

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 2183 & 2529, Page 13, Section
2 210.1080, Line 181, by inserting after all of said section and line the following:

3
4 "294.023. 1. A department, agency, or any other entity of the state or any political
5 subdivision shall not, by rule or practice, require that a child under eighteen years of age be issued a
6 work certificate of employment or an entertainment work permit as a condition of employment.

7 2. A department, agency, or any other entity of the state or any political subdivision shall
8 not, by rule or practice, require that an employer obtain a work certificate of employment or an
9 entertainment work permit from a child under eighteen years of age as a condition of employment.

10 3. Nothing in this section shall be construed to authorize a child to be absent from school in
11 violation of the requirements of state law or regulations or policies of the state board of education,
12 the Missouri department of elementary and secondary education, or a local school board.

13 4. Nothing in this section shall be construed to preclude the department of labor and
14 industrial relations from issuing a work certificate as evidence of age upon the request of a child
15 who represents to be under eighteen years of age or an employer who wishes to employ a child who
16 represents to be under eighteen years of age. Proof of age of the child includes a birth certificate or
17 other documentary evidence prescribed by the department. A work certificate as evidence of age
18 shall be accepted as conclusive evidence of the age of the child.

19 5. A child between the ages of fourteen and sixteen who is otherwise eligible to be
20 employed under this chapter shall not be employed by any employer unless a parent, legal
21 custodian, guardian, or designated guardian of the child has completed and submitted to the
22 employer a permission form, in the format prescribed by the department. Such permission form
23 shall clearly indicate that completion of the form and submission to an employer grants the
24 permission of the parent, legal custodian, guardian, or designated guardian for the child to be
25 employed by the employer. Such form shall be made publicly available on the department's website.

26 294.025. 1. For the purposes of this section, the following terms mean:

27 (1) "Employer", any person, firm, or corporation employing or seeking to employ a child in
28 the entertainment industry;

29 (2) "Entertainment industry", any person, employer, firm, or corporation using the services
30 of a child as a performer, extra, athlete, or in any other performing capacity in motion picture

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1 productions, television or radio productions, theatrical productions, modeling productions, horse
2 shows, rodeos, athletic events, or musical performances.

3 2. A child employed in the entertainment industry is not permitted to be present at the place
4 of employment in the entertainment industry unless the parent, legal custodian, guardian, or
5 designated guardian of a child is present at all times that the child is at the place of employment and
6 such person may accompany the child to wardrobe, makeup, hairdressing, and dressing room
7 facilities. The parent, legal custodian, guardian, or designated guardian may designate an individual
8 to accompany the child during times the child is at the place of employment, provided the
9 designation is made in writing, signed by the parent, legal custodian, or guardian, and presented to
10 the employer prior to the child's scheduled work. A copy of the written designation shall be kept on
11 file by the employer at the site of the employment or project.

12 3. The employer shall designate one individual on each set, stage, or other place of
13 employment to coordinate all matters relating to the welfare of children and shall notify the parent,
14 legal custodian, or guardian of each child of the name of such individual.

15 4. All of the hours in which a child employed in the entertainment industry may be at the
16 place of employment are exclusive of meal periods. Meal periods shall be at least one-half hour but
17 not more than one hour in duration. In no event may a child be at the place of employment for a
18 period longer than five and one-half hours without a meal period.

19 5. A child employed in the entertainment industry shall receive a twelve-hour rest period at
20 the end of the child's work day and prior to the commencement of the child's next day of work for
21 the same employment. A child shall also receive a fifteen-minute rest period after each two hours of
22 continuous work.

23 6. The employer shall provide a suitable place to rest or play for the children at the site of
24 employment.

25 7. The time spent by a child employed in the entertainment industry in rehearsals and
26 learning or practicing any of the arts, such as singing or dancing, for or under the direction of, a
27 motion picture studio, theater, or television studio shall be counted as work time under this section
28 of law. Periods for meal periods shall not be included in the overall work time; however, rest
29 periods shall be included in the overall work time.

30 8. No child shall be required to work in a situation that places the child in clear and present
31 danger to life or limb. If a child believes he or she is in such a dangerous situation, after discussing
32 the matter with his or her parent, legal custodian, guardian, or designated person and the employer,
33 the child shall not be required to perform in such situation, regardless of the validity or
34 reasonableness of the child's belief.

35 9. No child shall be required to work with an animal that a reasonable person would regard
36 as dangerous in the same circumstances unless an animal trainer or handler qualified by training and
37 experience is present.

