
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 927 Session of
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VULAKOVICH AND WATSON, MARCH 4, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 4, 2011

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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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 laws 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 as
22 consistent as possible with regulations promulgated pursuant to
23 the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. §
24 201 et seq.), which regulates the employment of children under
25 18 years of age.

26 Section 3. Definitions.

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

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

1 Commonwealth.

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

3 "Enforcement officer." Any of the following:

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

8 (2) A chief school administrator.

9 (3) A home and school visitor.

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

13 (5) An issuing officer.

14 (6) A law enforcement officer.

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

17 "Fair Labor Standards Act." The Fair Labor Standards Act of
18 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

19 "Hours of employment." Hours outside school hours
20 established by the appropriate school district.

21 "Issuing officer." One of the following:

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

27 (2) An individual authorized in writing by the
28 appropriate individual under paragraph (1) to issue a
29 certificate or permit.

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

1 "Person." The Commonwealth, any political subdivision,
2 instrumentality or authority of a political subdivision, an
3 individual, a partnership, a corporation, a nonprofit
4 corporation or an unincorporated association.

5 "Regular school week." The five days beginning with Monday
6 through Friday during which school is in session.

7 "Secretary." The Secretary of Labor and Industry of the
8 Commonwealth.

9 "Volunteer emergency service organization." A volunteer fire
10 company, volunteer ambulance organization, volunteer rescue
11 organization or a volunteer forest firefighting organization.

12 "Work permit." A transferable work permit entitling a minor
13 to employment.

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

21 (1) Minors who sell products, goods or services as
22 volunteers without compensation on behalf of nonprofit
23 organizations, including organizations that:

24 (i) qualify as nonprofit under section 501(c)(3) of
25 the Internal Revenue Code of 1986 (Public Law 99-514, 26
26 U.S.C. § 501(c)(3)); and

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

29 (2) Minors engaged in the delivery of newspapers to
30 consumers at residences or places of business.

1 (3) Minors employed at fixed retail locations in
2 compliance with the provisions of the Fair Labor Standards
3 Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

4 (4) Minors who:

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

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

9 (5) Minors engaged in fundraising activities on behalf
10 of their school or school-related activities.

11 Section 4. General limitations on employment of minors.

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

16 (b) Consecutive days.--

17 (1) Except as otherwise provided under paragraph (2), a
18 minor may not be employed for more than six consecutive days
19 in a single week.

20 (2) A minor who is engaged in newspaper delivery may be
21 employed for seven consecutive days in a single week.

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

24 (1) Billiard rooms.

25 (2) Except as set forth under section 6(a)(2) or 7(c),
26 establishments where alcoholic beverages are produced, sold
27 or dispensed. Notwithstanding any other provisions of law, a
28 hotel, restaurant or club liquor licensee or any retail
29 dispenser may allow students receiving instruction in a
30 performing art to perform an exhibition if the students are

1 not compensated and are under proper supervision.

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

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

7 (1) In any occupation designated as hazardous and
8 otherwise prohibited under the Fair Labor Standards Act and
9 regulations under that act.

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

13 Section 5. Employment of individuals under 14 years of age.

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

17 (b) Exceptions.--Irrespective of the limitations set forth
18 under subsection (a), an individual under 14 years of age may be
19 employed as follows:

20 (1) An individual who is at least 12 years of age may be
21 employed as a caddy, subject to the following limitations:

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

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

26 (2) An individual who is at least 11 years of age may
27 engage in the delivery of newspapers as set forth under
28 section 6(c)(2).

29 Section 6. Employment of individuals under 16 years of age.

30 (a) Permitted employment.--

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

3 (2) Irrespective of the limitations under section 4(c)
4 (2), an individual under 16 years of age may be employed at a
5 continuing-care retirement community, ski resort, bowling
6 alley, golf course or amusement park where alcoholic
7 beverages are served as long as the individual is not
8 permitted to handle or serve the beverages and is not
9 employed in a room where the beverages are stored or served.

10 (3) An individual under 16 years of age may not be
11 employed in or permitted to conduct youth peddling.

