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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2780

Session of  
2002

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INTRODUCED BY STEIL, ADOLPH, BENNINGHOFF, BROOKS, BUNT, CIVERA,  
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THOMAS, SAINATO AND WATERS, JUNE 28, 2002

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AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 7, 2002

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AN ACT

1 Regulating child labor; conferring powers and duties on the  
2 Department of Labor and Industry and the Department of  
3 Education; imposing penalties; and making a repeal.

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4 apprenticeship programs.

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8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Child Labor  
12 Act.

13 Section 2. Legislative intent.

14 In the interest of ensuring that there is a clear set of  
15 standards for employers to follow in the employment of children  
16 under 18 years of age, the General Assembly recognizes that the  
17 current law in this area must be updated and, in order to avoid  
18 confusion, must be as consistent as possible with Federal  
19 standards. This act is intended to update the Commonwealth's  
20 laws regulating the employment of children under 18 years of  
21 age, and it is intended to promulgate standards which are  
22 consistent as possible with regulations promulgated pursuant to  
23 the Fair Labor Standards Act which regulate the employment of  
24 children under 18 years of age.

25 Section 3. Definitions.

26 The following words and phrases when used in this act shall  
27 have the meanings given to them in this section unless the  
28 context clearly indicates otherwise:

29 "Department." The Department of Labor and Industry of the  
30 Commonwealth.

1 "Employer." A person that employs a minor.

2 "Enforcement officer." Any of the following:

3 (1) The Secretary of Labor and Industry, a designee who  
4 is an employee of the Department of Labor and Industry or an  
5 attorney of the Office of General Counsel who is assigned to  
6 the department.

7 (2) A chief school administrator.

8 (3) A home and school visitor.

9 (4) An attendance officer appointed under section 1342  
10 of the act of March 10, 1949 (P.L.30, No.14), known as the  
11 Public School Code of 1949.

12 (5) An issuing officer.

13 (6) A law enforcement officer.

14 "Establishment." A place within this Commonwealth where work  
15 is done for compensation of any kind.

16 "Fair Labor Standards Act." The Fair Labor Standards Act of  
17 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

18 "Issuing officer." One of the following:

19 (1) A district superintendent or supervising principal  
20 of a public school district or, if a public school district  
21 does not have a district superintendent or supervising  
22 principal, the secretary of the board of school directors of  
23 the district.

24 (2) An individual authorized in writing by the  
25 appropriate individual under paragraph (1) to issue a  
26 certificate or permit.

27 "Minor." An individual under 18 years of age.

28 "Person." The Commonwealth, any political subdivision or  
29 instrumentality or authority of a political subdivision, an  
30 individual, a partnership, a corporation, a nonprofit

1 corporation or an unincorporated association.

2 "Regular school week." The five days beginning with Monday  
3 through Friday in which school is in session.

4 "Secretary." The Secretary of Labor and Industry of the  
5 Commonwealth.

6 "Volunteer emergency service organization." A volunteer fire  
7 company, volunteer ambulance organization, volunteer rescue  
8 organization or a volunteer forest fighting organization.

9 "Work permit." A transferable work permit entitling a minor  
10 to employment.

11 "Youth peddling." The selling of goods or services by minors  
12 to customers at residences, places of business or public places,  
13 including street corners, roadway medians, sports and performing  
14 arts facilities and public transportation stations. The term  
15 includes sales from vehicles or the placement of advertisements  
16 or literature outside of fixed retail locations. The term does  
17 not include any of the following:

18 ~~(1) Minors:~~ <—

19 ~~(i) who sell products, goods or services as~~  
20 ~~volunteers without compensation on behalf of nonprofit~~  
21 ~~organizations, including organizations that qualify as~~

22 (1) MINORS WHO SELL PRODUCTS, GOODS OR SERVICES AS <—  
23 VOLUNTEERS WITHOUT COMPENSATION ON BEHALF OF NONPROFIT  
24 ORGANIZATIONS, INCLUDING ORGANIZATIONS THAT:

25 (I) QUALIFY AS nonprofit under section 501(c)(3) of  
26 the Internal Revenue Code of 1986 (Public Law 99-514, 26  
27 U.S.C. § 501(c)(3)); and

28 (ii) meet the registration requirements established  
29 by regulations of the Commonwealth.