38 10. No child shall be required to perform a stunt without prior consultation with the child's
39 parent, legal custodian, or guardian and the employer. The prior written consent of the child's

1 parent, legal custodian, or guardian shall be obtained for the performance of any unusual physical,
 2 athletic, or acrobatic activity, stunts, work involving special effects, or other potentially hazardous
 3 activity. When any unusual physical, athletic, or acrobatic activity, stunts, special effects, or other
 4 potentially hazardous activity involving a child is to be done, the employer shall have available a
 5 person qualified to administer medical assistance on an emergency basis and transportation to the
 6 nearest medical facility providing emergency services. First-aid kits shall always be available at a
 7 child's place of employment.

8 11. No child shall work in close proximity to explosives or the functioning parts of
 9 unguarded and dangerous moving equipment, aircraft, or vessels, or of functioning blades or
 10 propellers.

11 294.030. 1. Unless more hours are allowed by federal law, a child shall not be employed,
 12 permitted or suffered to work at any gainful employment for more than three hours per day in any
 13 school day, more than eight hours in any nonschool day, more than six days or forty hours in any
 14 week. Normal work hours shall not begin before seven o'clock in the morning nor extend to after
 15 9:00 p.m., except as provided in subsection 2 of this section. Unless allowed by federal law, the
 16 provisions of this subsection may be waived by the director, in full or in part, depending upon the
 17 nature of the employment. Such waiver shall be provided in writing to the employer by the director.
 18 [~~The waiver shall only exempt employment described in section 294.022.~~]

19 2. Unless a later time is allowed by federal law, on all evenings from Labor Day to June
 20 first, a child shall not be employed, permitted or suffered to work at any gainful employment after
 21 7:00 p.m. nor after 9:00 p.m. from June first to Labor Day; except that a child who has passed his or
 22 her fourteenth birthday but is under sixteen years of age may be employed at a regional fair from
 23 June first to Labor Day, if such child does not work after 10:30 p.m., is supervised by an adult,
 24 parental consent is given and the provisions of this subsection are complied with. The regional fair
 25 exception shall not apply to those entities covered by the Fair Labor Standards Act. The provisions
 26 of this subsection do not apply to children who have been permanently excused from school
 27 pursuant to the provisions of chapter 167. The provisions of this subsection may be waived by the
 28 director, in full or in part, depending upon the nature of the employment. Such waiver shall be
 29 provided in writing to the employer by the director. [~~The waiver shall only exempt employment~~
 30 ~~described in section 294.022.~~]

31
 32 [~~294.022. 1. For the purposes of this section, the following terms mean:~~

33 (1) ~~"Employer", any person, firm or corporation employing or seeking to~~
 34 ~~employ a child in the entertainment industry;~~

35 (2) ~~"Entertainment industry", any person, employer, firm or corporation~~
 36 ~~using the services of a child as a performer, extra or in any other performing~~
 37 ~~capacity in motion picture productions, television or radio productions, theatrical~~
 38 ~~productions, modeling productions, horse shows, rodeos and musical~~
 39 ~~performances;~~

40 (3) ~~"Work permit", a written certification issued by the director which~~
 41 ~~specifies the terms and duration of the work permit for a child under sixteen years~~

1 of age, for the purposes of employment as a performer, extra or in any other
2 performing capacity in the entertainment industry. A work permit may be issued
3 for a period of twelve months or more and shall be eligible for renewal at the
4 child's next birthday. A work permit shall generally be issued for a twelve-month
5 period of time.

6 2. No child may be employed in the entertainment industry without an
7 entertainment work permit issued by the director. No permit shall be issued
8 without the following:

9 (1) Proof of age by birth certificate or other documentary evidence;

10 (2) Written consent of the child's parent, legal custodian or guardian;

11 (3) Upon entering into a contractual employment agreement, a written
12 statement from the prospective employer shall be kept on file by the prospective
13 employer. The written statement shall set forth the nature of employment and the
14 projected duration of the employment or project.

15 3. No child shall be permitted at the place of employment, unless the
16 parent, legal custodian, guardian or designated guardian of a child is present at all
17 times that the child is at the place of employment, and such person may
18 accompany the child to wardrobe, makeup, hairdressing and dressing room
19 facilities. The parent, legal custodian, guardian or designated guardian may
20 designate an individual to accompany the child during times the child is at the
21 place of employment, provided the designation is made in writing, signed by the
22 parent or guardian and presented to the employer prior to the child's scheduled
23 work. A copy of the written designation shall be kept on file by the employer at
24 the site of the employment or project.

25 4. The employer shall designate one individual on each set, stage or other
26 place of employment to coordinate all matters relating to the welfare of children
27 and shall notify the parent, legal custodian or guardian of each child of the name
28 of such individual.

