

FIRST REGULAR SESSION

SENATE BILL NO. 175

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

0923S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 294.022, 294.024, 294.027, 294.045, 294.051, 294.054, 294.060, and 294.080, RSMo, and to enact in lieu thereof two new sections relating to child employment.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 294.022, 294.024, 294.027, 294.045,
2 294.051, 294.054, 294.060, and 294.080, RSMo, are repealed and
3 two new sections enacted in lieu thereof, to be known as
4 sections 294.023 and 294.025, to read as follows:

294.023. 1. A department, agency, or any other entity
2 of the state or any political subdivision shall not, by rule
3 or practice, require that a child under eighteen years of
4 age be issued a work certificate of employment or
5 entertainment work permit as a condition of employment.

6 2. A department, agency, or any other entity of the
7 state or any political subdivision shall not, by rule or
8 practice, require that an employer obtain a work certificate
9 of employment or entertainment work permit from a child
10 under eighteen years of age as a condition of employment.

11 3. Nothing in this section shall be construed to
12 authorize a child to be absent from school in violation of
13 the requirements of state law or regulations or policies of
14 the state board of education, the Missouri department of
15 elementary and secondary education, or a local school board.

16 4. Nothing in this section shall be construed to
17 preclude the department of labor and industrial relations

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 from issuing a work certificate as evidence of age upon the
19 request of a child who represents to be under eighteen years
20 of age or an employer who wishes to employ a child who
21 represents to be under eighteen years of age. Proof of age
22 of the child includes a birth certificate or other
23 documentary evidence prescribed by the department. A work
24 certificate as evidence of age shall be accepted as
25 conclusive evidence of the age of the child.

294.025. 1. For the purposes of this section, the
2 following terms mean:

3 (1) "Employer", any person, firm, or corporation
4 employing or seeking to employ a child in the entertainment
5 industry;

6 (2) "Entertainment industry", any person, employer,
7 firm, or corporation using the services of a child as a
8 performer, extra, or in any other performing capacity in
9 motion picture productions, television or radio productions,
10 theatrical productions, modeling productions, horse shows,
11 rodeos, and musical performances.

12 2. A child employed in the entertainment industry is
13 not permitted to be present at the place of employment in
14 the entertainment industry, unless the parent, legal
15 custodian, guardian, or designated guardian of a child is
16 present at all times that the child is at the place of
17 employment, and such person may accompany the child to
18 wardrobe, makeup, hairdressing, and dressing room
19 facilities. The parent, legal custodian, guardian, or
20 designated guardian may designate an individual to accompany
21 the child during times the child is at the place of
22 employment, provided the designation is made in writing,
23 signed by the parent or guardian and presented to the
24 employer prior to the child's scheduled work. A copy of the

25 written designation shall be kept on file by the employer at
26 the site of the employment or project.

27 3. The employer shall designate one individual on each
28 set, stage, or other place of employment to coordinate all
29 matters relating to the welfare of children and shall notify
30 the parent, legal custodian, or guardian of each child of
31 the name of such individual.

32 4. All of the hours in which a child employed in the
33 entertainment industry may be at the place of employment are
34 exclusive of meal periods. Meal periods shall be at least
35 one-half hour, but not more than one hour in duration. In
36 no event may a child be at the place of employment for a
37 period longer than five and one-half hours without a meal
38 break.

39 5. A child employed in the entertainment industry
40 shall receive a twelve-hour rest break at the end of the
41 child's work day and prior to the commencement of the
42 child's next day of work for the same employment. A child
43 shall also receive a fifteen-minute rest period after each
44 two hours of continuous work.

45 6. The employer shall provide a suitable place to rest
46 or play for the children at the site of employment.

47 7. The time spent by a child employed in the
48 entertainment industry in rehearsals and learning or
49 practicing any of the arts, such as singing or dancing, for,
50 or under the direction of, a motion picture studio, theater,
51 or television studio shall be counted as work time under
52 this section of law. Periods for meal breaks shall not be
53 included in the overall work time; however, rest breaks
54 shall be included in the overall work time.

