

March 7, 2016

Martin Passarella
AM Discount Beverage, Inc.
136 North Main Street
Carrolltown, PA 15722
VIA E-MAIL

RE: Employment of Minors

Dear Mr. Passarella:

ISSUE: This office is in receipt of your e-mail, dated February 23, 2016, wherein you ask what the legal age is to work at a beer distributor. Additionally, you ask if you hired someone younger than eighteen years of age, would the minor employee be permitted to handle and stock beer, as well as carry customers' purchases.

Records maintained by the Pennsylvania Liquor Control Board ("PLCB") indicate that AM Discount Beverage, Inc. holds Distributor License No. D-3921 (LID 54919) for use by it at premises located at 136 North Main Street, Carrolltown, Pennsylvania. You are listed as the Board-approved manager.

OPINION: Be advised that section 493(27) of the Liquor Code makes it unlawful for any distributor to employ minors under eighteen years of age. 47 P.S. § 4-493(27). However, the PLCB's Regulations do create an exception that allows for the employment of a seventeen-year-old minor who has graduated from high school or who, in the opinion of the chief administrator of the school district, has not graduated but has attained his academic potential. Under these limited circumstances, the seventeen-year-old minor will be deemed to be a "minor of eighteen years of age" for purposes of the Liquor Code. 40 Pa. Code § 5.14.

Please note, if such a minor is employed, PLCB Regulations require that the distributorship have in its possession on the licensed premises, to be produced on demand, a certified copy of the diploma or certificate of graduation of the seventeen-year-old minor, or a letter from the chief administrator of the school district, on official school district stationery, stating that the seventeen-year-old minor has reached his academic potential. 40 Pa. Code § 5.14. An employee

Martin Passarella

March 7, 2016

Page 2

deemed to be a “minor of eighteen years of age” may be employed to sell and deliver malt and brewed beverages.

That being said, since employment of minors is primarily regulated by the Department of Labor and Industry, you may wish to contact that agency as well. Its phone number is (717) 787-5279.

Should you have any additional questions, 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.

Sincerely,

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-064