

October 23, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

Shari Solt

President Joey B Inc.

d sharisolt@gmail.com

RE: Minors Working on Premises

Dear Ms. Solt:

ISSUE: This is in response to your e-mail dated October 9, 2013, in which you ask whether a food runner under the age of eighteen (18) is permitted to be behind the bar for the purpose of delivering food, putting checks into the register, and removing plates. You also inquire if the food runner is able to remove alcohol from the tables.

Records of the Pennsylvania Liquor Control Board ("Board") provide that the Joey-B, Inc. holds Restaurant Liquor License No. R-13354 (LID 16077) for use by it at premises located at 638 Delaware Avenue, Palmerton, Pennsylvania.

OPINION: Generally, please note that section 493(13) of the Liquor Code prohibits a restaurant licensee to employ anyone under the age of eighteen (18) to sell, serve or furnish alcohol and to employ anyone under the age of sixteen (16) to provide any service whatsoever.

Persons aged sixteen (16) and seventeen (17) may be employed on retail licensed premises only to serve food, clear tables, and perform other similar duties - including the carrying of empty or partially full alcoholic beverages remaining on the table being cleared. They are not permitted to dispense or serve alcoholic beverages.

Minors under sixteen (16) years of age cannot be employed on retail licensed premises, except under a narrow exception involving licenses located at ski resorts, golf courses, amusement

parks and continuing care facilities. [Id.]. That exception allows the employment of minors, specifically fourteen (14) and fifteen (15)-years-old, to perform work at those facilities as long as alcohol is not being concurrently dispensed, stored or served in the room or in the area in which the minors are working. This exception is inapplicable to your restaurant.

In answering your specific inquiries, you are permitted to have a food runner who is sixteen (16)-years-old and above, behind the bar performing the duties that you have enumerated, so as long as that individual is not involved in the service of any alcoholic beverages.

Since employment of minors is primarily regulated by the Pennsylvania Department of Labor and Industry, you may wish to contact that agency as well at (717) 787-5279.

Should you have any further questions or concerns regarding these matters, please do not hesitate to contact this office.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police,
Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs

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Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

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