30 (2) Minors engaged in the delivery of newspapers to

1 consumers at residences or place of business.

2 (3) Minors employed at fixed retail locations in  
3 compliance with the provisions of the Fair Labor Standards  
4 Act.

5 (4) Minors who:

6 (i) sell products, goods or services under the  
7 immediate supervision of a parent or legal guardian; and

8 (ii) do not reside away from their home while  
9 engaged in the sales activity.

10 Section 4. General limitations on employment of minors.

11 (a) Rest break.--No minor may be employed for more than five  
12 hours continuously without an interval of at least 30 minutes  
13 for a rest break. No period of less than 30 minutes shall be  
14 deemed to interrupt a continuous period of work.

15 (b) Consecutive days.--A minor may not be employed for more  
16 than six consecutive days in a single week.

17 (c) Establishments.--Minors may not be employed in the  
18 following establishments:

19 (1) Billiard rooms.

20 (2) Except as set forth in section 6(a)(2) or 7(c),  
21 establishments where alcoholic beverages are produced, sold  
22 or dispensed.

23 (3) Establishments determined by the department, through  
24 regulation, to be hazardous to minors or injurious to health  
25 of morals of minors.

26 (d) Prohibited employment.--Unless otherwise permitted by  
27 this act, a minor shall not be employed:

28 (1) In any occupation designated as hazardous and  
29 otherwise prohibited under the Fair Labor Standards Act and  
30 regulations under that act.

(2) In any occupation designated as hazardous and otherwise prohibited by the secretary in regulations promulgated under this act.

Section 5. Employment of minors under 14 years of age.

(a) General limitations.--Except as set forth in subsection (b) or in section 8, no minor under 14 years of age may be employed.

(b) Exceptions.--Irrespective of the limitations set forth in subsection (a), a minor under 14 years of age may be employed as follows:

(1) A minor who is at least 12 years of age may be employed as a caddy subject to the following limitations:

(i) The minor may not carry more than one golf bag at a time.

(ii) Employment may not be for more than 18 holes of golf in a single day.

(2) A minor who is at least 11 years of age may engage in the delivery of newspapers, periodicals or other publications to the homes of subscribers or in the street sale or delivery of the items to the consumer ~~minors~~. Minors under this paragraph shall be subject to limitations set forth in section 6(c)(2). This paragraph shall not apply to the hauling of newspapers, periodicals or other publications to drop stations or distribution centers or other related activities.

Section 6. Employment of minors under 16 years of age.

(a) Permitted employment.--

(1) Minors who are under 16 years of age may be employed in occupations not prohibited under section 4(d).

(2) Irrespective of the limitation in section 4(c)(2), a

1 minor under 16 years of age may be employed at a ski resort,  
2 golf course and amusement park, where alcoholic beverages are  
3 served as long as the minor is not permitted to handle or  
4 serve the beverages and is not employed in a room where the  
5 beverages are stored or served.

6 (3) A minor under 16 years of age may not be employed in  
7 or permitted to conduct youth peddling.

8 (b) Hours of employment.--Except as set forth in subsection  
9 (c), hours of employment for minors under 16 years of age shall  
10 be limited as follows:

11 (1) Subject to regulations under section 12(a)(2), the  
12 minor may not be employed before 7 a.m. or after 7 p.m.,  
13 except that, during the school vacation period from June to  
14 Labor Day, a minor shall be permitted to be employed until 9  
15 p.m.

16 (2) The minor may not be employed for more than three  
17 hours on a school day nor more than eight hours on a day when  
18 there is no school.

19 (3) The minor may not be employed for more than 18 hours  
20 during a week school is in session.

21 (4) The minor may not be employed for more than 40 hours  
22 a week when school is not in session.

23 (c) Exceptions.--The following exceptions apply to the  
24 prohibitions of subsection (b):

25 (1) Poultry farm-minors who are at least 14 years of age  
26 or older may be employed until 10 p.m. on a farm by a person  
27 other than the farmer in the hatching, raising or harvesting  
28 of poultry as long as the minor is not working in an  
29 agricultural occupation declared hazardous by the United  
30 States Secretary of Labor.

1           ~~(2) Newspaper and periodical delivery minors~~ NEWSPAPER- <—  
2 DELIVERY MINORS AND PERIODICAL-DELIVERY MINORS who are at  
3 least 14 years of age may be employed in the distribution and  
4 sale of newspapers, magazines, periodicals or other  
5 publications after 6 a.m. and before 8 p.m., or until 9 p.m.  
6 as set forth in subsection (b)(1).