29 5. All of the hours in which a child may be at the place of employment are
30 exclusive of meal periods. Meal periods shall be at least one-half hour, but not
31 more than one hour in duration. In no event may a child be at the place of
32 employment for a period longer than five and one-half hours without a meal break.

33 6. A child shall receive a twelve-hour rest break at the end of the child's
34 work day and prior to the commencement of the child's next day of work for the
35 same employment. A child shall also receive a fifteen-minute rest period after
36 each two hours of continuous work.

37 7. The employer shall provide a suitable place to rest or play for the
38 children at the site of employment.

39 8. The time spent by children in rehearsals and in learning or practicing
40 any of the arts, such as singing or dancing, for, or under the direction of, a motion
41 picture studio, theater or television studio shall be counted as work time under this
42 section of law. Periods for meal breaks shall not be included in the overall work
43 time; however, rest breaks shall be included in the overall work time.

44 9. No child shall be required to work in a situation which places the child
45 in a clear and present danger to life or limb. If a child believes he or she is in such
46 a dangerous situation, after discussing the matter with his or her parent, legal
47 custodian, guardian or designated person and the employer, the child shall not be
48 required to perform in such situation, regardless of the validity or reasonableness
49 of the child's belief.

1 10. No child shall be required to work with an animal which a reasonable
2 person would regard as dangerous in the same circumstances, unless an animal
3 trainer or handler qualified by training and experience is present.

4 11. No child shall be required to perform a stunt without prior consultation
5 with the child, the child's parent, legal custodian or guardian and the employer.
6 The prior written consent of the child's parent, legal custodian or guardian shall be
7 obtained for the performance of any unusual physical, athletic or acrobatic
8 activity, stunts, work involving special effects or other potentially hazardous
9 activity. When any unusual physical, athletic or acrobatic activity, stunts, special
10 effects or other potentially hazardous activity involving a child is to be done, the
11 employer shall have available a person qualified to administer medical assistance
12 on an emergency basis and transportation to the nearest medical facility providing
13 emergency services. First-aid kits shall always be available at a child's place of
14 employment.

15 12. No child shall work in close proximity to explosives or the functioning
16 parts of unguarded and dangerous moving equipment, aircraft or vessels, or of
17 functioning blades or propellers.

18 13. An entertainment work permit does not authorize a child to be absent
19 from school in violation of the requirements of state law or regulations or policies
20 of the state board of education, the Missouri department of elementary and
21 secondary education or the local school board.]

22
23 [294.024. A child may not be employed during the regular school term
24 unless the child has been issued a work certificate or a work permit pursuant to the
25 provisions of this chapter.]

26
27 [294.027. Work certificates shall permit

28 (1) The employment of children between fourteen and sixteen years of age
29 during nonschool hours during the school term; or

30 (2) The employment of children between fourteen and sixteen years of age
31 who are excused from attendance at school by the provisions of chapter 167.]

32
33 [294.045. 1. Notwithstanding any other law, any of the following
34 individuals may issue a work certificate to a child subject to the requirements of
35 this chapter:

36 (1) The superintendent of public schools of the district in which the child
37 resides;

38 (2) The chief executive officer, or the equivalent position, of a charter
39 school that the child attends;

40 (3) A person holding a student services certificate who is authorized by the
41 superintendent of the school district or chief executive officer in writing;

42 (4) Subject to the requirements and conditions of paragraphs (a), (b), and
43 (c) of this subdivision inclusive, the principal of a public or private school may
44 issue, or designate another administrator of the school to issue, work certificates to
45 children who attend the school. If the principal of a public or private school
46 chooses not to issue work certificates under this subdivision, work certificates may
47 be issued to children attending school under subdivision (1) or (3) of this
48 subsection.

1 (a) A principal who issues a work certificate under this subdivision shall
 2 provide a self-certification that he or she understands the requirements in existing
 3 law for issuing a work certificate. The principal shall submit a copy of each work
 4 certificate he or she issues along with a copy of the application for each work
 5 certificate to the superintendent of the school district in which the school is
 6 located;

7 (b) The superintendent of a school district may revoke a work certificate
 8 issued by the principal of a public or private school located within the district if
 9 the superintendent becomes aware of any grounds upon which the child may be
 10 deemed ineligible for a work certificate under existing law;

11 (c) An individual with authority to issue a work certificate under this
 12 subdivision shall not issue a work certificate to his or her own child; except that
 13 any student solely enrolled in a course of education not otherwise prohibited under
 14 chapter 167 whose parent, legal guardian, or designated private tutor is the
 15 student's primary education provider and is also the primary individual responsible
 16 for the student's education program and schedule shall be issued a work certificate
 17 by such primary education provider.

