

SB53 ENGROSSED



1 SB53
2 4VL8RR3-2
3 By Senator Orr
4 RFD: Children and Youth Health
5 First Read: 06-Feb-24



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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) ELICIBILITY TO WORK FORM. A form issued by the head administrator, counselor, or, if home schooled an instructor of the school which a 14- or 15-year-old minor attends certifying satisfactory grades and attendance of the minor in order for a 14- or 15-year-old minor to be employed.~~

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

~~(4)~~ (3) EMPLOYEE. Any ~~person~~ individual employed by an employer, but shall not include an individual engaged in the



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29 activities of an educational, charitable, religious,
30 scientific, historical, literary, or nonprofit organization
31 where the employer-employee relationship does not in fact
32 exist or where the services rendered are on a voluntary basis.

33 ~~(5)~~ (4) EMPLOYER. Any owner or any ~~person~~individual,
34 entity, franchise, corporation, or division of a corporation,
35 ~~government~~governmental agency, or association of persons
36 acting directly as, or ~~in~~on behalf of, or in the interest of
37 any employer in relation to employees, including the state and
38 any political subdivision thereof.

39 ~~(6)~~ (5) SECRETARY. The Secretary of the Department of
40 Labor.

41 ~~(7)~~ (6) VIOLATION. A failure by an employer, officer,
42 agent, or any other person to comply with any applicable
43 provision of the child labor law."

44 "§25-8-45

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

49 ~~(b)~~ (a) No ~~person~~individual, entity, franchise,
50 corporation, or division of a corporation shall employ,
51 permit, or suffer to work any ~~person~~minor 14 or 15 years of
52 age in any occupation, except in agricultural service, unless
53 the ~~person~~individual, entity, franchise, corporation, or
54 division of a corporation procures and keeps on file for the
55 inspection by the officials charged with the enforcement of
56 this chapter, ~~an eligibility to work form for every person 14~~



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57 ~~or 15 years of age and~~ a complete list of those
58 ~~persons~~individuals 14 or 15 years of age employed ~~thereinwith~~
59 the employer.

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

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

74 ~~(e)~~ (d) The employment of a minor 14 or 15 years of age
75 shall be revoked or suspended by the department if the minor's
76 regular school attendance and performance record is not
77 satisfactory to the head administrator or, ~~if home schooled~~ an
78 instructor~~,~~ of the school that the minor attends. The
79 revocation or suspension shall be processed by the department
80 upon notification by the school.

81 ~~(f)~~ (e) Any ~~person~~individual, entity, franchise,
82 corporation, or division of a corporation that wishes to
83 employ, permit, or suffer to work any minor 16 or 17 years of
84 age in any occupation, except in agricultural service, shall



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85 obtain a Class II Child Labor Certificate from the department
86 for each location where ~~a person~~an individual, entity,
87 franchise, corporation, or division of a corporation wishes to
88 employ a minor 16 or 17 years of age. ~~Such~~The employment shall
89 be in accordance with all other sections of this chapter.

90 ~~(g)~~ (f) The department shall issue Class I and Class II
91 Child Labor Certificates to any ~~person~~individual, entity,
92 franchise, corporation, or division of a corporation that
93 applies to the department. The fee for a Class I or Class II
94 Child Labor Certificate shall be fifteen dollars (\$15). The
95 certificates shall be issued annually.

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

99 a. The name, address, and telephone number of the
100 ~~person~~individual, entity, franchise, corporation, or division
101 of a corporation that wishes to employ, permit, or suffer to
102 work any minor.

103 b. The type of business or entity, the federal employer
104 identification number, the names of all incorporators, owners,
105 members, or partners of the business or entity.

106 c. Any other information as required by department
107 ~~regulation~~rule.

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

110 a. The name of the employer.

111 b. The type of business the employer maintains.

112 c. Any other information as required by department



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113 ~~regulation~~rule.

114 (3) If ~~a person~~an individual, entity, franchise,
115 corporation, or division of a corporation~~r~~, employs a minor
116 between 14 and 17 years of age without a proper child labor
117 certificate, the ~~person~~individual, entity, franchise,
118 corporation or division of a corporation shall pay a penalty
119 of fifty dollars (\$50) and then shall obtain a certificate in
120 the proper manner.

121 (h) On or before the first day of the regular
122 legislative session, the department shall provide an annual
123 report to the Legislature that contains all of the following:

124 (1) The age, county of residence, race, sex, national
125 origin, school status, and length of employment for each
126 employee 14 or 15 years of age.

127 (2) The North American Industry Classification System
128 code of each employer.

129 (3) Injury report statistics of all employees at each
130 worksite compared to injury report statistics for employees 14
131 or 15 years of age at each worksite.

132 (4) Criminal charges, convictions, administrative
133 proceedings, and lawsuits related to labor violations
134 regarding employees 14 or 15 years of age at each worksite.

135 (i) The report required under subsection (h) shall
136 provide data in a format capable of displaying multivariable
137 search results on a state website to facilitate public access
138 to the information."

139 Section 2. A minor under 17 years of age shall ensure
140 his or her parents are informed of his or her employment



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141 status and hours of work.

142 Section 3. Section 25-8-46, Code of Alabama 1975,
143 relating to the eligibility to work form is repealed.

144 Section 4. This act shall become effective on October
145 1, 2024.



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148 Senate

149 Read for the first time and referred06-Feb-24
150 to the Senate committee on Children
151 and Youth Health

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153 Read for the second time and placed15-Feb-24
154 on the calendar:
155 0 amendments

156
157 Read for the third time and passed27-Feb-24
158 as amended
159 Yeas 34
160 Nays 0
161 Abstains 0

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164 Patrick Harris,
165 Secretary.
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