7 Section 7. Employment of minors 16 years of age or older.

8       (a) Permitted employment.--Minors who are at least 16 years  
9 of age may be employed in occupations not prohibited under  
10 section 4(d).

11       (b) Hours of employment.--

12           (1) Except as set forth in paragraph (2), hours of  
13 employment for minors at least 16 years of age shall be  
14 limited as follows:

15           ~~(i) The minor may not be employed for more than six~~ <—  
16 ~~consecutive days in a single week.~~

17           ~~(ii)~~ (I) The minor may not be employed for more than <—  
18 48 hours in a single week.

19           ~~(iii)~~ (II) The minor may not be employed for more <—  
20 than eight hours in a single day.

21           ~~(iv)~~ (III) The minor may not be employed for more <—  
22 than 28 hours during a regular school week.

23           ~~(v)~~ (IV) The minor may not be employed between the <—  
24 hours of 12 midnight and 6 a.m. on a school day, except  
25 that the minor may be employed until 1 a.m. on an evening  
26 before a nonschool day.

27       (2) This subsection does not apply to a minor who:

28           (i) is a high school graduate; or

29           (ii) is exempt from compulsory school attendance  
30 requirements under section 1330(1) of the act of March



1           10, 1949 (P.L.30, No.14), known as the Public School Code  
2           of 1949.

3       (c) Employment in motels, clubs and restaurants in which  
4 liquor is present.--Irrespective of the general limitation  
5 delineated in section 4(c)(2), a minor who is at least 16 years  
6 of age may be employed as follows in a motel, club and  
7 restaurant in which liquor is present:

8           (1) The minor may be employed in that part of the  
9 establishment in which alcoholic beverages are not served.

10          (2) The minor may be employed to serve food, clear  
11 tables and perform other duties in a licensed establishment  
12 whose sales of food and nonalcoholic beverages are equal to  
13 at least 40% of the combined gross sales of both food and  
14 alcoholic beverages, if duties do not include the dispensing  
15 or serving of alcoholic beverages. Before employing a minor  
16 under this paragraph, an establishment licensed by the  
17 Pennsylvania Liquor Control Board must furnish to the issuing  
18 officer a certification that, for a period of not less than  
19 90 days during the 12 months immediately preceding the date  
20 of application, the establishment met the 40% threshold of  
21 this paragraph in conformity with the regulations of the  
22 board governing the sale of alcoholic beverages on Sunday.

23       (d) Employment of minors in religious or scout organization  
24 summer camps or retreats.--A minor at least 16 years of age who  
25 is employed during the months of June, July, August or September  
26 by a summer resident camp or a conference or retreat operated by  
27 a religious or scout organization shall receive 24 consecutive  
28 hours of rest, during every seven-day period. This subsection  
29 does not apply to a minor employed primarily for general  
30 maintenance work or food service activities.

1 Section 8. Employment of minors as performers in theater or  
2 film productions.

3 (a) Authorization.--A minor may be employed in a theatrical  
4 production, a musical recital or concert, an entertainment act,  
5 modeling, radio, television, motion picture making or a similar  
6 form or medium of entertainment if all of the following apply:

7 (1) Except as set forth in subsection (b)(4), the minor  
8 has an entertainment permit from the department.

9 (2) The performance is not hazardous to the minor's  
10 safety or well-being.

11 (3) The minor does not perform after midnight.

12 (4) No alcoholic beverages are sold or dispensed during  
13 the performance.

14 (5) The minor does not appear in more than:

15 (i) ~~three~~ TWO performances in a single day; or <—

16 (ii) ~~eight hours in a single day.~~ TEN PERFORMANCES <—  
17 IN A SINGLE WEEK.

18 (6) For rehearsals for performances, length of time and  
19 hours of starting and finishing rehearsals added to  
20 performance duties are not such as to be injurious or harmful  
21 to the minor.

