



Reprinted  
February 6, 2024

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## SENATE BILL No. 146

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DIGEST OF SB 146 (Updated February 5, 2024 3:08 pm - DI 141)

**Citations Affected:** IC 7.1-5; IC 22-2; noncode.

**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 law regarding employment of minors 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 solely to the minor's parents or persons standing in place of the minor's parents.) Provides, for purposes of the reporting requirement applicable to an employer that employs a specified number of minors, that: (1) a minor's date of hire is the first date on which the minor performs work for the employer; and (2) an employer must report any new or changed information not later than the fifteenth and last business days of each month. Provides that a civil penalty for a violation of certain provisions regarding the employment of minors may not be assessed for a violation of 10 minutes or less.

**Effective:** Upon passage; July 1, 2024.

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**Rogers, Buchanan, Doriot, Alting,  
Donato, Koch, Byrne, Vinzant**

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January 8, 2024, read first time and referred to Committee on Commerce and Technology.  
January 25, 2024, amended, reported favorably — Do Pass.  
February 5, 2024, read second time, amended, ordered engrossed.

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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

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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.

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

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

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

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

- 38 (1) The name of the employer.  
 39 (2) The electronic mail address of the employer.  
 40 (3) The number of minors whom the employer has hired,  
 41 employed, or permitted to work in a gainful occupation. **For**  
 42 **purposes of this subdivision, the minor's date of hire is the**



1           **first date on which the minor performs work for the**  
 2           **employer.**

3           (4) Any other information required by the department.

4           **(c) On or before the fifteenth and last business day of each**  
 5           **month, an employer that must register under this chapter shall**  
 6           **enter any new or changed information regarding:**

7           **(1) a qualifying location; and**

8           **(2) the names and numbers of minors at each qualifying**  
 9           **location.**

10          SECTION 4. IC 22-2-18.1-30, AS ADDED BY P.L.147-2020,  
 11          SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12          UPON PASSAGE]: Sec. 30. (a) An employer that violates this chapter  
 13          may be assessed the civil penalties described in this section by the  
 14          department.

15          (b) For an hour violation of not more than thirty (30) minutes under  
 16          sections 17 through 20 of this chapter, a violation of section 18(4) of  
 17          this chapter, or a posting violation under section 22 of this chapter the  
 18          civil penalties are as follows:

19               (1) A warning letter for any violations identified during an initial  
 20               inspection.

21               (2) Fifty dollars (\$50) per instance for a second violation  
 22               identified in a subsequent inspection.

23               (3) Seventy-five dollars (\$75) per instance for a third violation  
 24               that is identified in a subsequent inspection.

25               (4) One hundred dollars (\$100) per instance for a fourth or  
 26               subsequent violation that is identified in an inspection subsequent  
 27               to the inspection under subdivision (3) and that occurs not more  
 28               than two (2) years after a prior violation.

29          **A civil penalty may not be assessed under this subsection for a**  
 30          **violation of ten (10) minutes or less.**

31          (c) For a failure to register or failure to register the correct number  
 32          of minors employed under section 26 of this chapter, an hour violation  
 33          of more than thirty (30) minutes under sections 17 through 20 of this  
 34          chapter, an age violation under section 12 or 14 of this chapter, each  
 35          minor employed in violation of section 12(b) of this chapter, or a  
 36          hazardous occupation violation under section 23 or 23.5 of this chapter  
 37          the civil penalties are as follows:

38               (1) A warning letter for any violations identified during an initial  
 39               inspection.

40               (2) One hundred dollars (\$100) per instance for each violation  
 41               identified in a subsequent inspection.

42               (3) Two hundred dollars (\$200) per instance for a third violation



1           that is identified in a subsequent inspection.  
2           (4) Four hundred dollars (\$400) per instance for a fourth or  
3           subsequent violation that is identified in an inspection subsequent  
4           to the inspection under subdivision (3) and that occurs not more  
5           than two (2) years after a prior violation.  
6           **SECTION 5. [EFFECTIVE JULY 1, 2024] (a) The department of**  
7           **labor shall adopt rules under IC 4-22-2 to amend 610 IAC 10-5-4**  
8           **to conform with IC 22-2-18.1-26, as amended by this act.**  
9           **(b) This SECTION expires July 1, 2025.**  
10          **SECTION 6. An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred Senate Bill No. 146, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 28 through 42, begin a new paragraph and insert:

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

(1) **Except as provided in subdivisions (2) and (3)**, the minor may not work before 7 a.m. or after 7 p.m.

(2) ~~However, except on a day that precedes a school day when the minor may only work until 7 p.m.;~~ The minor may work until 9 p.m. ~~from June 1 through Labor Day. if the minor's parent provides the minor's employer with written consent for the minor to work later than 7 p.m.~~

(3) **The minor may work until 11 p.m. if:**

(A) **the minor is not required to attend school the next day; and**

(B) **the minor's parent provides the minor's employer with written consent for the minor to work later than 9 p.m.**

~~(2)~~ (4) **The minor may not work:**

(A) more than ~~three (3)~~ **six (6)** hours on a school day;

(B) more than ~~eighteen (18)~~ **twenty-eight (28)** hours in a school week;

(C) more than eight (8) hours on a nonschool day; or

(D) more than forty (40) hours in a nonschool week."

Delete page 4.

Page 5, delete lines 1 through 20.

Page 5, line 35, delete "the first day that a minor starts" and insert **"the minor's date of hire is the first date on which the minor performs work for the employer."**

Page 5, delete lines 36 through 37.

Page 5, line 41, delete "update any change in" and insert **"enter any new or changed"**.

Page 6, delete lines 3 through 29.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

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(Reference is to SB 146 as introduced.)

BUCHANAN, Chairperson

Committee Vote: Yeas 9, Nays 1.

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SENATE MOTION

Madam President: I move that Senate Bill 146 be amended to read as follows:

Page 4, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 5. IC 22-2-18.1-30, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) An employer that violates this chapter may be assessed the civil penalties described in this section by the department.

(b) For an hour violation of not more than thirty (30) minutes under sections 17 through 20 of this chapter, a violation of section 18(4) of this chapter, or a posting violation under section 22 of this chapter the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial inspection.
- (2) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.
- (3) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.
- (4) One hundred dollars (\$100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

**A civil penalty may not be assessed under this subsection for a violation of ten (10) minutes or less.**

(c) For a failure to register or failure to register the correct number of minors employed under section 26 of this chapter, an hour violation of more than thirty (30) minutes under sections 17 through 20 of this chapter, an age violation under section 12 or 14 of this chapter, each minor employed in violation of section 12(b) of this chapter, or a hazardous occupation violation under section 23 or 23.5 of this chapter the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial

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inspection.

(2) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(3) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(4) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation."

Page 4, after line 35, begin a new paragraph and insert:

"SECTION 7. **An emergency is declared for this act.**".

Re-number all SECTIONS consecutively.

(Reference is to SB 146 as printed January 26, 2024.)

GARTEN

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SENATE MOTION

Madam President: I move that Senate Bill 146 be amended to read as follows:

Page 3, delete lines 28 through 42.

Page 4, delete lines 1 through 7.

Re-number all SECTIONS consecutively.

(Reference is to SB 146 as printed January 26, 2024.)

HUNLEY

