

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1548 Session of  
2011

INTRODUCED BY MURT, ADOLPH, AUMENT, BAKER, BARBIN, BARRAR, BEAR, BENNINGHOFF, BLOOM, BOBACK, BOYD, B. BOYLE, K. BOYLE, BRADFORD, BRENNAN, BRIGGS, BROOKS, BROWNLEE, CALTAGIRONE, CARROLL, CAUSER, CHRISTIANA, CLYMER, COHEN, CONKLIN, D. COSTA, P. COSTA, COX, CREIGHTON, CRUZ, CURRY, CUTLER, DAVIS, DAY, DEASY, DELOZIER, DeLUCA, DENLINGER, DePASQUALE, DeWEESE, DiGIROLAMO, DONATUCCI, ELLIS, EMRICK, J. EVANS, EVERETT, FABRIZIO, FARRY, FLECK, FRANKEL, FREEMAN, GALLOWAY, GEIST, GEORGE, GERBER, GERGELY, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GROVE, HACKETT, HAHN, HARHART, HARKINS, HARPER, HARRIS, HEFFLEY, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, F. KELLER, M. K. KELLER, W. KELLER, KNOWLES, KORTZ, KOTIK, KRIEGER, LONGIETTI, MAHER, MAHONEY, MAJOR, MANN, MARSHALL, MARSICO, MASSER, MATZIE, McGEEHAN, METZGAR, MICCARELLI, MILLARD, MILLER, MILNE, MOUL, MURPHY, MUSTIO, MYERS, OBERLANDER, D. O'BRIEN, M. O'BRIEN, PARKER, PASHINSKI, PAYNE, PAYTON, PEIFER, PERRY, PETRARCA, PETRI, PICKETT, PYLE, QUIGLEY, QUINN, RAVENSTAHL, READSHAW, REED, REESE, ROCK, ROEBUCK, ROSS, SABATINA, SACCONI, SAINATO, SAMUELSON, SANTARSIERO, SANTONI, SAYLOR, SCAVELLO, SHAPIRO, K. SMITH, M. SMITH, STABACK, STEPHENS, STERN, STEVENSON, SWANGER, TALLMAN, TAYLOR, TOBASH, TOEPEL, TOOIL, TRUITT, TURZAI, VEREB, VITALI, VULAKOVICH, WATERS, WATSON, YOUNGBLOOD, SONNEY, WHITE, CULVER, GILLEN, KAMPF, KULA, SCHRODER, O'NEILL, KIRKLAND, LAWRENCE, DELISSIO, PRESTON, BUXTON, GRELL, BISHOP AND DAVIDSON, MAY 18, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 22, 2011

## 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

1 thereof, and the rules for the issuance, reissuance, filing,  
2 return, and recording of the same; by providing that the  
3 Industrial Board shall, under certain conditions, determine  
4 and declare whether certain occupations are within the  
5 prohibitions of this act; requiring certain abstracts and  
6 notices to be posted; providing for the enforcement of this  
7 act by the Secretary of Labor and Industry, the  
8 representative of school districts, and police officers; and  
9 defining the procedure in prosecutions thereunder, and  
10 establishing certain presumptions in relation thereto;  
11 providing for the issuance of special permits for minors  
12 engaging in the entertainment and related fields; providing  
13 penalties for the violation of the provisions thereof; and  
14 repealing all acts or parts of acts inconsistent therewith,"  
15 further providing for definitions, for regulated employment,  
16 for employment of children at establishments where alcoholic  
17 beverages or malt liquor is sold and for permits; imposing  
18 duties on the department; further providing for educational  
19 requirements and for prohibitions regarding work hours;  
20 providing for transfers to minor child performer trust  
21 accounts AND FOR REVOCATION OF PERMIT; and further providing ←  
22 for employment certificate.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 1 of the act of May 13, 1915 (P.L.286,  
26 No.177), known as the Child Labor Law, is amended by adding  
27 definitions to read:

28 Section 1. \* \* \*

29 The term "department" when used in this act, shall mean the  
30 Department of Labor and Industry of the Commonwealth.

