

HOUSE RESEARCH

Bill Summary

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Subject: Employment of minors in establishments where liquor is served or consumed

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Overview

This bill would amend the Child Labor Standards Act (Minnesota Statutes, sections 181A.01 to 181A.12) to regulate the employment of minors in establishments where liquor is served or consumed on the premises. The bill would generally prohibit the employment of minors in rooms where liquors are served or consumed. However, a minor would be permitted to work in an establishment where liquor is served or consumed under certain circumstances, such as when the work is done in a room or area where no liquor is consumed or sold or a room or area where the presence of liquor is incidental to food service or preparation.

Employment of minors in establishments where liquor is served or consumed is currently regulated under rules promulgated by the Department of Labor and Industry (Minnesota Rules, part 5200.0910). This bill would regulate the employment of minors in substantially the same way that the rules do now. However, under this bill, the exceptions set forth in section 0, clauses 1 and 2, would apply to minors who are at least 16 years old. Under current rules, these exceptions apply to minors who are at least 17 years old.

Section

- 1 Prohibited employment relating to the presence of liquor.** Prohibits the employment of minors (persons under the age of 18) in rooms where liquors (either intoxicating liquors or 3.2 percent malt liquors) are served or consumed. Also prohibits the employment of minors

Section

in any tasks involving the serving, dispensing, or handling of liquors that are consumed on the premises. Creates the following exceptions to these general prohibitions:

- A minor who is at least 16 years old may be employed to:

(1) bus tables, wash dishes, or be a host in the rooms or areas of a restaurant, hotel, motel, or resort where the presence of intoxicating liquor is incidental to food service or preparation;

(2) bus tables, wash dishes, be a host, or wait on tables in rooms or areas where the presence of 3.2 percent malt liquor is incidental to food service or preparation; or

(3) provide musical entertainment in rooms or areas where the presence of intoxicating liquor and 3.2 percent malt liquor is incidental to food service or preparation.

- Minors may work in rooms or areas where no liquor is consumed or served, even if liquor is sold, served, dispensed, or handled in the establishment (provided that the employment is not otherwise prohibited by law).

2 **Effect on rules.** Requires the commissioner of labor and industry to amend the department's rules about prohibited employment of minors under 18 years old (Minnesota Rules, part 5200.0910) to conform to section 0. Permits the commissioner to amend the rules as required without going through the normal rulemaking provisions set forth in Minnesota Statutes, chapter 14, by using the good cause exemption.

The good cause exemption allows an agency to amend a rule without complying with the normal rulemaking provisions in order to "incorporate specific changes set forth in applicable statutes when no interpretation of law is required" (Minnesota Statutes, section 14.386). Even under the good cause exemption, an agency is obligated to give notice of a proposed rule change and have the rule reviewed by the office of administrative hearings.