

# HB102 INTRODUCED



1 HB102  
2 HVM7668-1  
3 By Representative DuBose  
4 RFD: Children and Senior Advocacy  
5 First Read: 06-Feb-24  
6 PFD: 05-Feb-24



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SYNOPSIS:

Under existing law, a person 14 or 15 years of age is required to obtain an eligibility to work form to be able to work.

This bill would eliminate the eligibility to work form.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to child labor; to amend Sections 25-8-32.1 and 25-8-45, Code of Alabama 1975, to eliminate the eligibility to work form; and to repeal Section 25-8-46, Code of Alabama 1975, relating to the eligibility to work form.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 25-8-32.1 and 25-8-45, Code of Alabama 1975, are amended to read as follows:

"§25-8-32.1

For purposes of this chapter, the following words and phrases ~~shall~~ have the following meanings:

(1) DEPARTMENT. The Department of Labor.

~~(2) ELIGIBILITY TO WORK FORM. A form issued by the head administrator, counselor, or, if home schooled an instructor~~



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29 ~~of the school which a 14- or 15-year-old minor attends~~  
30 ~~certifying satisfactory grades and attendance of the minor in~~  
31 ~~order for a 14- or 15-year-old minor to be employed.~~

32 ~~(3)~~ (2) EMPLOY. To ~~employ,~~ permit, or suffer to work  
33 with or without compensation.

34 ~~(4)~~ (3) EMPLOYEE. Any ~~person~~ individual employed by an  
35 employer, but shall not include an individual engaged in the  
36 activities of an educational, charitable, religious,  
37 scientific, historical, literary, or nonprofit organization  
38 where the employer-employee relationship does not in fact  
39 exist or where the services rendered are on a voluntary basis.

40 ~~(5)~~ (4) EMPLOYER. Any owner or any ~~person~~ individual,  
41 entity, franchise, corporation, or division of a corporation,  
42 government agency, or association of persons acting directly  
43 as, or in behalf of, or in the interest of any employer in  
44 relation to employees, including the state and any political  
45 subdivision thereof.

46 ~~(6)~~ (5) SECRETARY. The Secretary of the Department of  
47 Labor.

48 ~~(7)~~ (6) VIOLATION. A failure by an employer, officer,  
49 agent, or any other person to comply with any applicable  
50 provision of the child labor law."

51 "§25-8-45

52 ~~(a) No person under 16 years of age shall engage in any~~  
53 ~~occupation mentioned in Section 25-8-39 unless he or she has~~  
54 ~~secured and has with him or her an eligibility to work form as~~  
55 ~~provided in this chapter.~~

56 ~~(b)~~ (a) No ~~person~~ individual, entity, franchise,



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57 corporation, or division of a corporation shall employ,  
58 permit, or suffer to work any ~~person~~minor 14 or 15 years of  
59 age in any occupation, except in agricultural service, unless  
60 the ~~person~~individual, entity, franchise, corporation, or  
61 division of a corporation procures and keeps on file for the  
62 inspection by the officials charged with the enforcement of  
63 this chapter, ~~an eligibility to work form for every person 14~~  
64 ~~or 15 years of age and a~~ complete list of those  
65 ~~persons~~individuals 14 or 15 years of age employed ~~therein~~ with  
66 the employer.

67 ~~(e)~~ (b) Any ~~person~~individual, entity, franchise,  
68 corporation, or division of a corporation that wishes to  
69 employ, permit, or suffer to work any minor 14 or 15 years of  
70 age in any occupation, except in agricultural service, shall  
71 obtain a Class I Child Labor Certificate from the department  
72 for each location where ~~a person~~an individual, entity,  
73 franchise, corporation, or division of a corporation wishes to  
74 employ a minor 14 or 15 years of age. ~~Such~~The employment shall  
75 be in accordance with all other sections of this chapter.

76 ~~(d)~~ (c) The certificate shall allow the employment of  
77 minors 14 or 15 years of age to work only outside of school  
78 hours or during vacation periods and only in occupations not  
79 prohibited by this chapter for ~~persons~~individuals of these  
80 ages.

81 ~~(e)~~ (d) The employment of a minor 14 or 15 years of age  
82 shall be revoked or suspended by the department if the minor's  
83 regular school attendance and performance record is not  
84 satisfactory to the head administrator, or ~~r~~ if home schooled



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85 an instructor, of the school which the minor attends. The  
86 revocation or suspension shall be processed by the department  
87 upon notification by the school.

88 ~~(f)~~ (e) Any ~~person~~individual, entity, franchise,  
89 corporation, or division of a corporation that wishes to  
90 employ, permit, or suffer to work any minor 16 or 17 years of  
91 age in any occupation, except in agricultural service, shall  
92 obtain a Class II Child Labor Certificate from the department  
93 for each location where ~~a person~~an individual, entity,  
94 franchise, corporation, or division of a corporation wishes to  
95 employ a minor 16 or 17 years of age. ~~Such~~The employment shall  
96 be in accordance with all other sections of this chapter.

97 ~~(g)~~ (f) The department shall issue Class I and Class II  
98 Child Labor Certificates to any ~~person~~individual, entity,  
99 franchise, corporation, or division of a corporation that  
100 applies to the department. The fee for a Class I or Class II  
101 Child Labor Certificate shall be fifteen dollars (\$15). The  
102 certificates shall be issued annually.

103 ~~(h)~~ (g) (1) The application for the child labor  
104 certificate shall contain all of the following information  
105 specific to the location of the minor's employment:

106 a. The name, address, and telephone number of the  
107 person, entity, franchise, corporation, or division of a  
108 corporation that wishes to employ, permit, or suffer to work  
109 any minor.

110 b. The type of business or entity, the federal employer  
111 identification number, the names of all incorporators, owners,  
112 members, or partners of the business or entity.



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113 c. Any other information as required by department  
114 regulation.

115 (2) The Class I and Class II Child Labor Certificates  
116 shall contain all of the following information:

117 a. The name of the employer.

118 b. The type of business the employer maintains.

119 c. Any other information as required by department  
120 regulation.

121 (3) If ~~a person~~an individual, entity, franchise,  
122 corporation, or division of a corporation, employs a minor  
123 between 14 and 17 years of age without a proper child labor  
124 certificate, the ~~person~~individual, entity, franchise,  
125 corporation or division of a corporation shall pay a penalty  
126 of fifty dollars (\$50) and then shall obtain a certificate in  
127 the proper manner."

128 Section 2. Section 25-8-46, Code of Alabama 1975,  
129 relating to the eligibility to work form, is repealed.

130 Section 3. This act shall become effective June 1,  
131 2024.