55 8. No child shall be required to work in a situation
56 which places the child in a clear and present danger to life

57 or limb. If a child believes he or she is in such a
58 dangerous situation, after discussing the matter with his or
59 her parent, legal custodian, guardian, or designated person
60 and the employer, the child shall not be required to perform
61 in such situation, regardless of the validity or
62 reasonableness of the child's belief.

63 9. No child shall be required to work with an animal
64 which a reasonable person would regard as dangerous in the
65 same circumstances, unless an animal trainer or handler
66 qualified by training and experience is present.

67 10. No child shall be required to perform a stunt
68 without prior consultation with the child's parent, legal
69 custodian, or guardian and the employer. The prior written
70 consent of the child's parent, legal custodian, or guardian
71 shall be obtained for the performance of any unusual
72 physical, athletic or acrobatic activity, stunts, work
73 involving special effects, or other potentially hazardous
74 activity. When any unusual physical, athletic or acrobatic
75 activity, stunts, special effects, or other potentially
76 hazardous activity involving a child is to be done, the
77 employer shall have available a person qualified to
78 administer medical assistance on an emergency basis and
79 transportation to the nearest medical facility providing
80 emergency services. First-aid kits shall always be
81 available at a child's place of employment.

82 11. No child shall work in close proximity to
83 explosives or the functioning parts of unguarded and
84 dangerous moving equipment, aircraft or vessels, or of
85 functioning blades or propellers.

2 [294.022. 1. For the purposes of this
section, the following terms mean:

3 (1) "Employer", any person, firm or
4 corporation employing or seeking to employ a
5 child in the entertainment industry;

(2) "Entertainment industry", any person, employer, firm or corporation using the services of a child as a performer, extra or in any other performing capacity in motion picture

productions, television or radio productions, theatrical productions, modeling productions, horse shows, rodeos and musical performances;

(3) "Work permit", a written certification issued by the director which specifies the terms and duration of the work permit for a child under sixteen years of age, for the purposes of employment as a performer, extra or in any other performing capacity in the entertainment industry. A work permit may be issued for a period of twelve months or more and shall be eligible for renewal at the child's next birthday. A work permit shall generally be issued for a twelve-month period of time.

2. No child may be employed in the entertainment industry without an entertainment work permit issued by the director. No permit shall be issued without the following:

(1) Proof of age by birth certificate or other documentary evidence;

(2) Written consent of the child's parent, legal custodian or guardian;

(3) Upon entering into a contractual employment agreement, a written statement from the prospective employer shall be kept on file by the prospective employer. The written statement shall set forth the nature of employment and the projected duration of the employment or project.

3. No child shall be permitted at the place of employment, unless the parent, legal custodian, guardian or designated guardian of a child is present at all times that the child is at the place of employment, and such person may accompany the child to wardrobe, makeup, hairdressing and dressing room facilities. The parent, legal custodian, guardian or designated guardian may designate an individual to accompany the child during times the child is at the place of employment, provided the designation is made in writing, signed by the parent or guardian and presented to the employer prior to the child's scheduled work. A copy of the written designation shall be kept on file by the employer at the site of the employment or project.

4. The employer shall designate one individual on each set, stage or other place of employment to coordinate all matters relating to the welfare of children and shall notify the parent, legal custodian or guardian of each child of the name of such individual.

62 5. All of the hours in which a child may
63 be at the place of employment are exclusive of
64 meal periods. Meal periods shall be at least
65 one-half hour, but not more than one hour in
66 duration. In no event may a child be at the
67 place of employment for a period longer than
68 five and one-half hours without a meal break.

69 6. A child shall receive a twelve-hour
70 rest break at the end of the child's work day
71 and prior to the commencement of the child's
72 next day of work for the same employment. A
73 child shall also receive a fifteen minute rest
74 period after each two hours of continuous work.