22 (b) Entertainment permits.--

23 (1) The department may issue an entertainment permit to  
24 a minor to be employed in a theatrical production, a musical  
25 recital or concert, an entertainment act, modeling, radio,  
26 television, motion picture making or a similar form or medium  
27 of entertainment. The entertainment permit shall insure  
28 compliance with subsection (a)(2) through ~~(5)~~ (6). <—

29 (2) The department may issue an entertainment permit to  
30 a minor for temporary employment as part of the performing

1 cast in the production of motion pictures or television  
2 programming as follows:

3 (i) The department must determine that adequate  
4 provision has been made for the minor's educational  
5 instruction, supervision, health and welfare.

6 (ii) Unless the department determines that more  
7 restrictive conditions are necessary, an entertainment  
8 permit under this paragraph shall authorize a minor to  
9 work as part of the performing cast for no more than 44  
10 hours in a single week nor eight hours in a single day.  
11 Time spent on the set or on location while on call shall  
12 be excluded from any calculation of the maximum number of  
13 hours under this subparagraph if the department  
14 determines that adequate provision has been made for the  
15 minor's education, supervision and welfare during such  
16 intervals. The department may restrict the number of  
17 hours which may be spent on call by the minor.

18 (iii) The department may waive restrictions  
19 contained in this act and in any other act on the time of  
20 day or night allowed for engaging in the employment  
21 authorized by this paragraph if the department determines  
22 that the waiver:

23 (A) is necessary to preserve the artistic  
24 integrity of the motion picture; and

25 (B) will not impair the educational instruction,  
26 supervision, health or welfare of the minor.

27 (iv) An entertainment permit under this paragraph  
28 shall be valid for up to six months.

29 (v) An entertainment permit under this paragraph  
30 shall state that the minor for whom the entertainment

1 permit is issued may not be allowed on a set during nor  
2 otherwise watch the filming or rehearsal for filming of a  
3 sexual act.

4 (3) Expected rehearsal time and the hours of starting  
5 and finishing the rehearsal must be set forth in the  
6 application for an entertainment permit. The entertainment  
7 permit issued shall state what rehearsal time is permissible.

8 (4) The application must comply with all of the  
9 following:

10 (i) Be made on a form signed by the employer of the  
11 minor and the parent or guardian of the minor.

12 (ii) Contain the seal of a notary public and a  
13 statement that the facts as set forth in the application  
14 are correct.

15 (iii) State what provisions are in effect to provide  
16 for:

17 (A) the minor's educational instruction,  
18 supervision, health and welfare; and

19 (B) safeguarding and conservation for the minor  
20 of the money derived from performance.

21 (5) No entertainment permit shall be issued for a  
22 performance if there is no adequate provision for the matters  
23 set forth in paragraph (4)(iii).

24 (6) An appeal of a decision by the department under this  
25 subsection must be made to the secretary. The secretary shall  
26 hold a hearing on the appeal.

27 (7) An entertainment permit is not to be required for a  
28 minor who participates in a nonprofit, educational,  
29 theatrical production if all of the following apply:

30 (i) There is informed, written consent of the

1 minor's parent or guardian.

2 (ii) Participation is:

3 (A) for a period of no more than 14 consecutive  
4 days; and

5 (B) not during school hours.

6 (iii) The minor receives no direct or indirect  
7 remuneration.

8 (c) Conflicts.--Nothing in this section shall be construed  
9 to supersede or repeal:

10 (1) any provision of this act unless an entertainment  
11 permit is issued; or

12 (2) 18 Pa.C.S. § 5903 (relating to obscene and other  
13 sexual materials and performances) or § 6312 (relating to  
14 sexual abuse of children).

15 Section 9. Minors serving in volunteer emergency service  
16 organizations.

17 (a) General rule.--A minor who is a member of a volunteer  
18 emergency service organization may participate in training and  
19 emergency service activities except as follows:

20 (1) A minor may not operate a truck, ambulance or other  
21 official fire vehicle.

22 (2) A minor may not operate an aerial ladder, aerial  
23 platform or hydraulic jack.

24 (3) A minor may not use rubber electrical gloves,  
25 insulated wire gloves, insulated wire cutters, life nets or  
26 acetylene cutting units.

27 (4) A minor may not operate the pump of a fire vehicle  
28 while at the scene of a fire.

29 (5) A minor may not enter a burning structure.

30 (6) A minor may not engage in firefighting activities

1 unless all of the following apply:

2 (i) The minor is at least 16 years of age.

3 (ii) The minor has successfully completed a course  
4 of training equal to the standards for basic firefighting  
5 established by the Department of Education and the  
6 Department of Conservation and Natural Resources.

