

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO THE EMPLOYMENT OF A MINOR.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 390-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§390-2 Employment of minors under eighteen years of age.**

4           (a) No minor under eighteen years of age shall be employed or  
5 permitted to work in, about, or in connection with any gainful  
6 occupation at any time except as otherwise provided in this  
7 section. In no event, however, shall the minor be permitted to  
8 be employed or permitted to work in, about, or in connection  
9 with adult entertainment or any gainful occupation prohibited by  
10 law or which has been declared by rule of the director to be  
11 hazardous for the minor.

12           (b) A minor who has attained the age of sixteen years but  
13 not eighteen years may be employed during periods when the minor  
14 is not legally required to attend school or when the minor is  
15 excused by school authorities from attending school; provided  
16 that the employer of the minor records and keeps on file the



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1 number of a valid certificate of age issued to the minor by the  
2 department.

3 (c) A minor who has attained the age of fourteen years but  
4 not sixteen years may be employed or permitted to work:

5 (1) During periods when the minor is not legally required  
6 to attend school or when the minor is excused by  
7 school authorities from attending school;

8 (2) If the employer of the minor procures and keeps on  
9 file a valid certificate of employment;

10 (3) No more than five hours continuously without an  
11 interval of at least thirty consecutive minutes for a  
12 rest or lunch period;

13 (4) Between 7:00 a.m. and 7:00 p.m. of any day; provided  
14 that during any authorized school break, the minor may  
15 be employed between 6:00 a.m. and 9:00 p.m.;

16 (5) No more than six consecutive days;

17 (6) No more than eighteen hours in a calendar week during  
18 which the minor is legally required to attend school,  
19 and no more than forty hours in a calendar week during  
20 which the minor is not legally required to attend



1 school or when the minor is excused by school  
2 authorities from attending school;  
3 (7) No more than three hours on any school day; and  
4 (8) No more than eight hours on any nonschool day.  
5 (d) A minor under fourteen years of age may be employed or  
6 permitted to work [~~in theatrical employment or~~] in harvesting of  
7 coffee under circumstances and conditions prescribed by the  
8 director by rule; provided that:  
9 (1) The work is performed during periods when the minor is  
10 not legally required to attend school or when the  
11 minor is excused by school authorities from attending  
12 school;  
13 (2) [~~With respect to employment in harvesting of coffee,~~  
14 ~~the~~] The director has determined after a public  
15 hearing that sufficient adult labor to perform the  
16 work is unavailable; and  
17 (3) The employer of the minor procures and keeps on file a  
18 valid certificate of employment.  
19 (e) A minor may be employed or permitted to work in  
20 theatrical employment under circumstances and conditions  
21 prescribed by the director by rule, provided that:



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- 1        (1) The employer of the minor shall procure and keep on  
2        file a valid certificate of employment;
- 3        (2) The minor shall be accompanied by a parent or guardian  
4        and a studio teacher or nurse;
- 5        (3) When a minor who is under the age of one year is on  
6        set, a nurse certified in basic life support shall  
7        accompany, supervise, and advocate on behalf of the  
8        infant to ensure the employer's compliance with this  
9        section;
- 10       (4) When a minor who has attained the age of five years  
11       but not eighteen years is on set and the minor is  
12       required to attend school pursuant to section  
13       302A-1132 or by the law of the minor's home state:
  - 14       (A) The work shall be performed during periods when  
15       the minor is not legally required to attend  
16       school or when the minor is excused by school  
17       authorities from attending school; and
  - 18       (B) A studio teacher shall accompany and supervise  
19       the minor to ensure the employer's compliance  
20       with this section and applicable rules adopted by  
21       the department pursuant to this chapter; and

1        (5) A studio teacher shall not supervise more than ten  
 2                    minors whenever one or more minors are on set and a  
 3                    variance from the work hour restrictions on allowable  
 4                    theatrical employment is granted by the director.

5        For purposes of this subsection:

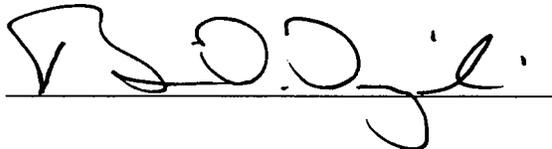
6                    "Nurse" means an individual who is a registered nurse or  
 7 advance practice registered nurse licensed under chapter 457 and  
 8 is not the parent or guardian of the minor whom the individual  
 9 is accompanying on set.

10                   "Studio teacher" means an individual who is designated by  
 11 the employer, holds a valid license issued by the Hawaii teacher  
 12 standards board or by the equivalent teacher-credentialing  
 13 agency in the minor's home state, and not the parent or guardian  
 14 of the minor whom the individual is accompanying on set."

15        SECTION 2. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

17        SECTION 3. This Act shall take effect on January 1, 2022.

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INTRODUCED BY: 



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**Report Title:**

Minors; Infant; Employment; Theatrical Employment; Studio Teacher; Nurse

**Description:**

Allows minors to work in theatrical employment provided that the employer procures a valid certificate and the minor is accompanied by a parent or guardian and a studio teacher or nurse. Requires a nurse certified in basic life support to accompany, supervise, and advocate on behalf of an infant when an infant under the age one is on set. Requires a studio teacher to accompany and supervise minors who have attained the age of five years and are required to attend school. Defines "nurse" and "studio teacher". Takes effect 1/1/2022.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

