

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 22, 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2 No.192) and repealed in part April 28, 1978 (P.L.202, No.53), is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 WHILE SCHOOL <—

1 IS IN SESSION UNLESS THE CHILD IS ENROLLED IN A HOME EDUCATION
2 PROGRAM AUTHORIZED UNDER SECTION 1327 OF THE ACT OF MARCH 10,
3 1949 (P.L.30, NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949,"
4 must take place in an area dedicated for educational instruction
5 and must take place after seven o'clock in the morning and
6 before eight o'clock in the evening; for the minor's
7 supervision; and for the minor's health and welfare [of the
8 minor]. Unless the department determines that more restrictive
9 conditions are necessary, special permits authorized by this
10 subsection shall authorize minors to work as part of the
11 performing cast for forty-four hours in any one week and eight
12 hours in any one day[. Time], with at least twelve hours between
13 work shifts. Up to two hours per day spent on the set or on
14 location while on call shall be excluded from any calculation of
15 the maximum number of hours authorized by this subsection if the
16 department determines that adequate provision has been made for
17 the child's education, supervision and welfare during such
18 intervals. The department may restrict the number of hours which
19 may be spent on call by the minor. {The department may waive FOR <—
20 A SPECIFIED TIME NOT TO EXCEED ONE WEEK PER WAIVER, in whole or
21 in part, restrictions contained in this act and in any other
22 act, on the time of day or night allowed for engaging in the
23 employment authorized by this subsection, if the department
24 determines that such waiver is necessary to preserve the
25 artistic integrity of the motion picture and further determines
26 that such waiver will not impair the educational instruction,
27 supervision, health and welfare of the minor.} Special permits <—
28 authorized by this subsection shall be valid for a period of
29 time not to exceed six months. An issued permit shall state that
30 no minor, allowed under the permit to be temporarily employed,

1 may be allowed on a set during, or may otherwise watch, the
2 filming or rehearsal for filming of any sexual act. It shall be
3 the duty of any person with knowledge of a violation of this
4 subsection to report the violation to the department. The
5 department shall keep reports under this subsection in
6 confidence and may not disclose the contents of the report or
7 the identity of the person making the report. Nothing in this
8 section shall be construed to supersede or repeal in part 18
9 Pa.C.S. § 5903 (relating to obscene and other sexual materials)
10 or 6312 (relating to sexual abuse of children).

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

19 (c) Nothing in this section shall be deemed to supersede or
20 repeal any provisions of this act unless and until such special
21 permit is issued for any such performance or series of
22 performances.

23 (d) Application forms shall be in such form as shall be
24 provided by the Department of Labor and Industry. Such forms
25 shall be signed by both the employer of the minor and the parent
26 or guardian of the minor, and shall contain the seal of a notary
27 public and a statement that the facts as set forth in the
28 application are true and correct. The application shall state
29 what provisions are in effect to provide for the minor's
30 educational instruction, supervision, health and welfare and the

1 safeguarding and conservation for the minor of the moneys
2 derived from such performances. No special permit shall be
3 issued for any performance where there is no adequate provision
4 for such educational instruction, supervision, health and
5 welfare and the safeguarding and conservation for the minor of
6 the moneys derived from such performances.

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

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