

# SENATE BILL No. 146

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-5-7-13; IC 22-2-18.1; IC 34-30-35.

**Synopsis:** Youth employment. Allows a person who is at least 18 years of age to ring up a sale of alcoholic beverages in the course of the person's employment. Allows a waiter, waitress, or server who is at least 18 years of age to serve alcoholic beverages in a dining room of a restaurant or hotel under certain conditions. Provides an exemption from the employment of minors law for a legal entity in which a parent of the employed minor or a person standing in place of the parent has an ownership interest. (Under current law, the exemption applies to a legal entity whose ownership is limited to the parent or a person standing in place of the parent.) Changes certain hour and time restrictions for the employment of a minor who is 14 or 15 years of age. Allows, under certain conditions, the department of labor to grant a waiver from the restrictions on hazardous occupations for an apprentice or a student-learner who is 16 or 17 years of age. Requires an employer to update certain information regarding the employment of minors. Provides immunity from civil liability to an employer that employs a student in a work based learning course.

**Effective:** July 1, 2024.

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January 8, 2024, read first time and referred to Committee on Commerce and Technology.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# SENATE BILL No. 146

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 7.1-5-7-13, AS AMENDED BY P.L.270-2017,  
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 13. (a) Section 12 of this chapter does not prohibit  
4 the following:

5 (1) The employment of a person at least eighteen (18) years of age  
6 but less than twenty-one (21) years of age on or about licensed  
7 premises where alcoholic beverages are sold, furnished, or given  
8 away for consumption either on or off the licensed premises, for  
9 a purpose other than:

- 10 (A) selling;
- 11 (B) furnishing, other than serving;
- 12 (C) consuming; or
- 13 (D) otherwise dealing in;
- 14 alcoholic beverages.

15 (2) A person at least ~~nineteen (19)~~ **eighteen (18)** years of age but  
16 less than twenty-one (21) years of age from ringing up a sale of  
17 alcoholic beverages in the course of the person's employment.



1 (3) A person who is at least ~~nineteen (19)~~ **eighteen (18)** years of  
 2 age but less than twenty-one (21) years of age and who has  
 3 successfully completed an alcohol server training program  
 4 certified under IC 7.1-3-1.5 from serving alcoholic beverages in  
 5 a dining area or family room of a restaurant or hotel:

6 (A) in the course of a person's employment as a waiter,  
 7 waitress, or server; and

8 (B) under the supervision of a person who:

9 (i) is at least twenty-one (21) years of age;

10 (ii) is present at the restaurant or hotel; and

11 (iii) has successfully completed an alcohol server training  
 12 program certified under IC 7.1-3-1.5 by the commission.

13 This subdivision does not allow a person at least ~~nineteen (19)~~  
 14 **eighteen (18)** years of age but less than twenty-one (21) years of  
 15 age to be a bartender.

16 (4) The employment of a person at least eighteen (18) years of age  
 17 but less than twenty-one (21) years of age on or about licensed  
 18 premises where alcoholic beverages are sold, furnished, or given  
 19 away for consumption either on or off the licensed premises if all  
 20 the following apply:

21 (A) The person is employed as an assistant on a delivery truck.

22 (B) The person's duties with respect to alcoholic beverages are  
 23 limited to handling alcoholic beverages in connection with the  
 24 loading, unloading, stowing, or storing of alcoholic beverages  
 25 that are being delivered or picked up.

26 (C) The person does not sell, furnish, or deal in alcoholic  
 27 beverages in any manner except as expressly permitted under  
 28 clause (B).

29 (D) The person acts under the supervision of a driver holding  
 30 a salesman's permit.

31 (E) The person does not collect money for the delivery or pick  
 32 up.

33 (b) This chapter does not prohibit a person less than twenty-one (21)  
 34 years of age from being on the premises of a brewery under  
 35 IC 7.1-3-2-7(5), a farm winery, including any additional locations of  
 36 the farm winery under IC 7.1-3-12-5, or an artisan distillery under  
 37 IC 7.1-3-27-5, if the person is:

38 (1) the child, stepchild, grandchild, nephew, or niece of an owner  
 39 of the:

40 (A) brewery;

41 (B) farm winery; or

42 (C) artisan distiller; and



1 (2) employed on the premises for a purpose other than:

- 2 (A) selling;  
 3 (B) furnishing, other than serving;  
 4 (C) consuming; or  
 5 (D) otherwise dealing in;  
 6 alcoholic beverages.