7 (iii) The minor is under the direct supervision and  
8 control of the fire chief, an experienced line officer or  
9 a designated forest fire warden.

10 (b) Additional limitations for minors under 16 years of  
11 age.--In addition to the limitations delineated in subsection

12 (a), the activities of minors under 16 years of age shall be  
13 further limited as follows:

14 (1) A minor under 16 years of age shall only be  
15 permitted to perform the following activities:

16 (i) Training.

17 (ii) First aid.

18 (iii) Cleanup service at the scene of a fire,  
19 outside the structure and after the fire has been  
20 declared by the fire official in charge to be under  
21 control.

22 (iv) Assist a coffee wagon and food services.

23 (2) A minor under 16 years of age may not do any of the  
24 following:

25 (i) Operate high pressure hose lines except during  
26 training activities.

27 (ii) Ascend ladders except during training  
28 activities.

29 (c) Other prohibited activities.--The department may  
30 prohibit through regulation other activities that it deems

1 hazardous to the health of minors.

2 (d) Other provisions.--

3 (1) Except as set forth in this subsection, this section  
4 does not supersede any other provision of this act or any  
5 regulation promulgated under this act.

6 (2) A minor may continue serving in answer to a fire  
7 call until excused by the individual acting as chief of the  
8 fire company if the minor:

9 (i) is at least 16 years of age;

10 (ii) is a member of a volunteer fire company; and

11 (iii) answers a fire call while lawfully employed.

12 (3) A minor may perform the training or firefighting  
13 activities permitted under this section between the hours of  
14 7 p.m. and 10 p.m. before a school day if the minor:

15 (i) is at least 16 years of age;

16 (ii) is a member of a volunteer fire company; and

17 (iii) has the written consent of a parent or  
18 guardian.

19 Section 10. Duties of employer.

20 (a) Work permits and parental authorization.--

21 (1) Unless a minor has the items listed in paragraph

22 (2), a minor may not be employed or permitted to work:

23 (i) in, about or in connection with an  
24 establishment; or

25 (ii) in an occupation.

26 (2) To be permitted to work under paragraph (1), a minor  
27 must have all of the following:

28 (i) A work permit.

29 (ii) A written, notarized statement by the minor's  
30 parent or guardian acknowledging understanding of the

1 duties and hours of employment and granting permission to  
2 work.

3 (3) Before employing a minor, an employer shall do all  
4 of the following:

5 (i) Verify work permit under paragraph (2)(i).

6 (ii) Receive the statement under paragraph (2)(ii).

7 ~~(4) An employer shall keep the items under paragraph (2) <—~~  
8 ~~on file and accessible to an individual charged with~~  
9 ~~enforcement of this act.~~

10 (b) Notification.--The employer shall acknowledge to the  
11 issuing official in writing the employment of a minor and shall  
12 detail the normal duties and hours of employment within five  
13 days after the beginning of employment and shall include the age  
14 and permit number of the minor. On termination of employment of  
15 a minor, the employer shall notify the issuing official within  
16 five days of the final day of employment that the minor no  
17 longer is employed by the employer.

18 (c) Posting requirement.--An employer shall post in a  
19 conspicuous place in the establishment all of the following:

20 (1) A printed abstract of the sections of this act  
21 relating to the hours of labor.

22 (2) A list of the minors employed in the establishment.

23 (3) A schedule of the hours of labor of the minors  
24 listed in subparagraph (ii). The schedule of hours of labor  
25 shall contain:

26 (i) the maximum number of hours each minor is  
27 required or permitted to work on each day of the week;

28 (ii) the weekly total for each minor; and

29 (iii) the daily hours for commencing and stopping  
30 work and for time allowed for meals.



(d) Records.--

(1) An employer shall maintain a record of minors at the work site which contains, for each holder, a copy of the work permit, the original notarized permission statement required in subsection (a) and a copy of the letter sent to the issuing official announcing the employment of the minor.

(2) An employer shall maintain records for employed minors in compliance with the recordkeeping requirements of the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968.

(3) An employer shall provide an enforcement officer with access to records kept under this subsection.

~~(e) Revocation. The issuing officer may revoke a previously issued work permit if it is the issuing officer's judgment that a minor has not maintained adequate academic achievement during the course of the school year.~~ <—

Section 11. Work permit.

