

**HOUSE BILL 1548**  
**PRINTER'S NO. 2183**

**Amendment A10457**  
**SPONSOR: Sen. Gordner**

A free standing act regulating child labor and conferring powers and duties on the Department of Labor and Industry. Further, the Act of May 13, 1915 (P.L. 286, No 177), known as the Child Labor Law, is repealed.

The new act shall be known and may be cited as the Child Labor Act.

New definitions are included for “documentary program”, “employ”, “employer”, “hours of employment”, “performance”, “reality program”, “regular school week”, “school vacation” and “work permit” among others to modernize the statute.

New time limitations for employment of minors are established, consistent with the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.). Allowable time periods are based upon the age of the minor and whether or not school is in session.

Continues to prohibit employment of minors in certain occupations and establishments, including: places where alcoholic beverages are sold, with certain continued exceptions; in any occupation designated as hazardous and prohibited under the Fair Labor Standards Act; as one of several occupations on a plane, train or boat; in the manufacture of any poisonous dye or composition; as a tobacco stripper or sorter; or work on scaffolding or in tunnels.

Minors less than 14 years of age, but at least 12 years of age, may be employed as a caddy, but are limited to carrying one golf bag for a maximum of 18 holes a day. Minors 11 years of age may engage in the delivery of newspapers, subject to certain limitations.

Continues to prohibit youth peddling, other than the sale of goods and services to customers at the employer's establishment. The term does not include volunteer activities for a charitable purpose.

A new section relating to employment of minors in a performance is established, including in documentary and reality programming in which the minor's participation is substantial and the minor or any person receives remuneration for the performance. No minor may engage in a performance without an entertainment permit issued by the Department. Working hours are established for minors in a performance, based upon age. Meal and break times are required. Rehearsal time is considered as part of the performance.

Performances including minors shall not involve acts constituting the sexual abuse or exploitation of minors; boxing, sparring or wrestling (except for bona fide school-related or recognized amateur competition); activities involving a high level of inherent danger; acrobatic acts; the use of dangerous weapons or explosives; or in any occupation prohibited by the Fair Labor Standards Act. Special entertainment permits may be issued by the Department for performances by minors as part of a nationally or internationally recognized circus, providing that appropriate trained medical personnel are on site, the minor has a physician's statement of health and the performance does not involve high wire or trapeze acts.

Entertainment permits are valid for up to six months and are renewable. The Department may charge a fee for the permits, which shall be established through regulation. The permit shall be on a form issued by the Department and shall include: the legal and professional name of the minor, date and place of birth, name of the minor's parent or representative and whether the minor has performed in other states requiring a permit. For infants, written certification from a licensed physician stating the infant is physically capable of meeting requirements of the performance is required.

Compulsory education requirements are established, including the providing of a certified teacher or tutor by the employer when the minor is employed for three or more consecutive days. Further requires a letter or document from a school official that the minor is in good academic standing and the performance will not interfere with educational progress, or a guarantee that arrangements have been made for a qualified tutor for the minor. If the minor performer is a foreign national temporarily in the United States for less than 35 days, the employer requirements shall not apply. Educational requirements also do not apply for minors who are high school graduates or exempt from compulsory education requirements under the Public School Code of 1949.

Child performer trust accounts are established when anticipated earnings are in excess of \$2,500 for the production. A qualified tuition account program may be substituted. Child performer trust accounts established in other states shall meet the requirements of this section.

The parent or legal guardian shall establish the account for the benefit of the minor. The employer shall transfer not less than 15 percent of total compensation to the account. The minor's parent or guardian may serve as custodian of the account, unless the account reaches \$150,000 or more. If so, a trust company or independent custodian must be appointed. Proceeds of the child performer trust shall remain in trust until the minor reaches at least 18 years of age. Proceeds distributed prior to age 18 may only be used for the minor's legitimate health or educational needs.

Certain minors may be employed to perform sports-attendant services at professional sporting events. Minors are not prohibited from serving in volunteer fire or emergency medical services, but may not operate equipment or enter a burning structure. Minors 16 years of age and older who have completed basic firefighter training may engage in firefighting activities.

Work permits will still be required for minors not engaged in entertainment. Work permits shall be issued by the Department if requirements are met. Work permits may be revoked if the minor cannot maintain adequate academic achievement.

Duties of the Department, school districts and employers are delineated. Criminal and administrative penalties are established for violation of the act. Exclusions are provided for work done in the private home of the parent and guardian that are considered normal chores and for baby-sitting.

The act is effective in 60 days.

Todd B. Roup  
May 1, 2012