31 The term "documentary program" when used in this act, shall  
32 mean a genre of motion picture program, including programming  
33 for television, that depicts or portrays a nonfiction story and  
34 may present an opinion or a specific message along with factual  
35 material.

36 THE TERM "MINOR" WHEN USED IN SECTIONS 7.1 AND 7.5 OF THIS ←  
37 ACT SHALL MEAN A PERSON UNDER THE AGE OF 18 WHO IS REQUIRED TO  
38 ATTEND SCHOOL UNDER THE ACT OF MARCH 10, 1949 (P.L.30, NO.14),  
39 KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," OR THE EDUCATION CODE  
40 OF THE PERSON'S STATE OF RESIDENCE.

41 The term "reality program" when used in this act, shall mean

1 a genre of program that principally presents unscripted  
2 situations, dialogue and actions depicting or portraying actual  
3 events and generally features ordinary people and not  
4 professional actors.

5 Section 2. Section 4 of the act, amended December 9, 2002  
6 (P.L.1347, No.161), is amended to read:

7 Section 4. [No] Except as provided in this section and  
8 sections 7.1 and 7.5, no minor under eighteen years of age shall  
9 be employed or permitted to work in, about, or in connection  
10 with any establishment, or in any occupation, for more than six  
11 consecutive days in any one week, or more than forty-four hours  
12 in any one week, or more than eight hours in any one day:

13 Provided, That messengers employed by telegraph companies at  
14 offices where only one such minor is employed as a messenger in  
15 which case such minor shall not be employed for more than six  
16 consecutive days in any one week, or more than fifty-one hours  
17 in any one week, or more than nine hours in any one day: And  
18 provided further, That no minor under eighteen years of age, who  
19 is enrolled in regular day school and working outside school  
20 hours, shall be employed or permitted to work for more than  
21 twenty-eight hours during a school week.

22 [No] Except as provided in this section and sections 7.1 and  
23 7.5, no minor under sixteen years of age shall be employed or  
24 permitted to work in, about, or in connection with, any  
25 establishment or in any occupation before seven o'clock in the  
26 morning or after seven o'clock in the evening of any day except  
27 during school vacation period from June to Labor Day when such  
28 minor may work between the hours of seven o'clock in the morning  
29 and ten o'clock in the evening nor shall such a minor who is  
30 enrolled in school and working outside school hours be employed

1 or permitted to work in, about, or in connection with, any  
2 establishment or in any occupation more than four hours on a  
3 school day, or more than eight hours on any other day, or more  
4 than eighteen hours during a school week: Provided, That,  
5 students fourteen years of age and over whose employment is part  
6 of a recognized school-work program, supervised by a recognized  
7 school authority, may be employed for hours which, combined with  
8 the hours spent in school, do not exceed eight a day: And  
9 further provided, That a minor under sixteen years of age  
10 employed on a farm by a person other than the farmer in the  
11 hatching, raising or harvesting of poultry may be employed or  
12 permitted to work until 10 o'clock in the evening as long as the  
13 minor is not working in an agricultural occupation declared  
14 hazardous by the United States Secretary of Labor.

15 [No] Except as provided in this section and sections 7.1 and  
16 7.5, no minor under eighteen years of age shall be employed or  
17 permitted to work for more than five hours continuously in,  
18 about, or in connection with, any establishment without an  
19 interval of at least thirty minutes for a lunch period and no  
20 period of less than thirty minutes shall be deemed to interrupt  
21 a continuous period of work.

22 [No] Except as provided in this section and sections 7.1 and  
23 7.5, no minor under eighteen years of age shall be employed or  
24 permitted to work in, about, or in connection with, any  
25 establishment between the hours of twelve in the evening and six  
26 in the morning if such minor is enrolled in regular day school:  
27 Provided, That, minors sixteen and seventeen years of age may be  
28 employed until, but not after, one o'clock in the morning on  
29 Fridays and Saturdays, and on days preceding a school vacation  
30 occurring during the school year, excepting the last day of such

1 vacation period.

