry, as most, if not all, understand the duties of a
62 waiter, and the career as a whole requires little to no prior job
63 experience. The majority of waiters in the United States make money
64 through tips, which can only be attained through serving, and thus, to
65 mandate that those under 18 cannot serve people if they order alcoholic
66 beverages denies them an opportunity to work for considerably more
67 money. This bill gives minors an ability to make this money, whilst
68 handling these beverages in a controlled environment.

69

70 **Fiscal Implications**

71 No financial implications on the State of New York or the
72 Managers/Owners of the restaurant if the owners and managers abide by
73 the law. Owners are subject to penalties under law should it be
74 determined that they are aware of minors drinking on the premise and
75 failing to act.

76

77 **Effective Date**

78 Immediately upon passage of this bill.