

HB102 ENGROSSED



1 HB102
2 XCPDEZ7-2
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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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 agency, or association of persons acting directly
36 as, or in behalf of, or in the interest of any employer in
37 relation to employees, including the state and any political
38 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 ~~therein~~ with
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
78 an instructor, of the school which 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, entity, franchise, corporation, or division of a
101 corporation that wishes to employ, permit, or suffer to work
102 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.

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.

114 (3) If ~~a person~~an individual, entity, franchise,
115 corporation, or division of a corporation, 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 (4) The parent, or guardian, of a minor 14 to 15 years
122 old employed by an individual, entity, franchise, corporation,
123 or division of a corporation shall notify the minor's head
124 administrator, counselor, or, if home schooled an instructor
125 of the school which the minor attends of the name, address,
126 and telephone number of the person, entity, franchise,
127 corporation, or division of a corporation employing the
128 minor."

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130 relating to the eligibility to work form, is repealed.

131 Section 3. This act shall become effective June 1,
132 2024.



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House of Representatives

Read for the first time and referred06-Feb-24
to the House of Representatives
committee on Children and Senior
Advocacy
Read for the second time and placed06-Mar-24
on the calendar:
2 amendments
Read for the third time and passed02-Apr-24
as amended

Yeas 97, Nays 2, Abstains 3

John Treadwell
Clerk