2 Notwithstanding any other provision of this section, a minor  
3 who is sixteen or seventeen years of age who is employed during  
4 the months of June, July, August or September by a summer  
5 resident camp or a conference or retreat operated by a religious  
6 or scout organization shall receive one day of rest (twenty-four  
7 consecutive hours of rest) during every seven-day period:

8 Provided, That this paragraph shall not apply to a minor  
9 employed primarily for general maintenance work or food service  
10 activities.

11 Section 3. Section 5 of the act, amended December 15, 1999  
12 (P.L.946, No.67), is amended to read:

13 Section 5. No minor under sixteen years of age shall be  
14 employed or permitted to work in, about, or in connection with,  
15 any manufacturing or mechanical occupation or process; nor on  
16 scaffolding; nor in heavy work in the building trades; nor in  
17 stripping or assorting tobacco; nor in any tunnel; nor upon any  
18 railroad, steam, electric or otherwise; nor upon any boat  
19 engaged in the transportation of passengers or merchandise; nor  
20 in operating motor-vehicles of any description; nor in any  
21 anthracite or bituminous coal-mine, or in any other mine.

22 No minor under eighteen years of age shall be employed or  
23 permitted to work in the operation or management of hoisting  
24 machines, in oiling or cleaning machinery, in motion; at switch-  
25 tending, at gate-tending, at track-repairing; as a brakeman,  
26 fireman, engineer, or motorman or conductor, upon a railroad or  
27 railway; as a pilot, fireman, or engineer upon any boat or  
28 vessel; in the manufacture of paints, colors or white lead in  
29 any capacity; in preparing compositions in which dangerous leads  
30 or acids are used; in the manufacture or use of dangerous or

1 poisonous dyes; in any dangerous occupation in or about any  
2 mine; nor in or about any establishment wherein gunpowder,  
3 nitroglycerine, dynamite, or other high or dangerous explosive  
4 is manufactured or compounded: Provided, That minors age  
5 fourteen and over may operate power lawn mowing equipment: And  
6 provided further, That such minors may be employed in bowling  
7 centers as snack bar attendants, porters, control desk clerks  
8 and scorer attendants: And provided further, That such minors  
9 may work where such chemicals, compounds, dyes and acids are  
10 utilized in the course of experiments and testing procedures, in  
11 such circumstances and under such conditions and safeguards as  
12 may be specified by rule or regulation of the Department of  
13 Labor and Industry.

14 No minor under eighteen years of age shall be employed or  
15 permitted to work in, about, or in connection with, any  
16 establishment where alcoholic liquors are distilled, rectified,  
17 compounded, brewed, manufactured, bottled, sold, or dispensed;  
18 nor in a pool or billiard room: Provided, That male or female  
19 minors sixteen years of age and over may be employed and  
20 permitted to work that part of a motel, restaurant, club or  
21 hotel in which liquor or malt or brewed beverages are not  
22 served: And, provided further, That minors sixteen years of age  
23 and over may be employed to serve food, clear tables and perform  
24 other duties, not to include the dispensing or serving of  
25 alcoholic beverages, in any licensed establishment whose sales  
26 of food and nonalcoholic beverages are equal to forty per cent  
27 or more of the combined gross sales of both food and alcoholic  
28 beverages. Before employing any minor sixteen years of age and  
29 over, any establishment licensed by the Liquor Control Board  
30 shall furnish to the school district official authorized to

1 issue employment certificates a certification that, for a period  
2 of not less than ninety consecutive days during the twelve  
3 months immediately preceding the date of application, the sales  
4 of food and nonalcoholic beverages by the employer at the  
5 licensed premises were equal to or exceeded forty per cent of  
6 the combined gross sales of food, nonalcoholic and alcoholic  
7 beverages in conformity with the requirements set forth in  
8 Regulation 141 of the Liquor Control Board governing the sale of  
9 alcoholic beverages on Sunday. Nothing in this section shall  
10 prevent the filming of a minor in a hotel, club, restaurant or  
11 other dining or recreational facility as a part of a performance  
12 in accordance with the provisions of section 7.1 or 7.5, in a ←  
13 hotel, club, restaurant or other dining or recreational  
14 facility.