12 (b) Hours of employment.--Except as set forth under
13 subsection (c) and section 8, the hours of employment for
14 individuals under 16 years of age shall be limited as follows:

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

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

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

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

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

29 (1) Poultry farms.--Individuals who are at least 14
30 years of age or older may be employed until 10 p.m. on a farm

1 by a person other than the farmer in the hatching, raising or
2 harvesting of poultry as long as the minor is not working in
3 an agricultural occupation declared hazardous by the United
4 States Secretary of Labor.

5 (2) Newspaper and periodical delivery.--

6 (i) Individuals who are at least 11 years of age may
7 be employed in the delivery and street sale of newspapers
8 after 5 a.m. and before 8 p.m., or until 9 p.m., as set
9 forth under subsection (b) (1).

10 (ii) This paragraph does not apply to the hauling of
11 newspapers to drop centers or distribution centers or
12 other related activities.

13 Section 7. Employment of individuals 16 years of age or older.

14 (a) Permitted employment.--Individuals who are 16 years of
15 age or older may be employed in occupations not prohibited under
16 section 4(d).

17 (b) Hours of employment.--

18 (1) Except as set forth under paragraphs (2), (3) and
19 (4), hours of employment shall comply with the Fair Labor
20 Standards Act.

21 (2) When school is in session, an individual who is 16
22 years of age or older shall be limited as follows:

23 (i) The minor may not be employed for more than 28
24 hours per week during a regular school week.

25 (ii) The minor may not be employed for more than
26 eight hours in a single day.

27 (iii) The minor may not be employed for more than
28 ten hours on each Saturday and Sunday during a school
29 week.

30 (3) When school is not in session, an individual who is

1 16 years of age or older shall be limited as follows:

2 (i) The minor may not be employed for more than ten
3 hours in a single day.

4 (ii) The minor may not be employed more than 48
5 hours in a single week.

6 (4) A minor enrolled in summer school is subject to the
7 limitations set forth under paragraph (2).

8 (5) This subsection does not apply to a minor who:

9 (i) is a high school graduate; or

10 (ii) is exempt from compulsory school attendance
11 requirements under section 1330(1) of the act of March
12 10, 1949 (P.L.30, No.14), known as the Public School Code
13 of 1949.

14 (c) Employment in motels, clubs and restaurants in which
15 liquor is present.--Irrespective of the general limitations set
16 forth under section 4(c)(2), an individual who is 16 years of
17 age or older may be employed as follows in a motel, club and
18 restaurant in which liquor is present:

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

21 (2) The minor may be employed to serve food, clear
22 tables and perform other duties in a licensed establishment
23 whose sales of food and nonalcoholic beverages are equal to
24 at least 40% of the combined gross sales of both food and
25 alcoholic beverages, if duties do not include the dispensing
26 or serving of alcoholic beverages. Before employing a minor
27 under this paragraph, an establishment licensed by the
28 Pennsylvania Liquor Control Board must furnish to the issuing
29 officer a certification that, for a period of not less than
30 90 days during the 12 months immediately preceding the date

1 of application, the establishment met the 40% threshold of
2 this paragraph in conformity with the regulations of the
3 board governing the sale of alcoholic beverages on Sunday.

4 (d) Employment of minors in religious or scout organization
5 summer camps or retreats.--An individual who is 16 years of age
6 or older who is employed during the months of June, July, August
7 or September by a summer resident camp or a conference or
8 retreat operated by a religious or scout organization shall
9 receive 24 consecutive hours of rest during every seven-day
10 period. This subsection does not apply to a minor employed
11 primarily for general maintenance work or food service
12 activities.

13 Section 8. Employment of minors as performers in theater or
14 film productions.

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

19 (1) Except as set forth under subsection (b)(4), the
20 minor has an entertainment permit from the department.

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

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

24 (4) No alcoholic beverages are sold or dispensed during
25 the performance.

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

27 (i) three performances in a single day; or

28 (ii) ten performances in a single week.

29 (6) For rehearsals for performances, length of time and
30 hours of starting and finishing rehearsals added to

1 performance duties are not such as to be injurious or harmful
2 to the minor.