7 A minor described in this subsection is not required to be accompanied  
 8 by a parent, legal guardian or custodian, or family member who is at  
 9 least twenty-one (21) years of age while on the premises of the brewery  
 10 or farm winery.

11 SECTION 2. IC 22-2-18.1-2, AS ADDED BY P.L.147-2020,  
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2024]: Sec. 2. (a) This chapter does not apply to:

- 14 (1) a parent who employs the parent's own child;  
 15 (2) a person standing in place of a parent who employs a child in  
 16 the person's custody; or  
 17 (3) a legal entity ~~whose ownership is limited to the parents in~~  
 18 **which a parent** of the employed child or ~~persons a person~~  
 19 standing in place of the parent of the employed child **has an**  
 20 **ownership interest;**

21 except in the instances of underage employment (as set forth in section  
 22 12(a) of this chapter), employment during school hours (as set forth in  
 23 section 12(b) of this chapter), and employment in hazardous  
 24 occupations designated by federal law (as set forth in section 23 of this  
 25 chapter).

26 (b) This chapter does not apply to a minor enrolled in a work based  
 27 learning course (as defined in IC 20-43-8-0.7).

28 SECTION 3. IC 22-2-18.1-17, AS ADDED BY P.L.147-2020,  
 29 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2024]: Sec. 17. The following apply only to a minor who is at  
 31 least fourteen (14) years of age and less than sixteen (16) years of age:

- 32 (1) The minor may not work before 7 a.m. or after ~~7 9~~ p.m.  
 33 However, except on a day that precedes a school day when the  
 34 minor may only work until ~~7 9~~ p.m., the minor may work until **9**  
 35 **11** p.m. from June 1 through Labor Day.  
 36 (2) The minor may not work:  
 37 (A) more than ~~three (3)~~ **six (6)** hours on a school day;  
 38 (B) more than ~~eighteen (18)~~ **twenty-eight (28)** hours in a  
 39 school week;  
 40 (C) more than eight (8) hours on a nonschool day; or  
 41 (D) more than forty (40) hours in a nonschool week.

42 SECTION 4. IC 22-2-18.1-23.3 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2024]: **Sec. 23.3. (a) The department may**  
 3 **grant a waiver from the restrictions set forth in section 23 of this**  
 4 **chapter for an apprentice who is at least sixteen (16) years of age**  
 5 **and less than eighteen (18) years of age if the following conditions**  
 6 **are met:**

7 (1) The apprentice is employed in a craft recognized as an  
 8 apprenticeable trade.

9 (2) The work of the apprentice in an occupation designated as  
 10 hazardous is incidental to the apprentice's training.

11 (3) The work of the apprentice in the occupation designated  
 12 as hazardous is intermittent, for short periods of time, and  
 13 performed under the direct and close supervision of a  
 14 journeyman as a necessary part of the apprentice's training.

15 (4) The apprentice is:

16 (A) registered by and employed in accordance with the  
 17 standards established by the United States Department of  
 18 Labor, Bureau of Apprenticeship and Training;

19 (B) registered by and employed in accordance with the  
 20 standards established by the department of workforce  
 21 development; or

22 (C) employed under a written apprenticeship agreement  
 23 and conditions that conform substantially with the federal  
 24 or state standards.

25 (b) The department may grant a waiver from the restrictions set  
 26 forth in section 23 of this chapter for a student-learner who is at  
 27 least sixteen (16) years of age and less than eighteen (18) years of  
 28 age if the following conditions are met:

29 (1) The student-learner is enrolled in a:

30 (A) course of study and training in a cooperative  
 31 vocational training program under a recognized state or  
 32 local educational authority; or

33 (B) course of study in a substantially similar program  
 34 conducted by a private school.