15 Nothing in this section should be construed as prohibiting  
16 minors fourteen and fifteen years of age to be employed at ski  
17 resorts, golf courses and amusement parks, or other similar  
18 recreational establishments as long as they are not permitted to  
19 serve or handle alcoholic beverages and as long as they do not  
20 work in [any room] an area in which alcohol is being served or  
21 stored.

22 No minor shall be employed or permitted to serve or handle  
23 alcoholic liquor in any establishment where alcoholic liquors  
24 are sold or dispensed; nor be employed or permitted to work in  
25 violation of the laws relating to the operation of motor  
26 vehicles by minors.

27 In addition to the foregoing, it shall be unlawful for any  
28 minor under eighteen years of age to be employed or permitted to  
29 work in any occupation dangerous to the life or limb, or  
30 injurious to the health or morals, of the said minor, as such

1 occupations shall, from time to time, after public hearing  
2 thereon, be determined and declared by the Industrial Board of  
3 the Department of Labor and Industry: Provided, That if it  
4 should be hereafter held by the courts of this Commonwealth that  
5 the power herein sought to be granted to the said board is for  
6 any reason invalid, such holding shall not be taken in any case  
7 to affect or impair the remaining provisions of this section.

8 Section 4. Section 7.1 of the act, amended or added August  
9 23, 1961 (P.L.1107, No.494), December 21, 1988 (P.L.1908,  
10 No.192) and December 21, 1998 (P.L.1242, No.158), is amended to  
11 read:

12 Section 7.1. [(a) The Department of Labor and Industry is  
13 hereby authorized to issue special permits for the employment of  
14 minors seven and under eighteen years of age in theatrical  
15 productions, musical recitals or concerts, entertainment acts,  
16 modeling, radio, television, motion picture making, or in other  
17 similar forms or media of entertainment in Pennsylvania where  
18 the performance of such minor is not hazardous to his safety or  
19 well-being, except as follows:

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

22 (2) No such minor shall be permitted to perform in any place  
23 or establishment where alcoholic beverages are sold or  
24 dispensed.

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

29 (4) No such minor shall appear in more than two performances  
30 in any one day nor in more than eight performances in any one



1 week.

2 (a.1) In addition to any permit authorized by subsection  
3 (a), the department shall be authorized to issue special permits  
4 for the temporary employment of minors as part of the performing  
5 cast in the production of a motion picture, if the department  
6 determines that adequate provision has been made for the  
7 educational instruction, supervision, 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 spent on the set or on location while  
13 on call shall be excluded from any calculation of the maximum  
14 number of hours authorized by this subsection if the department  
15 determines that adequate provision has been made for the child's  
16 education, supervision and welfare during such intervals. The  
17 department may restrict the number of hours which may be spent  
18 on call by the minor. The department may waive, in whole or in  
19 part, restrictions contained in this act and in any other act,  
20 on the time of day or night allowed for engaging in the  
21 employment authorized by this subsection, if the department  
22 determines that such waiver is necessary to preserve the  
23 artistic integrity of the motion picture and further determines  
24 that such waiver will not impair the educational instruction,  
25 supervision, health and welfare of the minor. Special permits  
26 authorized by this subsection shall be valid for a period of  
27 time not to exceed six months. An issued permit shall state that  
28 no minor, allowed under the permit to be temporarily employed,  
29 may be allowed on a set during, or may otherwise watch, the  
30 filming or rehearsal for filming of any sexual act. Nothing in

1 this section shall be construed to supersede or repeal in part  
2 18 Pa.C.S. § 5903 (relating to obscene and other sexual  
3 materials) or 6312 (relating to sexual abuse of children).

4 (a.2) A special permit shall not be required under this  
5 section for a minor who participates in a nonprofit,  
6 educational, theatrical production if there is informed, written  
7 consent of a parent or guardian; if the participation is for a  
8 period of no more than fourteen consecutive days; if the  
9 participation is not during school hours; and if the minor  
10 receives no direct or indirect remuneration. All other existing  
11 limitations of this section shall remain applicable.

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

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

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

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

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

11 (a) The Department of Labor and Industry is hereby  
12 authorized to issue a special work permit to a minor who renders  
13 artistic or creative services in theater, radio, television,  
14 movies, the Internet, publications or a medium that may be  
15 transmitted to an audience and the minor receives remuneration  
16 for the performance.

