

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 ENROLLED ACT No. 146

---

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

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

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

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

- (A) selling;
- (B) furnishing, other than serving;
- (C) consuming; or
- (D) otherwise dealing in;

alcoholic beverages.

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

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

SEA 146 — Concur



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

(B) under the supervision of a person who:

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

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

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

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

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

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

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

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

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

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

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

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

(A) brewery;

(B) farm winery; or

(C) artisan distiller; and

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

(A) selling;

(B) furnishing, other than serving;

(C) consuming; or

(D) otherwise dealing in;



alcoholic beverages.

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

SECTION 2. IC 22-2-18.1-2, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 2. ~~(a)~~ This chapter does not apply to **the following:**

(1) A:

**(A)** parent who employs the parent's own child;

~~(2)~~ **(B)** person standing in place of a parent who employs a child in the person's custody; or

~~(3)~~ **(C)** legal entity whose ownership is limited to the parents **in which a parent** of the employed child or ~~persons~~ **a person** standing in place of the parent of the employed child **has an ownership interest;**

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

~~(b)~~ This chapter does not apply to **(2)** A minor enrolled in a work based learning course (as defined in IC 20-43-8-0.7).

**(3) A minor employed as an actor or performer in:**

**(A) motion pictures; or**

**(B) theatrical, radio, or television productions.**

**(4) A minor employed as a newspaper carrier.**

**(5) A minor employed as a homemaker engaged in the making of evergreen wreaths, including the harvesting of the evergreens or other forest products used in making the wreaths.**

SECTION 3. IC 22-2-18.1-26, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2025]: Sec. 26. (a) Each employer that hires, employs, or permits at least five (5) minors who are:

(1) at least fourteen (14) years of age; and

(2) less than eighteen (18) years of age;

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

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

SEA 146 — Concur



- (1) The name of the employer.
- (2) The electronic mail address of the employer.
- (3) The number of minors whom the employer has hired, employed, or permitted to work in a gainful occupation. **For purposes of this subdivision, the minor's date of hire is the first date on which the minor performs work for the employer.**
- (4) Any other information required by the department.

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

- (1) a qualifying location; and**
- (2) the names and numbers of minors at each qualifying location.**

SECTION 4. 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 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.

**SECTION 5. [EFFECTIVE JULY 1, 2024] (a) The department of labor shall adopt rules under IC 4-22-2 to amend 610 IAC 10-5-4 to conform with IC 22-2-18.1-26, as amended by this act.**

**(b) This SECTION expires July 1, 2025.**

**SECTION 6. An emergency is declared for this act.**



---

President of the Senate

---

President Pro Tempore

---

Speaker of the House of Representatives

---

Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 146 — Concur**

