

JAN 25 2023

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.



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

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

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

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

12 **§373-B Minors; employment; sexual harassment training;**
13 **nutrition and eating disorders; education and training. (a)**

14 Prior to a talent agency applying for a certificate of
15 employment of a minor pursuant to section 390-3, the minor and
16 the minor's parent or legal guardian shall receive and complete
17 training, in a language the minor and parent or legal guardian
18 of the minor understands, regarding:

19 (1) Sexual harassment prevention, retaliation, and
20 reporting resources; and

21 (2) Nutrition and eating disorders.



1 (b) The training required by this section shall consist of
2 training administered by a third-party vendor and shall be
3 conducted on-site, electronically, via the Internet, or other
4 means.

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

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

14 (b) A retaliatory action by a talent agency against an
15 artist who files a complaint or declines or discontinues
16 participation in any casting or booking on account of a
17 reasonable, good faith concern regarding an actual or potential
18 violation of this part shall be deemed a violation of this
19 part."



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

4 "PART I. GENERAL PROVISIONS"

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

7 1. By adding two new definitions to be appropriately
8 inserted and to read:

9 "Artist" means an actor rendering services on the
10 legitimate stage and in the production of motion pictures;
11 radio artist; musical artist; musical organization; director of
12 legitimate stage, motion picture, and radio productions; musical
13 director; writer; cinematographer; composer; lyricist; arranger;
14 model; and other artists and persons rendering professional
15 services in motion picture, theatrical, radio, television, and
16 other entertainment enterprises.

17 "Talent agency" means a person or corporation who engages
18 in the occupation of procuring, offering, promising, or
19 attempting to procure employment or engagements for an artist,
20 except that the activities of procuring, offering, or promising
21 to procure recording contracts for an artist shall not of itself



1 subject a person or corporation to regulation under this
2 chapter."

3 2. By amending the definition of "employment agency" to
4 read:

5 "Employment agency" means any individual, partnership,
6 corporation, or association engaged in the business of providing
7 employment information, procuring employment for applicants, or
8 procuring employees for placement with employers upon request,
9 for a fee or other valuable thing, exacted, charged, or
10 received, but shall not include the United States or the State
11 or instrumentalities thereof. "Employment agency" includes a
12 talent agency."

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

15 **"§390-2 Employment of minors under eighteen years of age.**

16 (a) No minor under eighteen years of age shall be employed or
17 permitted to work in, about, or in connection with any gainful
18 occupation at any time except as otherwise provided in this
19 section. In no event, however, shall the minor be permitted to
20 be employed or permitted to work in, about, or in connection
21 with adult entertainment or any gainful occupation prohibited by



1 law or [~~which~~] that has been declared by rule of the director to
2 be hazardous for the minor.

3 (b) A minor who has attained the age of sixteen years but
4 not eighteen years may be employed during periods when the minor
5 is not legally required to attend school or when the minor is
6 excused by school authorities from attending school; provided
7 that the employer of the minor records and keeps on file the
8 number of a valid certificate of age issued to the minor by the
9 department.

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

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

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

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



- 1 (4) Between 7:00 a.m. and 7:00 p.m. of any day; provided
- 2 that during any authorized school break, the minor may
- 3 be employed between 6:00 a.m. and 9:00 p.m.;
- 4 (5) No more than six consecutive days;
- 5 (6) No more than eighteen hours in a calendar week during
- 6 which the minor is legally required to attend school,
- 7 and no more than forty hours in a calendar week during
- 8 which the minor is not legally required to attend
- 9 school or when the minor is excused by school
- 10 authorities from attending school;
- 11 (7) No more than three hours on any school day; and
- 12 (8) No more than eight hours on any nonschool day.
- 13 (d) A minor under fourteen years of age may be employed or
- 14 permitted to work in theatrical employment or in harvesting of
- 15 coffee under circumstances and conditions prescribed by the
- 16 director by rule; provided that:
- 17 (1) The work is performed during periods when the minor is
- 18 not legally required to attend school or when the
- 19 minor is excused by school authorities from attending
- 20 school;



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

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

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

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

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

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

19 (2) With respect to a minor who is employed in theatrical
20 employment, the minor and the minor's parent or legal



1 guardian have not complied with the training
2 requirements under section 373-B."

3 SECTION 6. In codifying the new sections added by section
4 1 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

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

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

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INTRODUCED BY:  _____

S.B. NO. 1607

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 adult 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 training regarding sexual harassment prevention, retaliation, and reporting resources and nutrition and eating disorders.

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

