

*Berningham  
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August 26, 1954  
Letter Opinion  
No. 54-220-L

C. G. Salsbury, M.D., Commissioner  
Arizona State Department of Health  
State Office Building  
Phoenix, Arizona

**LAW LIBRARY  
ARIZONA ATTORNEY GENERAL**

Re: Employment of children under 18 years  
of age in night clubs.

Dear Dr. Salsbury:

We are in receipt of your letter of August 20, relating to the inquiry of Mr. Robert Stubbs, Deputy County Attorney of Pima County.

Section 56-302, A.C.A. 1939, pertaining to the employment of children under sixteen years of age reads as follows:

"56-302. Employments prohibited to children under sixteen--State board of health may prohibit.--  
No child under the age of sixteen (16) years shall be employed, or suffered to work at any of the following occupations or in any of the following positions: sewing or adjusting machine belts in any workshop or factory, or assisting therein; oiling, wiping, or cleaning machinery, or assisting therein; operating or assisting in operating circular or band saw, wood shapers, wood joiners, planers, sandpaper or wood polishing machinery; picker machines, machines used in picking wool, cotton, or any upholstery material, paper lacing machine, leather burnishing machines, burnishing machines in any tannery or leather manufactory; job or cylinder printing presses operated by power other than foot power, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines used in sheet-metal and tinware manufacturing, stamping machines in washer and nut factories, corrugating rolls such as are used in roofing and washboard factories; steam boilers, steam machinery or other steam generating apparatus, dough brakes or cracker machinery of any description, wire or iron straightening machinery, rolling mill machinery, punches, or shears; washing, grinding or mixing mills; calender rolls in rubber manufacturing, laundering machinery; the preparing of any composition

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in which dangerous or poisonous acids are used, manufacture of paints, colors, or white lead; dipping drying or packing matches; in or about, or in connection with any mine, coal breaker, quarry, smelter, ore reduction works, laundry, tobacco warehouse, cigar factory, or other factory where tobacco is manufactured or prepared; hotel, theater, concert hall, drug store, or place of amusement; operating any automobile, motor car or truck; in a bowling alley, nor in any other employment declared by the state board of health to be dangerous to lives or limbs, or injurious to the health or morals of children under the age of sixteen (16)."

Thus, the statutes specifically prohibit the employment of children under the age of sixteen years in a place of amusement such as a night club.

Section 56-309, A.C.A. 1939, relating to the employment of children under eighteen years of age, specifies:

"56-309. Employments prohibited to children under eighteen.--No child under the age of eighteen (18) years shall be employed or suffered to work in, about, or in connection with: Blast furnaces, smelters, or ore reduction works; in the outside erection and repair of electric wires; in the running or management of elevators, lifts, or hoisting machines; underground in a mine; in oiling hazardous and dangerous machinery in motion; switch tending, gate tending, track repair, as brakeman, fireman, engineer, motorman, or conductor upon any railroads; in or about establishments where nitro-glycerine, dynamite, dualin, guncotton, gunpowder or other high or dangerous explosives are manufactured, compounded or stored; nor in any other employment declared by the state board of health to be dangerous to the lives or limbs or injurious to the health or morals of children under the age of eighteen (18)."

Nowhere is the employment of children between the years of sixteen and eighteen in places of amusement such as a night club specifically prohibited by statute. However, by virtue of section 56-309, supra, it is within the power and jurisdiction of the state board of health to declare certain types of employment dangerous to the lives or limbs or injurious to the health or morals for children under eighteen years of age. Depending upon all the circumstances, employment in a night club may be declared within those

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types of employment which may be declared by the board of health to be injurious to the health and morals of children under eighteen years.

We hope the above information will be of assistance to you and the Arizona State Board of Health.

Sincerely,

WILLIAM T. BIRMINGHAM  
Assistant to the  
Attorney General

WTB:elf