

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1529 Session of
1991

INTRODUCED BY MURPHY, KOSINSKI, SALOOM, HARPER, TANGRETTI,
RITTER, JAMES, MELIO, JOSEPHS, BELARDI, KRUSZEWSKI, GIGLIOTTI
AND PISTELLA, JUNE 3, 1991

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 3, 1991

AN ACT

1 Amending the act of May 13, 1915 (P.L.286, No.177), entitled, as
2 amended, "An act to provide for the health, safety, and
3 welfare of minors: By forbidding their employment or work in
4 certain establishments and occupations, and under certain
5 specified ages; by restricting their hours of labor, and
6 regulating certain conditions of their employment; by
7 requiring employment certificates or transferable work
8 permits for certain minors, and prescribing the kinds
9 thereof, and the rules for the issuance, reissuance, filing,
10 return, and recording of the same; by providing that the
11 Industrial Board shall, under certain conditions, determine
12 and declare whether certain occupations are within the
13 prohibitions of this act; requiring certain abstracts and
14 notices to be posted; providing for the enforcement of this
15 act by the Secretary of Labor and Industry, the
16 representative of school districts, and police officers; and
17 defining the procedure in prosecutions thereunder, and
18 establishing certain presumptions in relation thereto;
19 providing for the issuance of special permits for minors
20 engaging in the entertainment and related fields; providing
21 penalties for the violation of the provisions thereof; and
22 repealing all acts or parts of acts inconsistent therewith,"
23 further providing for employment of minors in the
24 entertainment industry.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. Section 7.1 of the act of May 13, 1915 (P.L.286,
28 No.177), known as the Child Labor Law, amended or added August

1 23, 1961 (P.L.1107, No.494) and December 21, 1988 (P.L.1908,
2 No.192) and repealed in part April 28, 1978 (P.L.202, No.53), is
3 amended to read:

4 Section 7.1. (a) The Department of Labor and Industry is
5 hereby authorized to issue special permits for the employment of
6 minors [seven and] under eighteen years of age in theatrical
7 productions, musical recitals or concerts, entertainment acts,
8 modeling, radio, television, motion picture making, or in other
9 similar forms or media of entertainment in Pennsylvania where
10 the performance of such minor is not hazardous to his safety or
11 well-being, except as follows:

12 (1) No such minor shall be permitted to perform after the
13 hour of eleven-thirty in the evening.

14 (2) No such minor shall be permitted to perform in any place
15 or establishment where alcoholic beverages are sold or
16 dispensed.

17 (3) No such minor shall be permitted to perform in a boxing,
18 sparring or wrestling match or exhibition or in an acrobatic or
19 other act, performance or exhibition hazardous to his safety or
20 well-being.

21 (4) No such minor shall appear in more than two performances
22 in any one day nor in more than eight performances in any one
23 week.

24 (a.1) In addition to any permit authorized by subsection
25 (a), the department shall be authorized to issue special permits
26 for the temporary employment of minors as part of the performing
27 cast in the production of a motion picture, if the department
28 determines that adequate provision has been made for the minor's
29 educational instruction[, supervision], which must be
30 coordinated with the school attended by the child, must take

1 place in an area dedicated for educational instruction and must
2 take place after seven o'clock in the morning and before eight
3 o'clock in the evening; for the minor's supervision; and for the
4 minor's health and welfare [of the minor]. Unless the department
5 determines that more restrictive conditions are necessary,
6 special permits authorized by this subsection shall authorize
7 minors to work as part of the performing cast for forty-four
8 hours in any one week and eight hours in any one day[. Time],
9 with at least twelve hours between work shifts. Up to two hours
10 per day spent on the set or on location while on call shall be
11 excluded from any calculation of the maximum number of hours
12 authorized by this subsection if the department determines that
13 adequate provision has been made for the child's education,
14 supervision and welfare during such intervals. The department
15 may restrict the number of hours which may be spent on call by
16 the minor. [The department may waive, in whole or in part,
17 restrictions contained in this act and in any other act, on the
18 time of day or night allowed for engaging in the employment
19 authorized by this subsection, if the department determines that
20 such waiver is necessary to preserve the artistic integrity of
21 the motion picture and further determines that such waiver will
22 not impair the educational instruction, supervision, health and
23 welfare of the minor.] Special permits authorized by this
24 subsection shall be valid for a period of time not to exceed six
25 months. An issued permit shall state that no minor, allowed
26 under the permit to be temporarily employed, may be allowed on a
27 set during, or may otherwise watch, the filming or rehearsal for
28 filming of any sexual act. It shall be the duty of any person
29 with knowledge of a violation of this subsection to report the
30 violation to the department. The department shall keep reports

1 under this subsection in confidence and may not disclose the
2 contents of the report or the identity of the person making the
3 report. Nothing in this section shall be construed to supersede
4 or repeal in part 18 Pa.C.S. § 5903 (relating to obscene and
5 other sexual materials) or 6312 (relating to sexual abuse of
6 children).

7 (b) Rehearsals for performances as set forth in this section
8 shall be permitted, providing the length of time and hours of
9 starting and finishing such rehearsals added to performance
10 duties are not such as to be injurious or harmful to the minor.
11 Rehearsal time, if any, expected and the hours of starting and
12 finishing same shall be set forth in the application as provided
13 in this section, and the special permit issued shall state what
14 rehearsal time is permissible.

15 (c) Nothing in this section shall be deemed to supersede or
16 repeal any provisions of this act unless and until such special
17 permit is issued for any such performance or series of
18 performances.

19 (d) Application forms shall be in such form as shall be
20 provided by the Department of Labor and Industry. Such forms
21 shall be signed by both the employer of the minor and the parent
22 or guardian of the minor, and shall contain the seal of a notary
23 public and a statement that the facts as set forth in the
24 application are true and correct. The application shall state
25 what provisions are in effect to provide for the minor's
26 educational instruction, supervision, health and welfare and the
27 safeguarding and conservation for the minor of the moneys
28 derived from such performances. No special permit shall be
29 issued for any performance where there is no adequate provision
30 for such educational instruction, supervision, health and

1 welfare and the safeguarding and conservation for the minor of
2 the moneys derived from such performances.

3 (e) Appeals of any decision under this section made by the
4 Department of Labor and Industry shall be to the Industrial
5 Board which will hold a hearing on same.

6 Section 2. This act shall take effect in 60 days.