

L. I. C. R. DEPARTMENT: Department of Labor has no right to inspect hotels.

January 3, 1935.



Mrs. Mary Edna Cruzen,
Commissioner,
Labor and Industrial Inspection Dept.,
Jefferson City, Missouri.

Dear Mrs. Cruzen:

This is to acknowledge your letter as follows:

"Does the State Labor Department have the authority to inspect hotels for sanitary and working conditions for the employees if the hotel does not have a restaurant connected with it?"

Section 13218 does not specify hotels but lists restaurants."

It is our opinion that your Department does not have authority to inspect hotels for sanitary and working conditions.

Article 7, Chapter 93, R. S. Mo. 1929, pertains to "Inspection of Hotels, Inns and Boarding Houses" and such power is vested in the Food and Drug Commissioner.

On July 10, 1933, this Department rendered you an opinion, which in part held:

"In your 6th inquiry you desire a list of places to be inspected, as set forth in Section 13218 R. S. Mo. 1929, which Section has been quoted above and will not be quoted again at this place. The Section provides for an inspection of 'all factories, warehouses, office buildings, freight depots, machine shops,

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garages, laundries, tenement workshops, bake shops, restaurants, bowling alleys, pool halls, theaters, concert halls, moving picture houses, or places of public amusement, and all other manufacturing, mechanical and mercantile establishments and workshops.' After the enumeration of the various places to be inspected the Section includes, 'all other manufacturing, mechanical and mercantile establishments and workshops.' It is the opinion of this Department that the Legislature intended that the places enumerated be subject to inspection and by such enumeration did not intend that every place where one or more employees may work would be subject to inspection. The places enumerated, however, cover practically all of the well-known places where employees work under such conditions as to require the protection of these statutes. We believe that unless the place sought to be inspected is a factory, warehouse, etc., or is a manufacturing, mechanical or mercantile establishment or workshop, that such places may not be inspected."

Yours very truly,

James L. HornBostel
Assistant Attorney-General.

APPROVED:

ROY McKITTRICK
Attorney-General.

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