3 (b) Entertainment permits.--

4 (1) The department may issue an entertainment permit to
5 a minor to be employed in a theatrical production, a musical
6 recital or concert, an entertainment act, modeling, radio,
7 television, motion picture making or a similar form or medium
8 of entertainment. The entertainment permit shall ensure
9 compliance with subsection (a) (2) through (6).

10 (2) The department may issue an entertainment permit to
11 a minor for temporary employment as part of the performing
12 cast in the production of motion pictures or television
13 programming as follows:

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

17 (ii) Unless the department determines that more
18 restrictive conditions are necessary, an entertainment
19 permit under this paragraph shall authorize a minor to
20 work as part of the performing cast for no more than 44
21 hours in a single week nor eight hours in a single day.
22 Time spent on the set or on location while on call shall
23 be excluded from any calculation of the maximum number of
24 hours under this subparagraph if the department
25 determines that adequate provision has been made for the
26 minor's education, supervision and welfare during such
27 intervals. The department may restrict the number of
28 hours which may be spent on call by the minor.

29 (iii) The department may waive restrictions
30 contained in this act and in any other act on the time of

1 day or night allowed for engaging in the employment
2 authorized by this paragraph if the department determines
3 that the waiver:

4 (A) is necessary to preserve the artistic
5 integrity of the motion picture or television
6 programming; and

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

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

11 (v) An entertainment permit under this paragraph
12 shall state that the minor for whom the entertainment
13 permit is issued may not be allowed on a set during nor
14 otherwise watch the filming or rehearsal for filming of a
15 sexual act.

16 (3) Expected rehearsal time and the hours of starting
17 and finishing the rehearsal must be set forth in the
18 application for an entertainment permit. The entertainment
19 permit issued shall state what rehearsal time is permissible.

20 (4) The application must comply with all of the
21 following:

22 (i) Be made on a form signed by the employer of the
23 minor and the parent or legal guardian of the minor.

24 (ii) Contain a statement that the facts as set forth
25 in the application are correct subject to the provisions
26 of 18 Pa.C.S. § 4904 (relating to unsworn falsification
27 to authorities).

28 (iii) State what provisions are in effect to provide
29 for:

30 (A) the minor's educational instruction,

1 supervision, health and welfare; and

2 (B) safeguarding and conservation for the minor
3 of the money derived from performance.

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

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

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

13 (i) There is informed, written consent by the
14 minor's parent or legal guardian.

15 (ii) Participation is:

16 (A) for a period of no more than 14 consecutive
17 days; and

18 (B) not during school hours.

19 (iii) The minor receives no direct or indirect
20 remuneration.

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

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

25 (2) 18 Pa.C.S. § 5903 (relating to obscene and other
26 sexual materials and performances) or 6312 (relating to
27 sexual abuse of children).

28 Section 8.1. Sports-attendant services.

29 (a) General rule.--Section 6(b)(1), (2) and (3) do not apply
30 to an individual 14 through 15 years of age and section 7(b)(2)

1 does not apply to an individual 16 through 17 years of age, if
2 the minor is employed to perform sports-attendant services at
3 professional sporting events under this section.

4 (b) Sports-attendant duties.--A minor is employed to perform
5 sports-attendant duties if the minor performs the following
6 duties at a baseball, basketball, football, soccer, tennis or
7 similar athletic event:

8 (1) Pregame and postgame or practice setup of balls,
9 items and equipment.

10 (2) Supplying and retrieving balls, items and equipment
11 during a sporting event.

12 (3) Clearing the field or court of debris and moisture
13 during play.

14 (4) Providing ice, drinks and towels to players during
15 play.

16 (5) Running errands for trainers, managers, coaches and
17 players before, during and after a sporting event.

18 (6) Returning or storing balls, items and equipment in
19 clubhouse or locker rooms after a sporting event.

