

JAN 26 2022

A BILL FOR AN ACT

RELATING TO EMPLOYMENT AGENCIES.

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

1 SECTION 1. Chapter 373, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . TALENT AGENCIES**

5 **§373-A Sexual harassment; nutrition and eating disorders;**
6 **education and training; materials.** (a) A talent agency shall
7 make available educational materials regarding:

8 (1) Sexual harassment prevention, retaliation, and
9 reporting resources; and

10 (2) Nutrition and eating disorders,
11 via electronic transmission, hard copy brochure, or through
12 other reasonable means, to an adult artist within ninety days of
13 the adult artist agreeing to representation by the talent agency
14 or procurement by the talent agency of an engagement, meeting,
15 or interview, whichever comes first.



(b) Educational materials for each artist shall be in the language understood by the artist. The talent agency may comply with this requirement by:

(1) Making the educational materials available in the artist's native language; or

(2) Having the educational materials presented for the artist in a language that the artist understands.

(c) A talent agency shall keep a record for three years confirming that the talent agency has made available educational materials required pursuant to this section to all adult artists who have been signed for representation by the talent agency.

§373-B Minors; employment; sexual harassment training.

(a) Prior to a talent agency applying for a certificate of employment of a minor pursuant to section 390-3, the minor and the minor's parent or legal guardian shall receive and complete training, in a language the minor and parent or legal guardian of the minor understands, in sexual harassment prevention, retaliation, and reporting resources.

(b) Sexual harassment prevention training required by this section shall consist of training administered by a third-party



1 vendor and shall be conducted on-site, electronically, via the
2 Internet, or other means.

3 **§373-C Confirmation of compliance.** At the time of
4 application for license renewal, a talent agency shall confirm
5 to the director, in a manner prescribed by the director, that
6 the talent agency has and will continue to make available
7 educational materials to adult artists in compliance with this
8 part.

9 **§373-D Violation; penalties.** In addition to the penalties
10 provided in section 373-20, a talent agency who violates this
11 part shall be fined \$500 for each violation."

12 SECTION 2. Chapter 373, Hawaii Revised Statutes, is
13 amended by designating sections 373-1 to 373-21 as part I and
14 inserting a title before section 373-1 to read as follows:

15 **"PART I. GENERAL PROVISIONS"**

16 SECTION 3. Section 373-1, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By adding two new definitions to be appropriately
19 inserted and to read:

20 "Artists" means actors rendering services on the
21 legitimate stage and in the production of motion pictures; radio



1 artists; musical artists; musical organizations; directors of
2 legitimate stage, motion picture, and radio productions; musical
3 directors; writers; cinematographers; composers; lyricists;
4 arrangers; models; and other artists and persons rendering
5 professional services in motion picture, theatrical, radio,
6 television, and other entertainment enterprises.

7 "Talent agency" means a person or corporation who engages
8 in the occupation of procuring, offering, promising, or
9 attempting to procure employment or engagements for an artist,
10 except that the activities of procuring, offering, or promising
11 to procure recording contracts for an artist shall not of itself
12 subject a person or corporation to regulation under this
13 chapter."

14 2. By amending the definition of "employment agency" to
15 read:

16 "Employment agency" means any individual, partnership,
17 corporation, or association engaged in the business of providing
18 employment information, procuring employment for applicants, or
19 procuring employees for placement with employers upon request,
20 for a fee or other valuable thing, exacted, charged, or
21 received, but shall not include the United States or the State



1 or instrumentalities thereof. "Employment agency" includes a
2 talent agency."

3 SECTION 4. Section 390-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§390-2 Employment of minors under eighteen years of age.**

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

14 (b) A minor who has attained the age of sixteen years but
15 not eighteen years may be employed during periods when the minor
16 is not legally required to attend school or when the minor is
17 excused by school authorities from attending school; provided
18 that the employer of the minor records and keeps on file the
19 number of a valid certificate of age issued to the minor by the
20 department.



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

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

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

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

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

(5) No more than six consecutive days;

(6) No more than eighteen hours in a calendar week during which the minor is legally required to attend school, and no more than forty hours in a calendar week during which the minor is not legally required to attend school or when the minor is excused by school authorities from attending school;

(7) No more than three hours on any school day; and



(8) No more than eight hours on any nonschool day.

(d) A minor under fourteen years of age may be employed or permitted to work in theatrical employment or in harvesting of coffee under circumstances and conditions prescribed by the director by rule; provided that:

(1) The work is performed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school;

(2) With respect to employment in harvesting of coffee, the director has determined after a public hearing that sufficient adult labor to perform the work is unavailable; and

(3) The employer of the minor procures and keeps on file a valid certificate of employment.

(e) No minor under eighteen years of age shall be employed or permitted to work in theatrical employment unless the minor and the minor's parent or legal guardian have complied with the sexual harassment training requirements under section 373-B."

SECTION 5. Section 390-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:



"(b) A person designated to issue certificates of employment may refuse to issue a certificate if ~~[in]~~:

(1) In the person's judgment, the nature of the employment or the place thereof is such as to injuriously affect the health, safety, or well-being of the minor or contribute toward the minor's delinquency[-]; or

(2) With respect to a minor who is employed in theatrical employment, the minor and the minor's parent or legal guardian have not complied with the sexual harassment training requirements under section 373-B."

SECTION 6. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY:





S.B. NO. 3310

Report Title:

Talent Agencies; Sexual Harassment; Nutrition; Educational Materials; Licensure; Minors; Certificates of Employment

Description:

Requires a talent agency to provide educational materials regarding sexual harassment prevention, retaliation, and reporting resources and nutrition and eating disorders to artists represented by the talent agency. Requires proof of compliance as part of licensure renewal. Requires, as a condition for a minor to be employed in theatrical employment, that the minor and the minor's parent or legal guardian receive and complete sexual harassment training.

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