17 (b) A minor may engage in a performance if the following  
18 requirements are satisfied:

19 (1) The minor has a valid permit issued by the department.

20 (2) The performance is not hazardous to the health and  
21 safety of the minor.

22 (3) The minor's performance is limited to hours specified in  
23 subsection (e) and those established in regulations promulgated  
24 by the department.

25 (4) The performance would not constitute a violation of 18  
26 Pa.C.S. § 5903 (relating to obscene and other sexual materials  
27 and performances) or 6312 (relating to sexual abuse of  
28 children).

29 (5) A minor who is under sixteen years of age must be  
30 accompanied by a parent or guardian who must be within sight or

1 sound of the minor at all times.

2 (c) The department shall issue a permit, valid for six  
3 months from its issuance, upon presentment of the following  
4 information in an application prescribed by the department:

5 (1) If a minor is subject to compulsory education  
6 requirements, a letter or other document from the minor's school  
7 or school district indicating that the minor is a pupil in good  
8 standing. If the application is made while school is not in  
9 session, the minor must present his or her most recent report  
10 card.

11 (2) Verification of the minor's age.

12 (3) Permission of a parent or guardian; signature on the  
13 application shall indicate the parent's or guardian's  
14 permission.

15 (d) An employer who employs one or more minors in a  
16 performance must possess a permit to employ minors issued by the  
17 department. The department shall issue a permit to employ minors  
18 upon the employer's providing to the department proof of  
19 workers' compensation coverage, if required. The permit to  
20 employ minors shall be valid for three years. The employer shall  
21 be required to pay a fee set by the department, but not to  
22 exceed three hundred fifty (\$350.00) dollars for initial  
23 registration and two hundred (\$200.00) dollars for renewal  
24 SUBSEQUENT REGISTRATION.

25 (e) (1) A minor is prohibited from working more than eight  
26 hours in any workday or more than forty-eight hours in one week.  
27 A minor may not work past ten o'clock on the night before a  
28 school day or past twelve-thirty in the morning on other nights,  
29 and a minor may not work before five o'clock in the morning.

30 (2) The department may waive or modify the restrictions

1 contained in this subsection if the department reasonably  
2 determines: the parent or guardian approves of the waiver, the  
3 waiver will not impair the educational instruction of the minor;  
4 and the waiver will not compromise the health or safety of the  
5 minor.

6 (3) No infant under the age of one month may be employed in  
7 a performance unless a licensed physician provides written  
8 certification that the infant is at least fifteen days old and,  
9 in his medical opinion:

10 (i) The infant was carried to full term.

11 (ii) The infant was of normal birth weight.

12 (iii) The infant is physically capable of handling the  
13 requirements of the performance.

14 (iv) The infant's lungs, eyes, heart and immune system are  
15 sufficiently developed to withstand any potential risks.

16 (4) The department may promulgate further regulations  
17 governing the working hours for minors under this subsection.

18 (f) (1) A minor performer shall fulfill educational  
19 requirements as set forth in the Pennsylvania School Code, ACT ←  
20 OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE "PUBLIC SCHOOL  
21 CODE OF 1949," or the requirements of the state in which the  
22 minor performer resides. A minor who has not completed such  
23 requirements shall be subject to paragraph (2).

24 (2) An employer employing, either directly or indirectly  
25 through a third person, a minor for ~~two~~ THREE or more school ←  
26 days in a thirty day period shall provide a teacher who has  
27 credentials issued by the Department of Education, a state  
28 recognized by the Department of Education, or a state in which  
29 the minor resides. This requirement shall apply beginning on the  
30 second day that the minor renders services for that employer and



1 shall continue on each day thereafter that ~~school~~ THE SCHOOL OF  
2 THE MINOR'S PLACE OF RESIDENCE is in session and the minor is  
3 rendering services. A minor receiving instruction from a teacher  
4 provided pursuant to this provision shall not be declared absent  
5 from school while working under the permit requirement in  
6 accordance with this section. The requirements of this section  
7 shall only be applicable when school is in session and the minor  
8 is not receiving educational instruction at his regular school  
9 due to his employment schedule.

