

*The*  
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National Overview of  
Server Ages and Functions

*Elizabeth A. DeConti*

APRIL 5-6, 2022





# Elizabeth A. DeConti

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Elizabeth A. DeConti is a shareholder at GrayRobinson P.A. and is one of the original members of the firm's *Alcohol Industry Team*. Elizabeth represents licensed alcohol beverage manufacturers, licensed on- and off-premises retailers, and third parties serving the alcohol industry. Her multi-dimensional practice is focused on litigation, transactional, and marketing matters involving distilled spirits, wine, and malt beverages. Elizabeth's litigation experience includes complex commercial cases, tort litigation on behalf of retail licensees, trade practice disputes, franchise termination disputes, trademark litigation, and excise tax cases before state and federal courts, state administrative agencies, and the U.S. Tax & Trade Bureau. In addition to representing clients in litigation matters, Elizabeth has a substantial transactional practice and manages multi-unit licensing transactions across the United States on behalf of large suppliers as well as large retail chains. She is well known for her experience in advertising and promotions, and in addition to working with licensed industry members, enjoys working with technology companies, app developers, and creators to apply the unique rules surrounding alcohol beverages to digital media marketing. Elizabeth earned her B.A., cum laude and With Distinction in Renaissance Studies from Yale University. She received her J.D., cum laude, from the University of Miami School of Law, where she was a Harvey T. Reid Scholar. She is ranked by Chambers USA, Best Lawyers in America, and is AV Preeminent as rated by Martindale-Hubbell. Elizabeth received the Anthony G. Marshall Hospitality Law Award in 2020, and is a sought after speaker to the hospitality and alcohol industries.



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# The Labor Shortage Which Started in COVID Continues Today

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*Liquor Licensed Premises have Server Age Requirements Imposed by Law*

- Varies by State and sometimes local jurisdiction
- You may not be able to mix and match your employees at will
- Responsible Vendor/Server Certification may or may not be a factor
- Individual Job Functions May be Prescribed by Age

*Staffing shortages resulting from health and the Great Resignation May be Exacerbated by These Requirements.*

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# Job Functions Inside a Liquor Licensed Premises

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- Opening and pouring;
- Mixing in the back of the house (either pre-made batch mixes or a fresh cocktail to be served after being made);
- Bartending in front of the guest at the bar or counter area;
- Serving a drink at a table after taking from the “mixer” or bartender;
- Clearing a table and taking away empty alcohol glasses/containers

# State Examples

## FLORIDA

- Servers, bartenders, and managers must be at least 18.
- A 17 year-old can work with permission from their school principal if they do not sell, dispense, prepare, or serve.

## VIRGINIA

- 18 year-olds may sell, serve, or dispense.
- Must be 21 and over to mix drinks or be a bartender



# State Examples

## PENNSYLVANIA

- 18 and older may mix, serve, and perform other duties.
- 16 year-olds may clear tables with alcohol, as long as they do not mix or serve.

## NEW JERSEY

- Must be at least 18 for all roles.



# State Examples

## NORTH CAROLINA

- A supervisor who is 21 or over must be in the premises at all times.
- No one under 21 may mix a cocktail.

## KANSAS

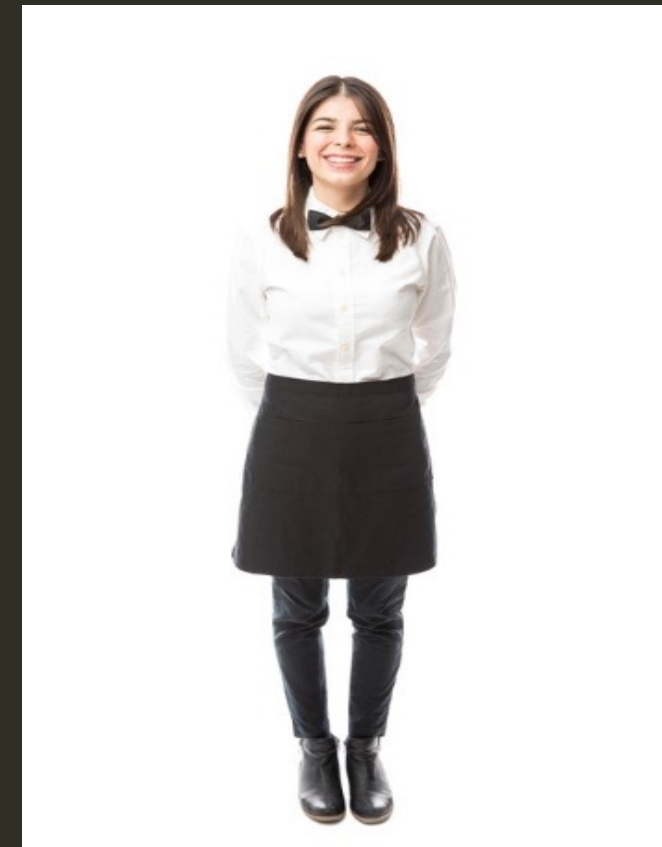
- 18-21 year-olds may serve, check i.d.'s, and move product in the stock room.
- Must be 21+ to mix, dispense, order from distributor, and sign for deliveries
- Under 18 may work in the restaurant, but may have no involvement with alcoholic beverages.
- A supervisor over 21 must be in charge at all times.



# State Examples

## ALABAMA

- A supervisor who is 21 or over must be in the premises at all times.
- Under 21 may be hostesses, cashiers, and bussers if they do not serve/dispense alcohol; 19 and 20-year-olds can do so if the restaurant is a certified responsible vendor.



# Common Themes and Issues

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Usually a Manager on Duty must be 21

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Pouring and Mixing Restrictions Apply Even if your Restaurant does not have a bar counter

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Mixing includes Batch Mixes

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If the jurisdiction allows greater age range with responsible vendor certification, take advantage

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**WE APPRECIATE YOUR  
TIME AND ATTENTION!**

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*Thank you!*