20 Section 9. Minors serving in volunteer emergency service
21 organizations.

22 (a) General rule.--An individual who is 14 years of age or
23 older who is a member of a volunteer emergency service
24 organization may participate in training and emergency service
25 activities except as follows:

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

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

30 (3) A minor may not use rubber electrical gloves,

1 insulated wire gloves, insulated wire cutters, life nets or
2 acetylene cutting units.

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

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

6 (6) A minor may not engage in firefighting activities
7 unless all of the following apply:

8 (i) The minor is 16 years of age or older.

9 (ii) The minor has successfully completed a course
10 of training equal to the standards for basic firefighting
11 established by the Department of Education and the
12 Department of Conservation and Natural Resources.

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

16 (b) Additional limitations for individuals under 16 years of
17 age.--In addition to the limitations set forth under subsection

18 (a), the activities of individuals over 13 years of age and
19 under 16 years of age shall be further limited as follows:

20 (1) An individual who is over 13 years of age and under
21 16 years of age shall only be permitted to perform the
22 following activities:

23 (i) Training.

24 (ii) First aid.

25 (iii) Cleanup service at the scene of a fire,
26 outside the structure and after the fire has been
27 declared by the fire official in charge to be under
28 control.

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

30 (2) An individual who is over 13 years of age and under

1 16 years of age may not do any of the following:

2 (i) Operate high pressure hose lines except during
3 training activities.

4 (ii) Ascend ladders except during training
5 activities.

6 (c) Other prohibited activities.--The department may
7 prohibit through regulation other activities that it deems
8 hazardous to the health of minors.

9 (d) Other provisions.--

10 (1) Except as set forth under this subsection, this
11 section does not supersede any other provision of this act or
12 any regulation promulgated under this act.

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

16 (i) is 16 years of age or older;

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

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

19 (3) An individual who is 14 or 15 years of age may
20 perform the training or firefighting activities permitted
21 under this section until 10 p.m. before a school day if the
22 minor:

23 (i) is a member of a volunteer fire company; and

24 (ii) has the written consent of a parent or legal
25 guardian.

26 Section 10. Duties of employer.

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

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

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

30 (i) in, about or in connection with an

1 establishment; or

2 (ii) in an occupation.

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

5 (i) A work permit.

6 (ii) A written statement by the minor's parent or
7 legal guardian acknowledging understanding of the duties
8 and hours of employment and granting permission to work
9 subject to the provisions of 18 Pa.C.S. § 4904 (relating
10 to unsworn falsification to authorities).

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

13 (i) Verify the work permit under paragraph (2) (i).

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

15 (4) An individual who is over 16 years of age employed
16 in the distribution, sale, exposing or offering for sale of
17 any newspaper, or any minor who can demonstrate that he is
18 working independently of the newspaper publisher in this
19 work, shall not be required to procure a work permit.

20 (b) Notification.--The employer shall acknowledge to the
21 issuing official in writing the employment of a minor and shall
22 detail the normal duties and hours of employment within five
23 days after the beginning of employment and shall include the age
24 and permit number of the minor. On termination of employment of
25 a minor, the employer shall notify the issuing official within
26 five days of the final day of employment that the minor no
27 longer is employed by the employer.

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

30 (1) A printed abstract of the sections of this act

1 relating to the hours of labor.

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

3 (3) A schedule of the hours of labor of the minors
4 listed in subparagraph (ii). The schedule of hours of labor
5 shall contain:

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

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

9 (iii) the daily hours for commencing and stopping
10 work and for time allowed for meals.

11 (d) Records.--

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

17 (2) An employer shall maintain records for employed
18 minors in compliance with the recordkeeping requirements of
19 the act of January 17, 1968 (P.L.11, No.5), known as The
20 Minimum Wage Act of 1968, and shall maintain accurate records
21 of the actual days, hours and times of day the minors worked,
22 including breaks.

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

25 Section 11. Work permit.

26 (a) Form and content.--

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

30 (i) Name.

- 1 (ii) Sex.
- 2 (iii) Date and place of birth.
- 3 (iv) Place of residence.
- 4 (v) Color of hair and eyes.
- 5 (vi) Any distinguishing physical characteristics or
- 6 physical limitations.

