

**ADOPTED REGULATION OF THE
LABOR COMMISSIONER**

LCB File No. R106-03

Effective October 28, 2003

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

AUTHORITY: §1, NRS 607.160 and 609.221; §2, NRS 609.221; §3, NRS 607.160.

Section 1. Chapter 609 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *Except as otherwise provided in this section and NRS 609.221, a person shall not employ a child under the age of 16 years in connection with the solicitation for sale or selling of any product, good or service at any time or place or in any manner that the Labor Commissioner determines, pursuant to subsection 2, to be dangerous to the health or welfare of such a child.*

2. The Labor Commissioner hereby determines that, except as otherwise provided in subsections 3 and 4, the employment of a child under the age of 16 years in connection with the solicitation for sale or selling of any product, good or service at any time or in any manner is dangerous to the health or welfare of such a child if the solicitation for sale or selling takes place:

- (a) At the residence or place of business of the customer;*
- (b) In a public place; or*
- (c) From a vehicle.*

3. A person may apply to the Labor Commissioner for authorization to employ a child under the age of 16 years in connection with the solicitation for sale or selling of any product, good or service at any time or place or in any manner that the Labor Commissioner has, pursuant to subsection 2, determined to be dangerous to the health or welfare of such a child. The Labor Commissioner may, by order, authorize such employment if the person demonstrates that under the facts and circumstances specific to him such employment is not dangerous to the health or welfare of such a child.

4. This section does not prohibit the employment of a child under the age of 16 years in connection with:

(a) The solicitation for sale or selling of a product, good or service on behalf of a bona fide nonprofit organization if the child is:

(1) A volunteer who receives no compensation; and

(2) Under the direct supervision of an adult.

(b) The distribution of literature or advertising material related to a political campaign or election.

(c) The delivery of newspapers to the residence or place of business of the customer.

5. As used in this section:

(a) "Nonprofit organization" includes, without limitation, a charitable, civic, educational, eleemosynary, fraternal, humanitarian, patriotic, political, religious or veterans' organization that is not operated for profit.

(b) "Public place" includes, without limitation, a street corner, parking lot, median of a roadway, or facility for public transportation, sporting events or the performing arts.

Sec. 3. If the Labor Commissioner determines, pursuant to NRS 609.200, that any particular trade, process of manufacture or occupation, or any particular method of carrying on such trade, process of manufacture or occupation is sufficiently dangerous to the lives or limbs, or injurious to the health or morals, of minors under 16 years of age employed therein to justify their exclusion therefrom, the Labor Commissioner will make his determination available for public review and inspection:

- 1. At each office of the Labor Commissioner during regular business hours; and*
- 2. On the Internet or its successor, if any.*

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R106-03

The Labor Commissioner adopted regulations assigned LCB File No. R106-03 which pertain to chapter 609 of the Nevada Administrative Code on September 19, 2003.

Notice date: 8/15/2003
Hearing date: 9/16/2003

Date of adoption by agency: 9/16/2003
Filing date: 10/28/2003

INFORMATIONAL STATEMENT

- (a) A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Public comment on the proposed rule was solicited on the agency website (www.laborcommissioner.com), posted notices including copies to the main library in each county and direct mail to persons on the agency 233B mailing list. Copies are available through the agency website or upon request from the agency.

- (b) The number of persons who:

- (1) Attended each hearing:

No members of the public attended either the hearing or the workshop. The hearing was attended by the Labor Commissioner, Deputy Labor Commissioner, Chief Assistant to the Labor Commissioner, Chief Investigator and the Deputy Attorney General assigned to the Labor Commissioner.

- (2) Testified at each hearing:

No testimony was offered at the hearing.

- (3) Submitted to the agency written comments:

The only written commentary received was a version of the regulation rewritten by the Legislative Counsel Bureau. There were no substantive changes in the LCB version and that was adopted as the final version of the regulation.

- (c) A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary:

Comments were solicited through published and posted notices and by direct mail to organizations and individuals on the agency mailing list. The workshop and hearing schedule and the proposed rule were published on the agency's website.

- (d) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:

Because no substantive changes were made to the proposed regulation, no substantive changes were made.

- (e) The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public:

Impact on businesses that are regulated:

- (1) Both adverse and beneficial effects:

The regulations should have a negative impact on businesses that obtain a competitive advantage by improperly employing child labor. There will be a benefit from clarifying the terms and conditions under which young people can be employed.

- (2) Both immediate and long-term effects:

Statutory requirements will be more clearly enunciated in the light of state policies towards the employment of young people. Uncertainty as to the terms and conditions of employment will be diminished.

Impact on the public:

- (1) Both adverse and beneficial effects:

The regulations should diminish those circumstances where young workers are improperly or unsafely employed.

- (2) Both immediate and long-term effects:

The regulations should diminish those circumstances where young workers are improperly or unsafely employed.

- (f) The estimated cost to the agency for enforcement of the proposed regulation:

There is no anticipated cost to the agency for enforcement.

- (g) A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

The state and federal governments have concurrent jurisdiction over Child Labor, therefore the regulation may overlap regulations established by the U.S. Department of Labor under the Fair Labor Standards Act. This will enable the state to act under circumstances where the federal agencies lack available resources to address any problems that may arise.

- (h) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

Not applicable.

- (i) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

No new fees are involved.