

ASSEMBLY BILL NO. 74—ASSEMBLYMEN BERMAN,
CARPENTER AND GIBBONS

FEBRUARY 9, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Requires labor commissioner to adopt regulations prohibiting employment of children under 16 years of age in certain activities relating to commercial sales. (BDR 53-659)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to children; requiring the labor commissioner to adopt regulations prohibiting the employment of children under 16 years of age in certain activities relating to commercial sales; providing civil and criminal penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 609 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *Except as otherwise provided in subsection 2, the labor***
4 *commissioner shall adopt regulations prohibiting the employment of a*
5 *child under the age of 16 years in connection with the solicitation for*
6 *sale or selling of any product, good or service at any time or place or in*
7 *any manner the labor commissioner determines to be dangerous to the*
8 *health or welfare of such a child.*
9 2. *The labor commissioner shall not prohibit the employment of a*
10 *child under the age of 16 years in connection with the solicitation for*
11 *sale or selling of:*
12 (a) *Any product, good or service in a county whose population is less*
13 *than 100,000; or*
14 (b) *Any agricultural product at a fixed location directly to consumers*
15 *and not for resale.*
16 *This subsection does not authorize the employment of a child in violation*
17 *of a specific statute.*
18 3. *No child under the age of 16 years may be employed, permitted or*
19 *required to work in any capacity, including, without limitation, as an*
20 *independent contractor, in connection with the solicitation for sale or*



* A B 7 4 R 2 *

1 *selling of any product, good or service at any time or place or in any*
2 *manner prohibited by the labor commissioner pursuant to subsection 1.*

3 **Sec. 3.** *A person who knowingly employs, permits or requires a child*
4 *to work in violation of section 2 of this act is liable, in addition to any*
5 *other penalty or remedy that may be provided by law, for a civil penalty*
6 *of not more than \$2,500 for each such violation, which may be recovered*
7 *in a civil action brought by the labor commissioner. All money collected*
8 *as civil penalties pursuant to this section must be deposited in the state*
9 *general fund.*

10 **Sec. 4.** NRS 609.200 is hereby amended to read as follows:

11 609.200 ~~The~~ *Except as otherwise provided in section 2 of this act,*
12 *the* labor commissioner may ~~from time to time,~~ determine whether or
13 not any particular trade, process of manufacture ~~or~~ occupation, or any
14 particular method of carrying on such trade, process of manufacture or
15 occupation is sufficiently dangerous to the lives or limbs, or injurious to
16 the health or morals, of minors under 16 years of age employed therein to
17 justify their exclusion therefrom, and may prohibit their employment
18 therein.

19 **Sec. 5.** NRS 609.270 is hereby amended to read as follows:

20 609.270 Except as otherwise provided in NRS 609.190 to 609.260,
21 inclusive, *and section 2 of this act,* whoever employs any child, and
22 whoever, having under his control as parent, guardian or otherwise, any
23 child, permits or suffers any child to be employed or to work in violation of
24 any of the provisions of NRS 609.190 to 609.260, inclusive, ~~shall be~~ *or*
25 *section 2 of this act, is* guilty of a misdemeanor.

26 **Sec. 6.** The amendatory provisions of this act do not apply to offenses
27 that were committed before the effective date of this act.

28 **Sec. 7.** This act becomes effective upon passage and approval.

