

SENATE BILL NO. 1057

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

3501S.02I

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Section A. Sections 294.022, 294.024, 294.027, 294.045, 294.051, 294.054, 294.060, and 294.080, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 294.023 and 294.025, to read as follows:

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

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

3. Nothing in this section shall be construed to authorize a child to be absent from school in violation of the requirements of state law or regulations or policies of

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

18 the state board of education, the Missouri department of
19 elementary and secondary education, or a local school board.

20 4. Nothing in this section shall be construed to
21 preclude the department of labor and industrial relations
22 from issuing a work certificate as evidence of age upon the
23 request of a child who represents to be under eighteen years
24 of age or an employer who wishes to employ a child who
25 represents to be under eighteen years of age. Proof of age
26 of the child includes a birth certificate or other
27 documentary evidence prescribed by the department. A work
28 certificate as evidence of age shall be accepted as
29 conclusive evidence of the age of the child.

30 5. A child who is at least fourteen years of age but
31 no older than sixteen years of age and who is otherwise
32 eligible to be employed pursuant to this chapter may not be
33 employed by any employer unless a parent, legal custodian,
34 guardian, or designated guardian of the child has completed
35 and submitted to the employer a permission form, in the
36 format prescribed by the department. Such permission form
37 shall clearly indicate that completion of the form and
38 submission to an employer grants the permission of the
39 parent, legal custodian, guardian, or designated guardian
40 for the child to be employed by the employer. Such form
41 shall be made publicly available on the department's
42 website. Such form shall not require authorization by the
43 department for the purpose of legally employing a 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 the child has:

16 (1) Completed and submitted to the employer a
17 permission form, in the format prescribed by the department
18 pursuant to subsection 12 of this section; and

19 (2) Is present at all times that the child is at the
20 place of employment, and such person may accompany the child
21 to wardrobe, makeup, hairdressing, and dressing room
22 facilities. The parent, legal custodian, guardian, or
23 designated guardian may designate an individual to accompany
24 the child during times the child is at the place of
25 employment, provided the designation is made in writing,
26 signed by the parent or guardian and presented to the
27 employer prior to the child's scheduled work. A copy of the
28 written designation shall be kept on file by the employer at
29 the site of the employment or project.

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

35 4. All of the hours in which a child employed in the
36 entertainment industry may be at the place of employment are
37 exclusive of meal periods. Meal periods shall be at least

38 one-half hour, but not more than one hour in duration. In
39 no event may a child be at the place of employment for a
40 period longer than five and one-half hours without a meal
41 break.

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

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

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

58 8. No child shall be required to work in a situation
59 which places the child in a clear and present danger to life
60 or limb. If a child believes he or she is in such a
61 dangerous situation, after discussing the matter with his or
62 her parent, legal custodian, guardian, or designated person
63 and the employer, the child shall not be required to perform
64 in such situation, regardless of the validity or
65 reasonableness of the child's belief.

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

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

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

89 12. The department shall create the permission form
90 required by subdivision (1) of subsection 2 of this
91 section. Such permission form shall clearly indicate that
92 completion of the form and submission to an employer grants
93 the permission of the parent, legal custodian, guardian, or
94 designated guardian for the child to be employed by and
95 present at the place of employment of the entertainment
96 industry. Such form shall be made publicly available on the
97 department's website.

2 [294.022. 1. For the purposes of this
3 section, the following terms mean:
4 (1) "Employer", any person, firm or
5 corporation employing or seeking to employ a
child in the entertainment industry;

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

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

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

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

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

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

39 3. No child shall be permitted at the
40 place of employment, unless the parent, legal
41 custodian, guardian or designated guardian of a
42 child is present at all times that the child is
43 at the place of employment, and such person may
44 accompany the child to wardrobe, makeup,
45 hairdressing and dressing room facilities. The
46 parent, legal custodian, guardian or designated
47 guardian may designate an individual to
48 accompany the child during times the child is at
49 the place of employment, provided the
50 designation is made in writing, signed by the
51 parent or guardian and presented to the employer
52 prior to the child's scheduled work. A copy of
53 the written designation shall be kept on file by
54 the employer at the site of the employment or
55 project.

56 4. The employer shall designate one
57 individual on each set, stage or other place of
58 employment to coordinate all matters relating to
59 the welfare of children and shall notify the
60 parent, legal custodian or guardian of each
61 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
6 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
9 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
10 the child attends;

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

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

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

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

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

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

53 2. If the certificated person designated
54 to issue work certificates by the superintendent
55 of a school district or the chief executive
56 officer, or the equivalent position, of a
57 charter school is not available, and delay in
58 issuing a certificate would jeopardize the
59 ability of a child to secure work, another
60 person authorized by the superintendent of the
61 school district or the chief executive officer,
62 or the equivalent position, of a charter school
63 may issue the work certificate.

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

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

2 [294.051. A work certificate may be issued
3 after the issuing officer is satisfied that the
employment will serve the best interest of the

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

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

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

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

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

2 [294.054. 1. The work certificate shall
 3 show

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

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

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

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

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

2 [294.060. 1. Whenever a child is granted
 3 a work certificate or work permit, the
 4 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.]

✓