7 (2) The work permit shall certify that:

8 (i) the holder has personally appeared before the

9 issuing officer and has been examined;

10 (ii) all papers required by law have been examined,

11 approved and filed; and

12 (iii) all conditions and requirements for issuing a

13 permit have been fulfilled.

14 (3) The work permit shall be signed, in the presence of

15 the issuing officer, by the holder.

16 (4) The work permit shall bear a number, the date of

17 issuance and the signature of the issuing officer.

18 (b) Application.--

19 (1) Documentation.--

20 (i) Except as set forth under subparagraph (ii),

21 application for a work permit must be verified as

22 follows:

23 (A) The applicant's parent or legal guardian

24 must sign the application.

25 (B) In lieu of a signature under clause (A), the

26 applicant may execute a statement before a notary

27 public or other person authorized to administer oaths

28 attesting to the accuracy of the facts set forth in

29 the application on a form prescribed by the

30 department. The statement shall be attached to the

1 application.

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

5 (2) Examination.--

6 (i) Except as set forth under subparagraph (ii), a
7 work permit shall not be issued until the applicant has
8 personally appeared before and been examined by the
9 issuing officer.

10 (ii) Subparagraph (i) does not apply if the
11 applicant can demonstrate official proof of high school
12 graduation.

13 (3) Documentation.--The issuing officer shall not issue
14 a work permit until the issuing officer has received,
15 examined, approved and filed the following papers which
16 verify the applicant's age:

17 (i) If proof of age is an official document or
18 record of the Commonwealth or government of another state
19 or governmental subdivision of another state, it need not
20 be filed if the issuing officer records the information
21 necessary to enable the document or record to be located
22 at the place where it is filed. If proof of age is other
23 than an official document or record of the Commonwealth
24 or government of another state or governmental
25 subdivision of another state, the following is the order
26 of preference for acceptable proof under this
27 subparagraph:

28 (A) An attested transcript of the birth
29 certificate, filed according to law with a register
30 of vital statistics or other officer charged with the

1 duty of recording births.

2 (B) A certified baptismal certificate or
3 transcript of the record of baptism showing the date
4 of birth.

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

6 (D) Any certified documentary record of age
7 other than a school record or an affidavit of age,
8 which appears to the satisfaction of the issuing
9 officer to be sufficient evidence of age.

10 (E) The signed statement of a physician,
11 physician's assistant or nurse practitioner, approved
12 by the board of school directors, stating that, after
13 examination, it is the opinion of the individual
14 signing the statement that the applicant has attained
15 the age required by law for the occupation in which
16 the applicant expects to engage. The statement must
17 be accompanied by an affidavit signed by the
18 applicant's parent or legal guardian or, if there is
19 no parent or legal guardian, by the applicant's next
20 friend and certifying to the name, date and place of
21 birth of the applicant and that the individual
22 signing the statement is unable to produce any of the
23 proofs of age specified in clauses (A), (B), (C) and
24 (D).

25 (ii) (Reserved).

26 (c) Issuance.--If all application requirements are met, a
27 work permit shall be issued by an issuing officer unless it is
28 the issuing officer's judgment that the applicant cannot
29 maintain adequate academic achievement if permitted to work
30 during the school year.

1 (d) Revocation.--An issuing officer may revoke a work permit
2 if it is the issuing officer's judgment that the applicant
3 cannot maintain adequate academic achievement if permitted to
4 work during the school year.

5 Section 12. Administration.

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

8 (1) Prescribe the forms necessary to implement this act.

9 (2) Promulgate regulations to administer this act which
10 are as consistent as possible with the regulations
11 promulgated under the Fair Labor Standards Act. Regulations
12 under this paragraph may establish a procedure for an
13 employer that is not subject to the Fair Labor Standards Act
14 to receive an extension until 10 p.m. of the 9 p.m. time
15 limitation under section 6(b)(1). An extension granted under
16 this procedure shall specify that the extension does not
17 apply to Federal enforcement or administration of the Fair
18 Labor Standards Act.

19 (3) Provide copies of this act and blank forms for
20 compliance with its provisions to employers and prospective
21 employers.