(a) Form and content.--

(1) A work permit shall be issued on a wallet-sized form prescribed by the department. The certificate shall contain the following information related to the holder:

(i) Name.

(ii) Sex.

(iii) Date and place of birth.

(iv) Place of residence.

(v) Color of hair and eyes.

(vi) Any distinguishing physical characteristics or physical limitation.

(2) The work permit shall certify that:

(i) the holder has personally appeared before the

1           issuing officer and has been examined;

2           (ii) all papers required by law have been examined,  
3           approved and filed; and

4           (iii) all conditions and requirements for issuing a  
5           permit have been fulfilled.

6           (3) The work permit shall be signed, in the presence of  
7           the issuing officer, by the holder.

8           (4) The work permit shall bear a number, the date of  
9           issuance and the signature of the issuing officer.

10          (b) Application.--

11           (1) Documentation.--

12           (i) Except as set forth in subparagraph (ii),  
13           application for a work permit must be verified as  
14           follows:

15                   (A) The applicant's parent or guardian must sign  
16                   the application.

17                   (B) In lieu of a signature under clause (A), the  
18                   applicant may execute a statement before a notary  
19                   public or other person authorized to administer oaths  
20                   attesting to the accuracy of the facts set forth in  
21                   the application on a form prescribed by the  
22                   department. The statement shall be attached to the  
23                   application.

24           (ii) Subparagraph (i) does not apply if the  
25           applicant can demonstrate official proof of high school  
26           graduation.

27           (2) Examination.--

28           (i) Except as set forth in paragraph (ii), a work  
29           permit shall not be issued until the applicant has  
30           personally appeared before and been examined by the

1           issuing officer.

2           (ii) Subparagraph (i) does not apply if the  
3           applicant can demonstrate official proof of high school  
4           graduation.

5           (3) Documentation.--The issuing officer shall not issue  
6           a work permit until the issuing officer has received,  
7           examined, approved and filed the following papers WHICH           <—  
8           VERIFY THE MINOR'S AGE:

9           (i) If proof of age is an official document or  
10          record of the Commonwealth or government of another state  
11          or governmental subdivision of another state, it need not  
12          be filed if the issuing officer records the information  
13          necessary to enable the document or record to be located  
14          at the place where it is filed. If proof of age is other  
15          than an official document or record of the Commonwealth  
16          or government of another state or governmental  
17          subdivision of another state, the following is the order  
18          of preference for acceptable proof under this  
19          subparagraph:

20                (A) An attested transcript of the birth  
21                certificate, filed according to law with a register  
22                of vital statistics or other officer charged with the  
23                duty of recording birth.

24                (B) A certified baptismal certificate or  
25                transcript of the record of baptism showing the date  
26                of birth.

27                (C) A passport showing the age of immigrant.

28                (D) Any certified documentary record of age  
29                other than a school record or an affidavit of age,  
30                which appears to the satisfaction of the issuing

1 officer to be sufficient evidence of age.

2 (E) The signed statement of a physician,  
3 approved by the board of school directors, stating  
4 that, after examination, it is the opinion of the  
5 physician that the applicant has attained the age  
6 required by the law for the occupation in which the  
7 minor expects to engage. The statement must be  
8 accompanied by an affidavit signed by the applicant's  
9 parent or guardian or, if there is no parent or  
10 guardian, by the applicant's next friend and  
11 certifying to the name, date and place of birth of  
12 the applicant and that the individual signing the  
13 statement is unable to produce any of the proofs of  
14 age specified in clauses (A) through (D).

15 (ii) (Reserved).

16 (d) Issuance.--If all application requirements are met, a  
17 work permit shall be issued by an issuing officer unless it is  
18 the issuing officer's judgment that the minor cannot maintain  
19 adequate academic achievement if permitted to work during the  
20 school year.

21 (e) Revocation.--An issuing officer may revoke a work permit  
22 if it is the issuing officer's judgment that the minor cannot  
23 maintain adequate academic achievement if permitted to work  
24 during the school year.

