

No. 1989-62

## AN ACT

HB 1573

Amending the act of May 13, 1915 (P.L.286, No.177), entitled, as amended, "An act to provide for the health, safety, and welfare of minors: By forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates or transferable work permits for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Secretary of Labor and Industry, the representative of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing for the issuance of special permits for minors engaging in the entertainment and related fields; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," further providing for agricultural exemptions; providing for certain minors employed by summer resident camps, conferences and retreats; and permitting persons 14 years of age or older to engage in certain employment in bowling centers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4 of the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, amended December 19, 1980 (P.L.1298, No.233), is amended to read:

Section 4. No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with any establishment, or in any occupation, for more than six consecutive days in any one week, or more than forty-four hours in any one week, or more than eight hours in any one day: Provided, That messengers employed by telegraph companies at offices where only one such minor is employed as a messenger in which case such minor shall not be employed for more than six consecutive days in any one week, or more than fifty-one hours in any one week, or more than nine hours in any one day: And provided further, That no minor under eighteen years of age, who is enrolled in regular day school and working outside school hours, shall be employed or permitted to work for more than twenty-eight hours during a school week.

No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation before seven o'clock in the morning or after seven o'clock in the evening of any day except during school vacation period from June to Labor Day when such minor may work between the hours of seven o'clock in the morning and ten o'clock in the evening nor shall such a minor who is enrolled in school and working outside school hours be employed or permit-

ted to work in, about, or in connection with, any establishment or in any occupation more than four hours on a school day, or more than eight hours on any other day, or more than eighteen hours during a school week: Provided, That, students fourteen years of age and over whose employment is part of a recognized school-work program, supervised by a recognized school authority, may be employed for hours which, combined with the hours spent in school, do not exceed eight a day: And further provided, That minors over the age of fourteen may be employed in the distribution, sale, exposing or offering for sale, of any newspaper, magazine, periodical or other publication for not more than fifty-one hours in any one week, or more than nine hours in any one day, and after six o'clock in the morning and before eight o'clock in the evening: *And further provided, That a minor under sixteen years of age employed on a farm by a person other than the farmer in the hatching, raising or harvesting of poultry may be employed or permitted to work until 10 o'clock in the evening as long as the minor is not working in an agricultural occupation declared hazardous by the United States Secretary of Labor.*

No minor under eighteen years of age shall be employed or permitted to work for more than five hours continuously in, about, or in connection with, any establishment without an interval of at least thirty minutes for a lunch period and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment between the hours of twelve in the evening and six in the morning if such minor is enrolled in regular day school: Provided, That, minors sixteen and seventeen years of age may be employed until, but not after, one o'clock in the morning on Fridays and Saturdays, and on days preceding a school vacation occurring during the school year, excepting the last day of such vacation period.

*Notwithstanding any other provision of this section, a minor who is sixteen or seventeen years of age who is employed during the months of June, July, August or September by a summer resident camp or a conference or retreat operated by a religious or scout organization shall receive one day of rest (twenty-four consecutive hours of rest) during every seven-day period: Provided, That this paragraph shall not apply to a minor employed primarily for general maintenance work or food service activities.*

Section 2. The second and third paragraphs of section 5 of the act, amended September 22, 1972 (P.L.873, No.199) and December 21, 1973 (P.L.438, No.155), are amended to read:

Section 5. \* \* \*

No minor under eighteen years of age shall be employed or permitted to work in the operation or management of hoisting machines, in oiling or cleaning machinery, in motion; at switch-tending, at gate-tending, at track-repairing; as a brakeman, fireman, engineer, or motorman or conductor, upon a railroad or railway; as a pilot, fireman, or engineer upon any boat or vessel; in the manufacture of paints, colors or white lead in any capacity; in preparing compositions in which dangerous leads or acids are used; in the

manufacture or use of dangerous or poisonous dyes; in any dangerous occupation in or about any mine; nor in or about any establishment wherein gunpowder, nitroglycerine, dynamite, or other high or dangerous explosive is manufactured or compounded: Provided, That minors age fourteen and over may operate power lawn mowing equipment: *And provided further, That such minors may be employed in bowling centers as snack bar attendants, porters, control desk clerks and scorer attendants:* And provided further, That such minors may work where such chemicals, compounds, dyes and acids are utilized in the course of experiments and testing procedures, in such circumstances and under such conditions and safeguards as may be specified by rule or regulation of the Department of Labor and Industry.

No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold, or dispensed; **[nor in a bowling alley;]** nor in a pool or billiard room: Provided, That male or female minors sixteen years of age and over may be employed and permitted to work **[in a bowling alley, or]** that part of a motel, restaurant, club or hotel in which liquor or malt or brewed beverages are not served: And, provided further, That minors sixteen years of age and over may be employed to serve food, clear tables and perform other duties, not to include the dispensing or serving of alcoholic beverages, in any licensed establishment whose sales of food and nonalcoholic beverages are equal to forty per cent or more of the combined gross sales of both food and alcoholic beverages. Before employing any minor sixteen years of age and over, any establishment licensed by the Liquor Control Board shall furnish to the school district official authorized to issue employment certificates a certification that, for a period of not less than ninety consecutive days during the twelve months immediately preceding the date of application, the sales of food and nonalcoholic beverages by the employer at the licensed premises were equal to or exceeded forty per cent of the combined gross sales of food, nonalcoholic and alcoholic beverages in conformity with the requirements set forth in Regulation 141 of the Liquor Control Board governing the sale of alcoholic beverages on Sunday.

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Section 3. The act is amended by adding a section to read:

*Section 7.4. No minor under fourteen years of age may be employed on a farm by a person other than the farmer.*

Section 4. This act shall take effect immediately.

APPROVED—The 4th day of October, A. D. 1989.

ROBERT P. CASEY