35 (2) The student-learner is employed under a written  
 36 agreement that meets the following requirements:

37 (A) The written agreement provides that:

38 (i) the work of the student-learner in an occupation  
 39 designated as hazardous is incidental to the  
 40 student-learner's training;

41 (ii) the work of the student-learner in the occupation  
 42 designated as hazardous is intermittent, for short periods



1 of time, and performed under the direct and close  
 2 supervision of a qualified and experienced person;  
 3 (iii) safety instructions are given by the school and  
 4 correlated by the employer with on-the-job training; and  
 5 (iv) a schedule of organized and progressive work  
 6 processes to be performed on the job has been prepared.

7 **(B) The written agreement:**

8 (i) contains the name of the student-learner; and  
 9 (ii) is signed by the employer and the school coordinator  
 10 or principal.

11 **(C) Copies of the written agreement are kept on file by the**  
 12 **school and the employer.**

13 **(c) The department may revoke an exemption granted under**  
 14 **subsection (b) for a student-learner if it is found that reasonable**  
 15 **precautions have not been observed for the safety of the**  
 16 **student-learner.**

17 **(d) A minor who is a high school graduate may be employed in**  
 18 **an occupation in which the minor has completed training as a**  
 19 **student-learner even though the minor is not yet eighteen (18)**  
 20 **years of age.**

21 SECTION 5. IC 22-2-18.1-26, AS ADDED BY P.L.147-2020,  
 22 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2024]: Sec. 26. (a) Each employer that hires, employs, or  
 24 permits at least five (5) minors who are:

- 25 (1) at least fourteen (14) years of age; and  
 26 (2) less than eighteen (18) years of age;

27 to work in a gainful occupation must register with the department.

28 (b) An employer that must register under this chapter must provide,  
 29 in the form and manner prescribed by the department, the following  
 30 information:

- 31 (1) The name of the employer.  
 32 (2) The electronic mail address of the employer.  
 33 (3) The number of minors whom the employer has hired,  
 34 employed, or permitted to work in a gainful occupation. **For**  
 35 **purposes of this subdivision, the first day that a minor starts**  
 36 **working for an employer is considered the date that the minor**  
 37 **is hired.**  
 38 (4) Any other information required by the department.

39 **(c) On or before the fifteenth and last business day of each**  
 40 **month, an employer that must register under this chapter shall**  
 41 **update any change in information regarding:**

- 42 (1) a qualifying location; and



- 1           **(2) the names and numbers of minors at each qualifying**  
 2           **location.**
- 3           SECTION 6. IC 34-30-35 IS ADDED TO THE INDIANA CODE  
 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2024]:
- 6           **Chapter 35. Immunity for Employers Participating in Work**  
 7 **Based Learning Courses**
- 8           **Sec. 1. This chapter does not affect the right of any person to**  
 9 **receive benefits to which the person would otherwise be entitled**  
 10 **under the worker's compensation law (IC 22-3-2 through**  
 11 **IC 22-3-6).**
- 12           **Sec. 2. As used in this chapter, "work based learning course"**  
 13 **has the meaning set forth in IC 20-43-8-0.7.**
- 14           **Sec. 3. An employer that employs a student in a work based**  
 15 **learning course is immune from civil liability for a claim arising**  
 16 **from the student driving to or from the employer's business or**  
 17 **worksite to participate in the work based learning course unless**  
 18 **the student is acting:**
- 19               **(1) within the course and scope of the student's employment;**  
 20               **and**
- 21               **(2) at the direction of the employer.**
- 22           **Sec. 4. (a) An employer that employs a student in a work based**  
 23 **learning course is immune from civil liability for a claim arising**  
 24 **from bodily injury or death of a student during the student's**  
 25 **participation in the work based learning course at the business or**  
 26 **worksite of the employer.**
- 27               **(b) This section does not grant immunity from civil liability to**  
 28 **a person whose actions or omissions constitute gross negligence or**  
 29 **willful or wanton misconduct.**
- 30           SECTION 7. [EFFECTIVE JULY 1, 2024] **(a) The department of**  
 31 **labor shall adopt rules under IC 4-22-2 to amend 610 IAC 10-5-4**  
 32 **to conform with IC 22-2-18.1-26, as amended by this act.**
- 33               **(b) This SECTION expires July 1, 2025.**