10 (3) A minor receiving educational instruction under this  
11 section, and such minor's parent or guardian, shall work with  
12 the teacher provided to the minor and the minor's school of  
13 enrollment to fulfill the educational requirements.

14 (4) If there is a hiatus in a production that employs a  
15 minor under this section, a teacher shall be provided to the  
16 minor during the hiatus for periods when school is in session,  
17 pursuant to the requirements described in the section, unless  
18 the minor is able to attend his regular school.

19 (5) Where this section requires that an employer provide a  
20 teacher to a minor, the employer shall provide a ratio of at  
21 least one teacher for every ten minors unless the minors are  
22 within two grade levels, in which case the employer shall  
23 provide a ratio of at least one teacher for every twenty minors.

24 (6) School districts shall have the authority, in  
25 cooperation with the Department of Education and the parent or  
26 guardian of the minor, to develop alternative methods by which  
27 minors may satisfy their educational requirements at times  
28 outside the normal school day. Alternative methods under this  
29 paragraph shall be no more restrictive than those set forth in  
30 this section.

1 (g) (1) (i) Within thirty days following the final day of  
2 employment, except when the period of employment is longer than  
3 thirty days, a minor's employer is required to transfer fifteen  
4 percent of gross earnings to the custodian or trustee of the  
5 minor's trust account established under 20 Pa.C.S. Ch. 53  
6 (relating to Pennsylvania Uniform Transfers to Minors Act) OR AN ←  
7 ACCOUNT PREVIOUSLY ESTABLISHED UNDER A SIMILAR LAW IN ANOTHER  
8 STATE. When the employment is longer than thirty days, the  
9 employer shall make the required transfer every payroll period.

10 (ii) If the minor's employer has not been notified within  
11 fifteen days of commencement of employment of the existence of a  
12 trust account established under 20 Pa.C.S. Ch. 53, or no such  
13 account has been established by the minor's parent or guardian,  
14 then the minor's employer shall transfer such monies together  
15 with the minor's name and last known address to the State  
16 Treasurer for placement into an account for the benefit of the  
17 minor.

18 (iii) Once the transfers have been made to the trust account  
19 established under 20 Pa.C.S. Ch. 53 or the treasurer's account,  
20 the minor's employer has no further duty under this subsection.

21 (iv) The employer's obligations under this subsection shall  
22 terminate when the minor reaches eighteen years of age.

23 (2) (i) Within fifteen days of the commencement of  
24 employment, the minor's parent or guardian must establish a  
25 trust account in accordance with 20 Pa.C.S. Ch. 53, unless an  
26 account has previously been established IN THIS COMMONWEALTH OR ←  
27 UNDER A SIMILAR LAW IN ANOTHER STATE. Once the trust account has  
28 been established, the minor's parent or guardian shall notify  
29 the minor's employer of the existence of the account and any  
30 additional information required by the employer to comply with

1 this subsection.

2 (ii) The trustee of the account shall promptly notify the  
3 minor's employer of a change in facts that affects the  
4 employer's obligation to set aside funds under this subsection.

5 (iii) Upon written request of the minor's parent or  
6 guardian, the trustee may require the minor's employer to  
7 transfer more than fifteen percent of the gross earnings to the  
8 child performer's trust account.

9 (iv) The minor's parent or guardian may serve as trustee of  
10 the child performer trust account.

11 (v) Once the minor's trust account balance reaches one  
12 hundred-fifty thousand (\$150,000.00) dollars or more, a trust  
13 company shall be appointed by the minor's parent or guardian to  
14 serve as trustee of the account.

15 (3) The minor may terminate the child performer trust  
16 account upon reaching the age of eighteen.

17 (h) Nothing in this section shall be construed to require a  
18 permit for a minor's participation in a church, school,  
19 community or charitable activity, for which the minor receives  
20 no compensation or remuneration.