75 7. The employer shall provide a suitable
76 place to rest or play for the children at the
77 site of employment.

78 8. The time spent by children in
79 rehearsals and in learning or practicing any of
80 the arts, such as singing or dancing, for, or
81 under the direction of, a motion picture studio,
82 theater or television studio shall be counted as
83 work time under this section of law. Periods
84 for meal breaks shall not be included in the
85 overall work time; however, rest breaks shall be
86 included in the overall work time.

87 9. No child shall be required to work in a
88 situation which places the child in a clear and
89 present danger to life or limb. If a child
90 believes he or she is in such a dangerous
91 situation, after discussing the matter with his
92 or her parent, legal custodian, guardian or
93 designated person and the employer, the child
94 shall not be required to perform in such
95 situation, regardless of the validity or
96 reasonableness of the child's belief.

97 10. No child shall be required to work
98 with an animal which a reasonable person would
99 regard as dangerous in the same circumstances,
100 unless an animal trainer or handler qualified by
101 training and experience is present.

102 11. No child shall be required to perform
103 a stunt without prior consultation with the
104 child, the child's parent, legal custodian or
105 guardian and the employer. The prior written
106 consent of the child's parent, legal custodian
107 or guardian shall be obtained for the
108 performance of any unusual physical, athletic or
109 acrobatic activity, stunts, work involving
110 special effects or other potentially hazardous
111 activity. When any unusual physical, athletic
112 or acrobatic activity, stunts, special effects
113 or other potentially hazardous activity
114 involving a child is to be done, the employer
115 shall have available a person qualified to
116 administer medical assistance on an emergency
117 basis and transportation to the nearest medical
118 facility providing emergency services. First-

119 aid kits shall always be available at a child's
120 place of employment.

121 12. No child shall work in close proximity
122 to explosives or the functioning parts of
123 unguarded and dangerous moving equipment,
124 aircraft or vessels, or of functioning blades or
125 propellers.

126 13. An entertainment work permit does not
127 authorize a child to be absent from school in
128 violation of the requirements of state law or
129 regulations or policies of the state board of
130 education, the Missouri department of elementary
131 and secondary education or the local school
132 board.]

2 [294.024. A child may not be employed
3 during the regular school term unless the child
4 has been issued a work certificate or a work
5 permit pursuant to the provisions of this
chapter.]

2 [294.027. Work certificates shall permit
3 (1) The employment of children between
4 fourteen and sixteen years of age during
5 nonschool hours during the school term; or
6 (2) The employment of children between
7 fourteen and sixteen years of age who are
8 excused from attendance at school by the
provisions of chapter 167.]

2 [294.045. 1. Notwithstanding any other
3 law, any of the following individuals may issue
4 a work certificate to a child subject to the
5 requirements of this chapter:

6 (1) The superintendent of public schools
7 of the district in which the child resides;

8 (2) The chief executive officer, or the
9 equivalent position, of a charter school that
the child attends;

10 (3) A person holding a student services
11 certificate who is authorized by the
12 superintendent of the school district or chief
13 executive officer in writing;

14 (4) Subject to the requirements and
15 conditions of paragraphs (a), (b), and (c) of
16 this subdivision inclusive, the principal of a
17 public or private school may issue, or designate
18 another administrator of the school to issue,
19 work certificates to children who attend the
20 school. If the principal of a public or private
21 school chooses not to issue work certificates
22 under this subdivision, work certificates may be
23 issued to children attending school under
24 subdivision (1) or (3) of this subsection.

25 (a) A principal who issues a work
26 certificate under this subdivision shall provide
27 a self-certification that he or she understands
28 the requirements in existing law for issuing a

work certificate. The principal shall submit a copy of each work certificate he or she issues along with a copy of the application for each work certificate to the superintendent of the school district in which the school is located;

(b) The superintendent of a school district may revoke a work certificate issued by the principal of a public or private school located within the district if the superintendent becomes aware of any grounds upon which the child may be deemed ineligible for a work certificate under existing law;

(c) An individual with authority to issue a work certificate under this subdivision shall not issue a work certificate to his or her own child; except that any student solely enrolled in a course of education not otherwise prohibited under chapter 167 whose parent, legal guardian, or designated private tutor is the student's primary education provider and is also the primary individual responsible for the student's education program and schedule shall be issued a work certificate by such primary education provider.