18 2. If the certificated person designated to issue work certificates by the
 19 superintendent of a school district or the chief executive officer, or the equivalent
 20 position, of a charter school is not available, and delay in issuing a certificate
 21 would jeopardize the ability of a child to secure work, another person authorized
 22 by the superintendent of the school district or the chief executive officer, or the
 23 equivalent position, of a charter school may issue the work certificate.

24 3. If a school district or charter school does not employ or contract with a
 25 person holding a student services certificate, the superintendent of the school
 26 district or the chief executive officer, or the equivalent position, of a charter school
 27 may authorize, in writing, a person who does not hold that credential to issue work
 28 certificates during periods of time in which the superintendent is absent from the
 29 district or the chief executive officer is absent from the charter school.

30 4. Notwithstanding the hour limitations imposed by this chapter or any
 31 other provision of law, the hour limitations that apply to a work certificate issued
 32 by any of the individuals described in subsection 1 of this section shall be based on
 33 the school calendar of the school the child attends.]

34
 35 [294.051. A work certificate may be issued after the issuing officer is
 36 satisfied that the employment will serve the best interest of the child and, in the
 37 first instance, only upon application in person of the child with the written consent
 38 of his parent, legal custodian or guardian or, if deemed necessary by the issuing
 39 officer, the child shall be accompanied by his parent, guardian or custodian. The
 40 certificate may be renewed or another certificate issued on application of the child
 41 with the written parental consent but in no case shall a certificate be issued until
 42 the issuing officer has received and approved the following papers:

43 (1) A statement of intention to employ signed by the prospective employer
 44 setting forth the specific nature of the occupation in which he intends to employ
 45 the child and the exact hours of the day, the number of hours per day and the days
 46 per week during which the child is to be employed;

47 (2) Proof of the age of the child by a birth certificate or other documentary
 48 evidence of such character in such form as is prescribed by the issuing officer;

1 (3) ~~A certificate of the physician of the public schools of the district in~~
 2 ~~which the child resides or other licensed physician, if required by the issuing~~
 3 ~~officer, showing that he has personally examined the child and has found the child~~
 4 ~~in good mental and physical health and is capable of performing labor without~~
 5 ~~injury to his health and mental development;~~

6 (4) ~~A certificate of the principal of the school which the child attends or~~
 7 ~~has attended giving the grades of school work completed by the child, except that~~
 8 ~~for children permanently excused from attendance at school under the provisions~~
 9 ~~of chapter 167, this requirement may be waived.]~~

10
 11 ~~[294.054. 1. The work certificate shall show~~

12 ~~(1) The age, sex, place and date of birth and place of residence of the~~
 13 ~~child;~~

14 ~~(2) The name and place of residence of the child's parent, guardian or~~
 15 ~~eustodian;~~

16 ~~(3) The name and address of the employer; and~~

17 ~~(4) The nature of the employment for which the work certificate is issued.~~

18 ~~2. Work certificates authorizing the employment of a child during~~
 19 ~~nonschool hours shall be of a form and color distinct from those authorizing full~~
 20 ~~time employment.]~~

21
 22 ~~[294.060. 1. Whenever a child is granted a work certificate or work~~
 23 ~~permit, the certificate or work permit shall be transmitted by the issuing officer to~~
 24 ~~the employer of the child and a copy shall be transmitted to the division. The~~
 25 ~~employer shall keep the work certificate or work permit on file and shall post in a~~
 26 ~~conspicuous place in the employer's place of business a list of all children who are~~
 27 ~~employed and under the age of sixteen.~~

28 ~~2. On termination of the employment of the child, the child's work~~
 29 ~~certificate or work permit shall be sent immediately by the employer to the officer~~
 30 ~~who issued it.~~

31 ~~3. A new certificate or work permit may be issued for a child whose~~
 32 ~~certificate or work permit has been returned by the employer to the issuing officer.~~

33 ~~4. A copy of each work certificate or work permit issued and notice of its~~
 34 ~~cancellation shall be retained by the issuing officer and a copy shall be transmitted~~
 35 ~~by the issuing officer to the division.]~~

36
 37 ~~[294.080. Upon the request of a child or of an employer who wishes to~~
 38 ~~employ a child who represents his or her age to be sixteen years or more, the~~
 39 ~~issuing officer upon the presentation of evidence of age, as provided in section~~
 40 ~~294.051 for children under sixteen years of age, shall issue a certificate showing~~
 41 ~~the age of the child and this certificate shall be accepted as conclusive evidence of~~
 42 ~~the age of the child.]"; and~~

43
 44 Further amend said bill by amending the title, enacting clause, and intersectional references
 45 accordingly.