21 Section 5. The act is amended by adding ~~a section~~ SECTIONS  
22 to read:

23 Section 7.5. (a) A minor may participate in a reality or  
24 documentary program if the following conditions are met:

25 (1) Participation in the reality or documentary program is  
26 not hazardous to the health and safety of the minor.

27 (2) Participation would not constitute a violation of 18  
28 Pa.C.S. § 5903 (relating to obscene and other sexual materials  
29 and performances) or 6312 (relating to sexual abuse of  
30 children).





1 (b) Where a minor or one or more members of the minor's  
2 family receive compensation, either in monetary or non-monetary ←  
3 form, for THAT EXPRESSLY DEPENDS UPON the minor's participation ←  
4 in a reality or documentary program and the minor's  
5 participation is substantial, the minor shall have a valid  
6 permit issued by the Department of Labor and Industry. For the  
7 purposes of this subsection, the following terms shall have the  
8 following meanings:

9 (1) "Family" shall mean members of a minor's immediate  
10 family, including the minor's mother, father, brother or sister.

11 (2) "Compensation" shall INCLUDE ONE OR MORE MONETARY ←  
12 PAYMENTS, BUT SHALL not include reimbursement for expenses  
13 incurred by the minor or the minor's family, ANY PRIZE OR GOODS ←  
14 OR SERVICES RECEIVED IN CONNECTION WITH THE PROGRAM WITH A VALUE  
15 LESS THAN \$2,500.

16 (3) "Substantial" shall mean the minor is a principal  
17 subject of the reality or documentary program or the minor  
18 participates in the filming of the reality or documentary  
19 program for ten (10) or more days in a thirty (30) day period.

20 (c) The department shall issue a permit under the following  
21 conditions:

22 (1) The department determines that adequate provision has  
23 been made for the minor's educational instruction, supervision,  
24 health and safety.

25 (2) The minor may not work past ten o'clock on the night  
26 before a school day or past twelve-thirty in the morning on  
27 other nights, and a minor may not work before five o'clock in  
28 the morning.

29 (3) The minor's participation does not exceed eight hours in  
30 a day or forty-eight hours in a week.

1 (4) The department may waive or modify the restrictions  
2 contained in this section if the department reasonably  
3 determines:

4 (i) The waiver is necessary in light of the nature of the  
5 program.

6 (ii) The parent or guardian approves the waiver.

7 (iii) The waiver will not impair the educational instruction  
8 of the minor.

9 (iv) The waiver will not compromise the health or safety of  
10 the minor.

11 (5) The application for a minor's work permit must comply  
12 with the following:

13 (i) Be made on a form issued by the department and signed by  
14 the person or entity responsible for filming and the parent or  
15 guardian.

16 (ii) State the legal name, address and date of birth of the  
17 minor.

18 (iii) State the name and type of production and the nature  
19 of the minor's participation.

20 (iv) State the name and address of the parent or guardian  
21 who will supervise the minor's participation in the reality or  
22 documentary program.

23 (v) State the dates of the minor's expected participation,  
24 hours of the minor's participation and length of time the minor  
25 will participate.

26 (vi) State the name and contact information of the person or  
27 entity responsible for filming.

28 (vii) Contain proof of workers' compensation insurance by  
29 the person or entity responsible for filming in accordance with  
30 the act of June 2, 1915 (P.L.736, No.338), known as the Workers'

1 Compensation Act, if required.

2 (viii) Contain a description of the compensation for the  
3 minor's participation.

4 (ix) Satisfy IF APPLICABLE, SATISFY the requirements of ←  
5 section 7.1 regarding the preservation of the minor's earnings.

6 (x) Where participation in the reality or documentary  
7 program necessitates the minor's absence from his regular  
8 school, satisfy the education and schooling requirements of  
9 section 7.1.

10 ~~(xi) Additional requirements determined by the department.~~ ←

11 (d) (Reserved).

12 (e) A work permit is valid for the duration of the minor's ←  
13 participation in the reality or documentary program for which it  
14 is issued. The department shall MAY, on a semi-annual basis, ←  
15 review a reality or documentary program and the participation of  
16 the minor to ensure:

17 (1) The minor's health and safety is protected.

18 (2) The educational instruction of the minor is not  
19 impaired.

