

SB53 INTRODUCED



1 SB53
2 4VL8RR3-1
3 By Senator Orr
4 RFD: Children and Youth Health
5 First Read: 06-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~~ governmental agency, or association of persons
43 acting directly as, or ~~in~~ on behalf of, or in the interest of
44 any employer in relation to employees, including the state and
45 any political 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, ~~or~~ 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~~individual, entity, franchise, corporation, or division
108 of a corporation that wishes to employ, permit, or suffer to
109 work 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~~rule.

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~~rule.

121 (3) If ~~a person~~an individual, entity, franchise,
122 corporation, or division of a corporation~~r~~ 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 on October
131 1, 2024.