22 (b) Secretary.--For the enforcement of this act, the
23 secretary or a designee has investigatory subpoena power and the
24 duty to issue a subpoena upon application of an attorney of the
25 Office of General Counsel assigned to the department.

26 Application may be made to the Commonwealth Court to enforce a
27 subpoena. Nothing in this section shall be construed to excuse a
28 person from producing documents and records as requested by the
29 department under any other provision of law.

30 (c) Duties of Department of Education.--The Department of

1 Education shall distribute to school districts all forms
2 necessary for the enforcement of this act.

3 (d) Duties of school districts.--School districts shall
4 administer applications and issuance of work permits pursuant to
5 section 11 and may initiate enforcement actions under subsection
6 (e).

7 (e) Enforcement.--Enforcement officers may initiate
8 prosecution for violations of this act.

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

10 (1) If an enforcement officer has reason to believe that
11 an individual working without a work permit is a minor or
12 that a minor with a work permit is working in violation of
13 the age restrictions set forth under this act, the officer
14 may demand that the person employing the individual within
15 ten days:

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

17 (ii) cease to employ or permit the individual to
18 work.

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

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

24 Section 13. Penalties.

25 (a) Criminal.--

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

27 (i) Intentionally violate this act.

28 (ii) Interfere with the functions of an enforcement
29 officer.

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

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

3 (v) Falsify records under this act.

4 (2) Except as set forth under paragraph (3), a person
5 that violates paragraph (1) commits a summary offense and
6 shall, upon conviction, be sentenced to pay a fine of \$500
7 for each violation.

8 (3) A person that, after being sentenced under paragraph
9 (2), violates paragraph (1) commits a summary offense and
10 shall, upon conviction, be sentenced to pay a fine of \$1,500
11 for each violation or to imprisonment for not more than ten
12 days, or both.

13 (b) Administrative penalties.--

14 (1) Except as set forth under paragraph (2) or
15 subsection (c), the department may impose an administrative
16 penalty of not less than \$100 nor more than \$1,000 for each
17 violation of this act.

18 (2) The department may not impose a penalty under this
19 subsection on a person if the person has been sentenced under
20 subsection (a) for an offense arising out of the same conduct
21 which would give rise to a penalty under this subsection.

22 (3) This subsection is subject to 2 Pa.C.S. Chs. 5
23 Subch. A (relating to practice and procedure of Commonwealth
24 agencies) and 7 Subch. A (relating to judicial review of
25 Commonwealth agency action).

26 (c) Multiple prosecution.--Imposition of a criminal, civil
27 or administrative penalty under the Fair Labor Standards Act
28 shall bar prosecution under subsection (a) and imposition of an
29 administrative penalty under subsection (b) if the same conduct
30 constitutes the basis of the Federal action and the basis of the

1 prosecution under subsection (a) or the administrative penalty
2 under subsection (b).

3 Section 14. Employment of minors in student-learner and
4 apprenticeship programs.

5 A minor may be employed in a work experience and career
6 exploration program, an apprenticeship program and a school-to-
7 work program, to the extent permitted by regulations promulgated
8 under this act and not prohibited by the Fair Labor Standards
9 Act.

10 Section 15. Applicability.

11 (a) Domestic service.--This act shall not apply to
12 employment of a minor in domestic service in or about the
13 private home of a parent or guardian, to baby-sitting and to
14 performance of minor chores in or about a private home of the
15 employer. Minor chores shall:

16 (1) Include lawn care, snow shoveling and residential
17 chores performed by minors on a casual or infrequent basis.

18 (2) Exclude activities otherwise prohibited by the
19 department in regulations promulgated under this act and
20 activities or occupations designated as hazardous and
21 otherwise prohibited under the Fair Labor Standards Act and
22 regulations promulgated under that act.

23 (b) Agricultural employment.--Agricultural employment which
24 is exempt from coverage of the child labor provisions of the
25 Fair Labor Standards Act shall be exempt from coverage of this
26 act.

27 Section 29. Repeal.

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

30 Section 30. Effective date.

1 This act shall take effect in 90 days.