20 (3) The minor's earnings, if any, are properly preserved in  
21 a trust in accordance with section 7.1(g).

22 (f) The work permit requirements of this section shall not ←  
23 apply to news gathering activities or game shows.

24 (g) Nothing in this section shall be construed to require a  
25 permit for a minor's participation in a church, school,  
26 community or charitable activity, for which the minor receives  
27 no compensation or remuneration.

28 SECTION 7.6. (A) THE DEPARTMENT MAY REVOKE A SPECIAL PERMIT ←  
29 IF:

30 (1) THERE HAS BEEN A VIOLATION OF THIS ACT RELATED TO THE

1 EMPLOYMENT OF THE MINOR IN THE PERFORMANCE;

2 (2) THE PERMIT APPLICATION CONTAINED FALSE, MISLEADING AND  
3 SUBSTANTIALLY INCORRECT INFORMATION OR THE APPLICANT OR MINOR IS  
4 NO LONGER PERFORMING IN ACCORDANCE WITH THE INFORMATION PROVIDED  
5 ON THE APPLICATION;

6 (3) A CONDITION OF ISSUANCE OF THE PERMIT IS NOT BEING MET;  
7 OR

8 (4) THERE IS DANGER TO THE MINOR'S HEALTH, SAFETY OR  
9 WELFARE.

10 (B) THE DEPARTMENT MAY REVOKE A SPECIAL PERMIT UNDER THIS  
11 SECTION WITHOUT A HEARING. REVOCATION MAY BE APPEALED TO THE  
12 SECRETARY OF LABOR AND INDUSTRY, WHO SHALL CONDUCT A HEARING  
13 SUBJECT TO 2 PA.C.S. CHS. 5 SUBCH. A (RELATING TO PRACTICE AND  
14 PROCEDURE OF COMMONWEALTH AGENCIES) AND 7 SUBCH. A (RELATING TO  
15 JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION). THE REVOCATION  
16 MAY REMAIN IN EFFECT UNTIL THE SECRETARY OF LABOR AND INDUSTRY  
17 ISSUES A DECISION.

18 Section 6. Sections 8 and 10 of the act, amended December  
19 21, 1988 (P.L.1908, No.192), are amended to read:

20 Section 8. (a) [Before] Except as provided for in sections  
21 7.1 and 7.5, before any minor under eighteen years of age shall  
22 be employed, permitted or suffered to work in, about, or in  
23 connection with, any establishment, or in any occupation, the  
24 person employing such minor shall procure and keep on file, and  
25 accessible to any attendance officer, deputy factory inspector,  
26 or other authorized inspector or officer charged with the  
27 enforcement of this act, an employment certificate as  
28 hereinafter provided, issued for said minor.

29 (b) Any minor who has reached the age of sixteen may receive  
30 a transferable work permit instead of an employment certificate

1 from the appropriate issuing official. All transferable work  
2 permits shall be valid for the entire period the minor is  
3 eligible for work and is under the age of eighteen. The employer  
4 shall ensure that the minors have valid transferable work  
5 permits in accordance with sections 17 and 17.1.

6 Section 10. [Application] Except as provided for in sections  
7 7.1 and 7.5, application for the employment certificate must be  
8 made by the parent, guardian, or legal custodian of the minor  
9 for whom such employment certificate or transferable work permit  
10 is requested; or, if said minor have no parent, guardian, or  
11 legal custodian, then by the next friend, who must be over  
12 eighteen years of age. In lieu of the personal appearance of the  
13 parent, guardian, legal custodian, or next friend of the minor,  
14 such person may execute a statement before a notary public or  
15 other person authorized to administer oaths attesting to the  
16 accuracy of the facts set forth in the application on a form  
17 prescribed by the Department of Education, which statement shall  
18 be attached to the application. No employment certificate shall  
19 be issued until the said minor has personally appeared before,  
20 and been examined by, the officer issuing the certificate,  
21 except that where the applicant is a graduate of an accredited  
22 high school and exhibits official proof of such graduation, no  
23 personal appearance or countersigned application shall be  
24 required.

25 Section 7. This act shall take effect October 1, 2011.