2. If the certificated person designated to issue work certificates by the superintendent of a school district or the chief executive officer, or the equivalent position, of a charter school is not available, and delay in issuing a certificate would jeopardize the ability of a child to secure work, another person authorized by the superintendent of the school district or the chief executive officer, or the equivalent position, of a charter school may issue the work certificate.

3. If a school district or charter school does not employ or contract with a person holding a student services certificate, the superintendent of the school district or the chief executive officer, or the equivalent position, of a charter school may authorize, in writing, a person who does not hold that credential to issue work certificates during periods of time in which the superintendent is absent from the district or the chief executive officer is absent from the charter school.

4. Notwithstanding the hour limitations imposed by this chapter or any other provision of law, the hour limitations that apply to a work certificate issued by any of the individuals described in subsection 1 of this section shall be based on the school calendar of the school the child attends.]

[294.051. A work certificate may be issued after the issuing officer is satisfied that the employment will serve the best interest of the

child and, in the first instance, only upon application in person of the child with the written consent of his parent, legal custodian or guardian or, if deemed necessary by the issuing officer, the child shall be accompanied by his parent, guardian or custodian. The certificate may be renewed or another certificate issued on application of the child with the written parental consent but in no case shall a certificate be issued until the issuing officer has received and approved the following papers:

(1) A statement of intention to employ signed by the prospective employer setting forth the specific nature of the occupation in which he intends to employ the child and the exact hours of the day, the number of hours per day and the days per week during which the child is to be employed;

(2) Proof of the age of the child by a birth certificate or other documentary evidence of such character in such form as is prescribed by the issuing officer;

(3) A certificate of the physician of the public schools of the district in which the child resides or other licensed physician, if required by the issuing officer, showing that he has personally examined the child and has found the child in good mental and physical health and is capable of performing labor without injury to his health and mental development;

(4) A certificate of the principal of the school which the child attends or has attended giving the grades of school work completed by the child, except that for children permanently excused from attendance at school under the provisions of chapter 167, this requirement may be waived.]

[294.054. 1. The work certificate shall show

(1) The age, sex, place and date of birth and place of residence of the child;

(2) The name and place of residence of the child's parent, guardian or custodian;

(3) The name and address of the employer; and

(4) The nature of the employment for which the work certificate is issued.

2. Work certificates authorizing the employment of a child during nonschool hours shall be of a form and color distinct from those authorizing full time employment.]

[294.060. 1. Whenever a child is granted a work certificate or work permit, the certificate or work permit shall be transmitted by the issuing officer to the employer of the

5 child and a copy shall be transmitted to the
6 division. The employer shall keep the work
7 certificate or work permit on file and shall
8 post in a conspicuous place in the employer's
9 place of business a list of all children who are
10 employed and under the age of sixteen.

11 2. On termination of the employment of the
12 child, the child's work certificate or work
13 permit shall be sent immediately by the employer
14 to the officer who issued it.

15 3. A new certificate or work permit may be
16 issued for a child whose certificate or work
17 permit has been returned by the employer to the
18 issuing officer.

19 4. A copy of each work certificate or work
20 permit issued and notice of its cancellation
21 shall be retained by the issuing officer and a
22 copy shall be transmitted by the issuing officer
23 to the division.]

2 [294.080. Upon the request of a child or
3 of an employer who wishes to employ a child who
4 represents his or her age to be sixteen years or
5 more, the issuing officer upon the presentation
6 of evidence of age, as provided in section
7 294.051 for children under sixteen years of age,
8 shall issue a certificate showing the age of the
9 child and this certificate shall be accepted as
conclusive evidence of the age of the child.]

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