25 Section 12. Administration.

26 (a) Duties of department.--The department has the following  
27 powers and duties:

- 28 (1) Prescribe the forms necessary to implement this act.  
29 (2) Promulgate regulations to administer this act which  
30 are consistent as possible with the regulations promulgated

1 under the Fair Labor Standards Act. Regulations under this  
2 paragraph may establish a procedure for an employer that is  
3 not subject to the Fair Labor Standards Act to receive an  
4 extension until 10 p.m. of the 9 p.m. time limitation under  
5 section 6(b)(1). An extension granted under this procedure  
6 shall specify that the extension does not apply to Federal  
7 enforcement or administration of the Fair Labor Standards  
8 Act.

9 (3) Provide copies of this act and blank forms for  
10 compliance with its provisions to employers and prospective  
11 employers.

12 (b) Secretary.--For the enforcement of this act, the  
13 secretary or a designee has investigatory subpoena power and the  
14 duty to issue a subpoena upon application of an attorney of the  
15 Office of General Counsel assigned to the department.  
16 Application may be made to Commonwealth Court to enforce a  
17 subpoena. Nothing in this section shall be construed to excuse a  
18 person from producing documents and records as requested by the  
19 department under any other provision of law.

20 (c) Duties of Department of Education.--The Department of  
21 Education shall distribute to school districts all forms  
22 necessary for the enforcement of this act.

23 (d) Duties of school districts.--School districts shall  
24 administer applications and issuance of work permits pursuant to  
25 section 11 and may initiate enforcement actions under subsection  
26 (e).

27 (e) Enforcement.--Enforcement officers may initiate  
28 prosecution for violations of this act.

29 (f) Suspected violations of age requirements.--

30 (1) If an enforcement officer has reason to believe that

1 an individual working without a work permit is a minor or  
2 that a minor with a work permit is working in violation of  
3 the age restrictions set forth in this act, the officer may  
4 demand that the person employing the individual within ten  
5 days:

6 (i) furnish to the officer proof of age; or

7 (ii) cease to employ or permit the individual to  
8 work.

9 (2) Proof of a demand under paragraph (1) and of failure  
10 to comply with paragraph (1)(i) constitutes prima facie  
11 evidence of the illegal employment of a minor.

12 (3) Compliance with paragraph (1)(ii) does not relieve a  
13 person from liability under section 13.

14 Section 13. Penalties.

15 (a) Criminal.--

16 (1) A person may not do any of the following:

17 (i) Intentionally violate this act.

18 (ii) Interfere with the functions of an enforcement  
19 officer.

20 (iii) Compel or permit a minor to violate this act.

21 (iv) Fail, after notice, to provide records under  
22 section 10(d)(3) or 12(b).

23 (v) Falsify records under this act.

24 (2) Except as set forth in paragraph (3), a person that  
25 violates paragraph (1) commits a summary offense and shall,  
26 upon conviction, be sentenced to pay a fine of not less than  
27 \$100 nor more than \$500.

28 (3) A person that, after being sentenced under paragraph  
29 (2), violates paragraph (1) commits a summary offense and  
30 shall, upon conviction, be sentenced to pay a fine of not

1 less than \$500 nor more than \$1,500 or to imprisonment for  
2 not more than ten days, or both.

3 (b) Administrative penalties.--The department may impose an  
4 administrative penalty of not less than \$100 nor more than  
5 \$1,000 for each violation of this act. This subsection is  
6 subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and  
7 procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating  
8 to judicial review of Commonwealth agency action).

9 Section 14. Employment of minors in student-learner and  
10 apprenticeship programs.

11 A minor may be employed in a work experience and career  
12 exploration program, an apprenticeship program and a school-to-  
13 work program, to the extent permitted by regulations promulgated  
14 under this act and not prohibited by the Fair Labor Standards  
15 Act.

16 Section 15. Applicability.

17 (a) Domestic service.--This act shall not apply to the  
18 employment of a minor in domestic service in or around private  
19 homes.

20 (b) Agricultural employment.--Agricultural employment which  
21 is exempt from coverage ~~under section 13(c)(1) and (2) OF THE~~ <—  
22 CHILD LABOR PROVISIONS of the Fair Labor Standards Act ~~(29~~ <—  
23 ~~U.S.C. § 213(c)(1) and (2))~~ shall be exempt from coverage of  
24 this act.

25 Section 16. Repeal.

26 The act of May 13, 1915 (P.L.286, No.177), known as the Child  
27 Labor Law, is repealed.

28 Section 17. Effective date.

29 This act shall take effect June 30, 2003.